

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 27th June, 2013

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

NOTICE OF MOTION

ADOPTION OF REPORT ON STATEMENTS

Hon. Chepkong'a: Hon. Speaker, Sir, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on requests for Statements by Hon. Saney, Hon. Koyi and Hon. Wandayi, laid on the Table of the House on Tuesday, 25th June, 2013.

STATEMENTS

BUSINESS FOR THE WEEK COMMENCING 2ND TO 4TH JULY, 2013

Hon. A.B. Duale: Hon. Speaker, Sir, indulge me because today I have misplaced my card. Pursuant to Standing Order No.44 (1), on behalf of the House Business Committee (HBC), I rise to give a Statement regarding the business appearing before the House next week. The House is expected to consider the Report of the Departmental Committee on Justice and Legal Affairs on the vetting of the Solicitor-General. The House will also consider the First Reading of the Finance Bill, 2013. The House will also continue with debate on ordinary Motions proposed by hon. Members and finally, the HBC will meet on Tuesday, 2nd July, 2013, at the rise of the House to consider the business for the rest of the week.

I now wish to lay this Statement on the Table of the House.

(Hon. A.B. Duale laid the document on the Table)

DETENTION OF KENYAN CHARTED PLANE IN NIGERIA

I would also like to make a Statement on the decision by the Nigerian Government to detain a chartered plane carrying Kenyans who were crew and Government officials.

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Hon. Wambugu requested for Statement with regard to the decision by the Nigerian Government to detain a chartered plane carrying seven Government officials and five airline crew members that was chartered to deport 10 foreigners including five Nigerians at the Murtala Muhammed Airport in Lagos. The hon. Member wanted to know the following:

(i) Under what conditions the Kenyan officials and the crew of the chartered Kenyan aircraft, 5YSAX are being detained in Lagos.

(ii) What type of mission the Kenyan crew of the aircraft undertook on 3rd June, 2013.

(iii) What immediate action the Government is taking to secure the release of the officials, crew and the aircraft for immediate return to Kenya.

I wish to inform the House that the Kenya High Commission in Nigeria confirmed that the Kenyan chartered aircraft Reg.No.5YSAX carrying Kenyan officials, the crew of the aircraft and several deportees arrived in Lagos on 5th June, 2013. The aircraft had a clearing to land under Ref.No.A078556 dated 3rd June, 2013 as well as clearance to depart which was granted by the Nigerian authorities. The aircraft was also received by the Nigerian authorities. However, complications arose when the Nigerian authorities observed that three of the deportees had travelled vide emergency travel documents. They cited the International Transport Association rules as well as the Nigerian rule as the basis of their concern and insisted that the deportees must travel back to Kenya and obtain proper documentation. As a result, the chartered aircraft was accordingly grounded at the Murtala Muhammed Airport.

Police officers from the Special Crime Prevention Unit (SCPU) conducted an operation on known drug traffickers among them three Nigerian nationals: one Antony Chinedu, Christopher Nnanyelu and Adebisi Oluwatosini.

Following the arrest, the then Acting Cabinet Secretary of Interior and Coordination of National Government issued a deportation order for all of them on 3rd June, 2013. The order was issued in accordance with Section 41(1) of the Kenya Citizenship and Immigration Act 2011, which allows the Cabinet Secretary to make an order in writing directing that any person who is unlawfully in Kenya to be removed out of the country indefinitely, or for a period as may be specified in that order. The orders were made because the presence of those persons in Kenya was not in the national interest as they have continued to be involved in the drug business.

On the material day, one, Anthony Chinedu refused to board flight No.KQ532, economy class, seat number 33B from Nairobi to Lagos which was to depart from Jomo Kenyatta International Airport (JKIA) at 0805 hours. That prompted the Government to charter flight No.5YSAX from East African Safari Air Express, so that the said order is enforced. The chartered plane thus carried the three deportees, seven Government officials and five crew members. The mission undertaken by the seven Government officials and five crew members of the aircraft was to escort the deportees back to their country of origin in keeping with Section 43(2)(a) of the Kenya Citizenship and Immigration Act, 2011.

In this respect, the deportation was lawful and carried out in the best interest of Kenya. When the Kenya High Commission in Abuja was apprised of the situation, the High Commissioner initiated talks with the Nigerian Government authorities at various

levels. The High Commissioner outlined the unique circumstances that warranted the removal of the three Nigerian nationals from Kenya, emphasizing the very serious nature of their criminal offences. He also explained that when the Kenyan authorities tried to remove the three persons by traditional means, the trio became very violent and that necessitated the use of non-traditional means, hence the use of the chartered aircraft.

During those meetings, the High Commissioner was informed that the Nigerian officials had no problem with the deportees *per se*. But they insisted that due process was not followed and the Nigeria High Commission in Nairobi was not involved in the whole deportation process as the receiving State. The deportees lacked appropriate travel documents issued by the Nigerian authorities, meaning they had no status in their own country.

The Government wishes to confirm that the Kenyan officials and the crew of the chartered aircraft were treated well and the High Commissioner maintained regular contact with them. In addition, the officials and the crew were not held in captivity, but were residing in a hotel where they were free to move around within Lagos, awaiting formal clearance to travel back. Consultations went on at the highest level and I can confirm that the seven Kenyan Government officials, the five flight crew members and the chartered plane have been released.

(Applause)

The ground handling procedures are ongoing for the aircraft to depart for Nairobi, with all the officials and crew on board. The Government wishes to thank all Kenyans and particularly the families of the officers and the crew for their patience and support. Kenya values its relationship with Nigeria as a strategic partner. The two countries continue to enjoy fruitful relations under bilateral, continental and multilateral levels. It is in this spirit that the two Governments have reasserted their mutual commitment to further deepen their cooperation for the benefit of the two countries. In the long run, the Government will consider establishing a strategic structured partnership to be employed by the two countries to appropriately deal with incidents such as this in the future. Finally, the Government would like to make it clear that criminal elements of any nature, including drug dealers, will be extradited from our country any time they are found within our borders. Thank you, hon. Speaker Sir.

(Hon. A.B. Duale laid the document on the Table)

Hon. Speaker: The Member who sought the Statement, Hon. Clement Wambugu.

Hon. Wambugu: Thank you, hon. Speaker, Sir. First is to thank the Leader of Majority Party for giving us that Statement although it took a bit too long and it created a lot of anxiety even to the members of the families. You realize that the said deportees were supposed to have travelled on flight No.KQ532, but thereafter, I think the Government decided to charter a plane. The clarification I would like to ask from the Leader of Majority Party is this: The aircraft that was chartered was a private airplane and it is the Government that was supposed to pay for it. Can you confirm that all the days that the aircraft was on the ground are going to be paid for? Is it the Kenyan Government

or the Nigerian Government that is going to take care of that? The five crew members went through a lot of stress. It is normal that when somebody is being held in a different country or detained in another country, he or she goes through a lot of mental stress. Is the Government going to take care of all the medical bills that they will incur when they go for formal medical check-ups when they are in this country? We understand that the said deportees were drug traffickers and definitely, they must have been having heavy networks in this country. Could the Leader of Government tell us whether the Government has apprehended any of the networks in this country? Thank you, hon. Speaker, Sir.

Hon. Speaker: Only to correct that there is no Leader of Government here. Hon. Wamunyinyi.

Hon. Wamunyinyi: Thank you, hon. Speaker, Sir. May I also thank the Leader of Majority Party for that Statement. I would like to ask him to clarify one important aspect. This country has experienced serious problems in the past in relation to drug barons. We have had foreigners enjoying hospitality in this country and doing illegal business of drug trafficking. It is good that Chinedu and others have been deported and we expect the Government to get more of those who are involved in that illegal business and deport them. We would like to ensure that no foreigners are coming to this country for that business and that, those who have been deported do not come back to this country. Could the Leader of the Majority Party clarify what measures the Government has put in place to ensure that the deportees do not find their way back to this country?

Thank you, hon. Speaker, Sir.

Hon. Speaker: Francis Chachu Ganya.

Hon. Ganya: Thank you, hon. Speaker, Sir. I want to thank the Leader of Majority Party for the response that he has given. We also do appreciate that those Kenyans are safe and, hopefully, they will be back home soon. This is a war on drugs and any Kenyan of goodwill; any leader of goodwill must support our Government in the fight against drug barons. We have been told that many drug barons or people dealing with drugs have been deported from this country, other than the ones who were flown to Nigeria. My question to the Leader of Majority Party is: What plans do you have to ensure that those drug barons will not fight back? We should ensure that even Kenyans who are associating with those drug lords in any form and shape are also brought to book?

Thank you, hon. Speaker, Sir.

Hon. Speaker: Let us not overload the Leader of Majority Party. When we ask him what plans he has, he will tell us about his plans. He is a Member of Parliament like you.

Hon. Ganya: Hon. Speaker, Sir---

Hon. Speaker: Thank you, Hon. Ganya. It is okay. Your point is noted. I just wanted to point out that. Yes, Hon. Manje.

Hon. Manje: Thank you, hon. Speaker, Sir. We take drugs with a lot of seriousness in this country. I want to let this House know that I am very serious on drugs and I have contributed 10 per cent of my salary to fighting drugs and alcoholism in my constituency.

My take on this is: The Leader of Majority Party has said---

Hon. Speaker: Is that part of the clarification you are seeking?

Hon. Manje: Yes, hon. Speaker.

Hon. Speaker: Maybe, you want to seek clarification on whether the Leader of Majority Party has also contributed a portion of his salary.

(Laughter)

Hon. Manje: The Leader of Majority Party has said there were several deportees that were in the plane. According to us, that is the same thing that has made the Government of Nigeria---

(Loud consultations)

Hon. Speaker: One second, Hon. Manje. The hon. Member talking to Hon. Angwenyi. What you did is not permissible; you can see the way--- You go to the door not there.

Continue, Hon. Manje.

Hon. Manje: Thank you, hon. Speaker, Sir. The reason that was given by the Nigerian Government was that the pilot was unable to account for the number of passengers in the plane. It also appears that the Leader of Majority Party did not clarify the number of passengers who were in the plane when it landed in Nigeria.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Yes, Hon. Munyaka.

Hon. (Dr.) Munyaka: Thank you hon. Speaker, Sir. I want to also thank the Leader of Majority Party for that Statement. I want him to inform this House--- You know that drug trafficking is a serious crime. In fact, in many countries, it is punishable by the death penalty. Were those three suspects charged in a court of law in Kenya? If they were not charged in court, can he give us the reasons why they were deported without being charged in Kenya? We have a legal system which should also punish people who commit crimes.

Hon. Speaker: Mohammed Abdi.

Hon. Mohamed Abdi: Thank you hon. Speaker, Sir. I want to thank the Leader of Majority Party for the Statement that he has given. I want to say that in the Statement, the Leader of Majority Party said that those are known drug barons. Those people have lived in this country, carried on with their business and have been feted for quite a number of years. I want the Leader of Majority Party to tell the House whether it was at the insistence--- Was it because the President said that we were going to fight drugs and drug barons in this country that people acted? Was that a normal occurrence and people who are concerned with law enforcement knew it? It was only after the President talked that they acted. Is that something that will be happening every time we have a problem in this country?

Thank you.

Hon. Speaker: Yes, Leader of Majority Party.

Hon. A.B. Duale: Thank you hon. Speaker, Sir. Hon. Wambugu asked whether the Government will pay for the chartered aircraft. I believe there was a contract between

the airline and the Kenyan Government for service. I am sure the contract is binding. So, I think there was a contract.

Secondly, on the medical bills, once the crew and the Kenyan officials come, the Government will do what is necessary. On whether Mr. Chinedu and others--- From the media, we know there was only the former wife of Mr. Chinedu – Ms. Akinyi. If there are others and they are Kenyans, then I am sure once we have picked the head, then his family must look for other business; not the business that Mr. Chinedu and company were doing.

Hon. Wamunyinyi asked about legal business. Our country is open to foreign investment. There are many foreigners who are doing legal and good business as per our laws and as per the Constitution. This Government will only look for those who are involved in illegal business.

Hon. Ganya asked whether they will fight back. I am sure that question is there for the Government. The Government must be ready. It is the Government that has the problem as per the Constitution. The Government is ready to fight all drug dealers and those who are doing illegal business in our country.

Hon. Manje has said that 10 per cent of his salary has been set aside to fight drugs. That is very good and I hope other hon. Members will increase that to 20 per cent of the salary that was given by Ms. Sarah Serem. He has also asked about the number of passengers on that chartered plane. Of course, there were five Nigerians, seven Government officials and five airline crew.

Then there was Hon. Munyaka. I am sure Mr. Chinedu has so many pending cases. His deportation was within the law; a document was signed by the then acting Cabinet Secretary for Interior and Coordination of National Government under Section 43(1) of the Kenyan Citizenship and Immigration Act, 2011. It gives powers to the Minister for Interior and Coordination of National Government to deport any person, either indefinitely or for a period, and who is viewed as a threat to the interests of our country.

Finally, Hon. Abdi Mohammed has asked whether those drug barons were known. Yes, I want to confirm that Mr. Chinedu has lived in Kenya for 17 years. It is only the Jubilee Government, in its manifesto, that says it is going to fight drugs and illicit brews. So, we have started. We will not ask what retired Presidents Kibaki, Moi and the late Kenyatta did not do. Judge us on our promises. We said we will fight drug barons and remove them from our country. That is what the Jubilee Government is doing. So, hon. Mohamed, you can ask the previous Governments what they never did. But this Government is going to deal with drug dealers.

Hon. Speaker: Yes, Hon. Konchella.

Hon. Konchella: Thank you hon. Speaker, Sir. I also want to thank the Leader of Majority Party for this Statement. I particularly thank His Excellency the President for taking a very bold decision. We will now deal with drug dealers and traffickers, including those who practise pornography and other inhuman acts in our nation.

I would like the Leader of Majority Party to ask the Government to come up with a law to amend the Deportation Act, so that we can allow deportees to be deported within 24 hours. That way, they will not rush to court to try and bog down their removal out of the country. We should even station magistrates at the JKIA to deal with those people

even on Saturdays and Sundays. This is the only way we can sort out the issue of drug trafficking, pornography and all those other things that are happening in this country. Today in Mombasa and even here in Gilgil, I understand our young ladies are undergoing tremendous and humiliating acts by foreigners. Our nation should not allow those things to happen. That is because they are going to destroy our society and the young people we are trying to bring up to lead this country in the future.

I, therefore, wish to ask the Leader of Majority Party to request the Government to really amend the law. We are ready to do so to help out. We know many drug peddlers, some of whom I deported personally when I was the Minister for Immigration in Kenya. Somehow, they come back and yet, we know them. It is difficult to deal with drug barons because they deal with peddlers. That is why it is very difficult to get rid of them or take them to court. The best way is to deport them within 24 hours.

Hon. Speaker: I would like to encourage hon. Members to think and consider bringing Bills to Parliament. I can see that there is a huge desire to debate this matter. Let Hon. Nyikal seek a clarification.

Hon. (Dr.) Nyikal: Thank you, hon. Speaker, Sir. Whereas I appreciate that a good action was taken to deport those people because they are either known or suspected to be drug barons, I wish to seek clarification as to why the due process was not followed. We are informed that Kenyans were detained in Nigeria because due process was not followed. Their papers were not right and the Nigerian officials were not involved. That has cost the Government a lot of money. Secondly, it is a policy that deportees are transported by means of their choice? We were told that one of them refused to board a regular flight and because of that, the Government chartered a flight. That is an extremely expensive way of deporting persons. Officers should take caution to protect public funds.

I would want a further clarification as to why they were not tried. That is important because if they went through a trial process, more information would have come out. Drug business is not a single person business. Many people are involved and if we are fighting drug trafficking, we must look for all the persons and organizations that are involved. A trial process would definitely review that information. The Leader of Majority indicated that there are known associates and mentioned one famous Akinyi. That means that there are others. Is any action being taken to follow up all those associates? Once again, if we are trying to fight drugs, any person who is involved must be followed, investigated and brought to book, if necessary.

Hon. A.T. Anyanga: Hon. Speaker, Sir, I rise to seek clarification from the Leader of Majority Party on the issue of the deportation of Chinedu. I wish to confirm from the Leader of Majority Party whether, indeed, the deportation of Chinedu was done on permanent basis such that he is totally *persona non grata* in this country or whether that deportation has a window to give him some time and that he can be allowed back into the country. Secondly, I understand that one of the issues which were involved in the negotiations was the property of Chinedu in this country. Indeed, that was the main reason why he was holding Kenyan hostages so as to negotiate for free release of his property in this country. Indeed, are there any properties for Mr. Chinedu? If yes, have they been confiscated by the Government as per the law?

Hon. Wandayi: Mr. Speaker, Sir, I just want to get a clarification from the Leader of Majority Party. Is it now official Government policy that future deportations

will by-pass the court process as has been the case with the Chinedu saga? Two, the Leader of Majority has stated that Chinedu and his associates have lived in Kenya for more than 17 years and that they were known drug barons. It is not possible for a foreigner to live in Kenya as a drug baron for all that time if he does not have protectors at the highest possible levels of the Government. I want him to clarify whether it is not because Chinedu was about to expose his protectors that he was deported abruptly. Thirdly---

Hon. Speaker: Are you saying that you want to clarify yourself?

Hon. Wandayi: I am asking him.

Hon. Speaker: You appear to know more and that you said you want to clarify.

Hon. Wandayi: Hon. Speaker, Sir, I have an interest in this matter because Mr. Chinedu's former wife is my constituent. Ms. Akinyi is my constituency in Ugunja. I want to be assured that in the process of covering up for Chinedu's misdeeds no arbitrary action will be taken against my constituent, who is Akinyi and her property. Finally, I want to understand the Government's intention in so far as protecting Chinedu's lawfully acquired property wherever it is in Kenya is concerned, so that in future, we are not accused of deporting people in order to grab their property as it is common in this country.

Hon. Abdi: Hon. Speaker, Sir, I want to thank the Leader of Majority Party for his detailed report. I am grateful that this sordid saga is now over and our Kenyan compatriots have been released and are on their way back home. However, it is disturbing to note the increase in drug trafficking and use in our country. In the latest US Report on money laundering, it is stated that Kenya is one of the major narcotic trafficking countries in the world. The case of Chinedu is just the tip of the iceberg. This is a problem that is deep rooted and it poses a major threat to our security and wellbeing. I welcome the action against foreigners like Chinedu, but what are we doing about the many Kenyans who are involved in that business, and some of them in senior positions? I would like to ask the Leader of Majority Party whether this is just an *ad hoc* knee-jerk decision on the part of the Government or it has a more elaborate policy to tackle this major problem and uproot it in our country.

Hon. A.B. Duale: Hon. Speaker, Sir, Hon. Konchella was at one time the Minister for Immigration and is more familiar with the Deportation Act. He has said that, as a country, we must amend it. I will pass that message to the Cabinet Secretary in charge of immigration and the Attorney-General. I am sure we will do that to make sure that our future generations are safe from drugs. In response to the issue raised by Dr. Nyikal, due process was followed as far as the Kenyan laws are concerned.

The issue on whether the Nigerian Government was also aware, we have not consulted our High Commission. Two, whether they knew the status of their own son; their son did not have a Nigerian passport. That is the reason he failed to do legal business in other countries. He was interested in killing children or people of those countries. We told them, as far as we were concerned, that was their son whether he had papers or not. So, it was not the Kenya Government to issue a passport to a Nigerian. That is the issue they were calling procedure. It is the procedure in law from our Constitution. Article 43 empowers the Minister to do what he did.

The second question was whether people were charged and due process of the law followed. I am sure the local aspect of this saga must be in the hands of the Kenyan security agencies.

Hon. Speaker, the hon. Member for Butere Constituency asked whether that action is permanent. Yes, that action is permanent, it is definite and he cannot come back to our country, as long as the Uhuru Kenyatta's Government is in place. If somebody else comes back and strikes a deal with Chinedu, that is for that day. But under the Jubilee Government, Chinedu has left our country. The friends who used to have time with him and eating *nyama choma* together; the only choice, if you want to meet him, is to go to Nigeria.

With regard to Chinedu's property, I think if Chinedu has legal property, there are other channels including the Nigeria High Commission in Nairobi. There is a lot to be followed. So, if you want to follow his property, we have a clear diplomatic representation in Nairobi from the Nigerian Government.

Hon. Speaker, Sir, I am happy to hear today that Akinyi is from Hon. Opiyo's Constituency. She is lucky she is a Kenyan and she is not married to Chinedu because that could have complicated matters for her. But I think Akinyi saw the type of person Chinedu was and said: "Enough is enough." So, Akinyi is safe as long as she is not involved in the business he was involved in.

Hon. Member: How about Wanjala?

Hon. A.B. Duale: Hon. Speaker, I do not know who Wanjala is.

Hon. S.S. Ahmed: (*Inaudible*)

Hon. Speaker: Hon. Shabbir Shakeel, that is not the way to communicate. Surely!

Hon. A.B. Duale: Hon. Speaker, with regard to Akinyi's property, her own property in her name is safe. But if there is any property which she co-owned with Chinedu illegally, that again comes to legal considerations. How she will set out and how she will share that property is a story for another day.

With regard to what Hon. Yusuf has asked, yes, why do we have drug trafficking in our country? One thing we need to understand is that our country is a hub. It is a very important country strategically. Our Kenya Airways connects to each and every destination within the African continent and that is why many people want to use it.

Hon. Speaker, Sir, Hon. Dr. Nyikal asked why not Kenya Airways? There is a standard for all airlines. The safety of those passengers is in place. The manner in which Chinedu behaved when he was booked on Kenya Airways, flight number 536, economy seat number 33, was a threat to the other passengers. Maybe, a constituent from Dr. Nyikal's Constituency who was aboard that flight--- For the security of the passengers on that KQ flight and for the international standards on those kind of deportees, the Kenya Government felt obligated morally and legally to charter a plane for Chinedu and his cohorts out of the country.

Hon. Speaker, it was not expensive. The money we used as a country is not more than the dignity and respect we want to uphold for this country. So, Chinedu made the country pay a high price. The taxpayers' money that was used on Chinedu and his colleagues was worth for this country.

Thank you very much.

Hon. Speaker: Hon. Members, I want to give some directions regarding the next agenda before we move on to the next Order.

As you are aware, yesterday we continued with debate past normal sitting time. As a consequence, the Motion by Hon. George Kaluma on the Teachers' strike was again not reached. I think, as I indicated, quite a number of your colleagues also agreed with him that it is an urgent matter of national importance.

Therefore, I would like to direct that the Motion takes place as soon as the House concludes debate on the business shown on Order No. 16, which is Committee of the whole House. So, as soon as that is concluded, the next business will be the Motion for Adjournment of the House.

Hon. Kaluma does not have to move that the House adjourns. Therefore, it means that the Motion by Hon. Johnson Sakaja on the County Allocation of Revenue Bill; which was also raised as an urgent matter of national importance, cannot be reached. You cannot discuss the two of them on the same day. So, we will give priority to the one by Hon. George Kaluma. In any event, it came before the one by Hon. Sakaja. Hon. Sakaja, you may have to raise yours again on Tuesday next week.

Hon. Members, for the convenience of the House, I wish to request hon. Members with amendments or proposed amendments to the Appropriation Bill, 2013 to consult the Mover of the Bill so as to agree on the manner of discharging the amendments. This will ease the process when the House resorts to Committee of the whole House later to consider the same Bill. This is normal because some of the hon. Members who may have proposed amendments may not be aware. It is easier. I have looked through the amendments, some of them appear similar and it is only fair that way. So, that you do not keep on repeating one thing, you can agree on the manner of disposing those proposed amendments.

I encourage hon. Members to do so. Thank you.

Next Order! Let us have the Chairperson of Committee on Selection, who is the Leader of Majority Party.

Hon. Speaker: Hon. Bare Shill, please do not engage the Leader of Majority Party. He is the one who is supposed to be moving this Motion.

MOTION

CHANGES IN MEMBERSHIP OF SELECT COMMITTEES

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Motion:

THAT, notwithstanding the resolutions of the House of 16th May, 2013 regarding the appointment of Members to respective Committees, this House further approves the following changes to the membership of the Select Committees.

Hon. Speaker, it is a long list running from one to 19. This is in line with---

(Loud consultations)

Hon. Speaker: Order, Members! It is important that you listen to what the Leader of Majority Party is saying. This is because several of you have come to see me regarding this particular Motion. It is, therefore, important that you pay attention so that you are able to contribute from a position of information and knowledge.

Proceed, Leader of Majority Party.

Hon. Bichage purports to be rising on a point of order, but he had already conveyed to me that he lost his card. I would also like to encourage hon. Members to keep the cards safely. Do not carry them all over. Some of the places that Members may go may not be very safe.

(Laughter)

Hon. Bichage: Hon. Speaker, as you are aware I have just come back from a trip. I will make sure that the card is available on Monday. I am talking about this list because there seems to be a lot of serious problems within the---

Hon. Speaker: What is your point of order?

Hon. Bichage: My point of order is that this list is irregular, hon. Speaker. As you are aware you ruled that---

Hon. Speaker: Now, resume your seat. The Motion is yet to be properly before the House so that you then can contribute. You are actually not rising on a point of order.

Hon. Bichage: Yes, it is a very serious matter.

(Laughter)

Hon. Speaker: Leader of Majority Party.

Hon. A.B. Duale: Thank you, hon. Speaker. I think we need a second induction. Hon. Members are aware that they will raise their sentiments after the Motion is moved. However, hon. Speaker, I beg to move the following Motion:

THAT, notwithstanding the resolution of the House of 16th May, 2013 regarding the appointment of Members to respective committees, this House further approves the following changes to the membership of the Select Committees:

1. The Hon. Abbas Ahmed Ibrahim M.P. and Charles Geni Mong'are M.P. be appointed Members of the Public Accounts Committee;
2. The Hon. Isaack Mwaura, M.P. to be appointed a Member of the Budget and Appropriations Committee;
3. The Hon. Regina Nthambi Muia, M.P. to move from the Departmental Committee on Administration and National Security to the Departmental Committee on Energy, Communication and Information;
4. The Hon. Jessica Mbalu, M.P. to be appointed a Member of the Departmental Committee on Environment and Natural Resources;
5. The Hon. Timothy Mosei Bosire, M.P. to move from the Departmental Committee on Agriculture, Livestock and Cooperatives to the Departmental Committee on Transport, Public Works and Housing;

6. The Hon. Mati Munuve, M.P. to move from the Departmental Committee on Energy, Communication and Information and further from the Departmental Committee on Justice and Legal Affairs to the Departmental Committee on Administration and National Security;

7. The Hon. Silverse Anami Lisamula, M.P. to be appointed to the Departmental Committee on Education, Research and Technology;

8. The Hon. Alice Nyanhoka Chae, M.P. (Eng.) Nicholas Gumbo, M.P. and Khamisi Mishi Juma, M.P. to be appointed Members of the Joint Committee on Parliamentary Broadcasting and Library;

9. The Hon. Aburi Lawrence Mpuru, M.P. to be appointed a Member of the Departmental Committee on Lands;

10. The Hon. James M. Lusweti, M.P. to move from the Departmental Committee on Transport, Public Works and Housing to the Departmental Committee on Agriculture, Livestock and Cooperatives;

11. The Hon. John Kobado, M.P. to be appointed a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives;

12. The Hon. Andrew Toboso, M.P. to be appointed a Member of the Committee on Regional Integration;

13. The Hon. Mary Sally Kerra, M.P. to move from the Committee on Implementation to the Departmental Committee on Labour and Social Welfare;

14. The Hon. Jones Mwangi Mlolwa, M.P. Gladys Nyasuna Wanga, M.P. and Mohammed Hassan Mwanyoha, to be appointed as Members of the Departmental Committee on Labour and Social Welfare;

15. The Hon. Mohamed Elmi, M.P. to be appointed a Member of the Joint Committee on National Cohesion and Equal Opportunity;

16. The Hon. Daniel Maanzo, M.P. to be appointed a Member of the Committee on Delegated Legislation;

17. The Hon. Gladys Nyasuna Wanga, M.P. to be appointed a Member of the Committee on Implementation;

18. The Hon. William Cheptumo, M.P. and Njoroge Baiya, M.P. to be reappointed Members of the Pensions Committee to replace Hon. Samuel Chepkong'a, M.P. and Boniface Otsiula, M.P.

19. The Hon. Kimani Ichungwah to be moved from the Departmental Committee on Finance, Planning and Trade, following his appointment to the Public Investments Committee.

Right from the outset, I would like to say that this list is not from the Speaker's Office. This list is from the leadership, or rather the Jubilee Coalition and the CORD Coalition. This list is the property of the House and it is the House to decide whether or not to adopt it.

On 16th May, 2013 we tabled a similar list where Members of this House were allocated different committees to serve in, that is both Departmental Committees and Select Committees. There were hon. Members who were only allocated one committee or none. The leadership harmonized the lists and made sure that all the 349 Members of this House are in committees where they can make their contribution constructively as per the

Standing Orders. That is what brought up this current issue that the Committee on Selection decided after serious and lengthy consultation with both the Majority and Minority Whips to come up with this list.

Hon. Members will debate this matter because, maybe, there are issues. However, there are also many Members who feel that this list has taken too long. In the House Business Committee which is chaired by the Speaker we agreed that we should table the list and if there are issues then the Whips and the leadership will go back and sort out the matter. That is why we had the leaders of these respective coalitions.

With those few remarks, I wish to ask the Deputy Leader of Minority Party to second.

Hon. Midiwo: Hon. Speaker, Sir, I second.

(Question proposed)

Hon. Mati: Hon. Speaker, I would like to comment on this issue because I have had a few problems with the committees that I serve in. If you look at the list you will see the name John Munuve Mati. This is the only hon. Member who has been removed from all the Departmental Committees. There is nobody else. I have also found out that natural justice was not followed.

Secondly, my party leader has moved me from the Departmental Committee on Energy, Communication and Information which I prefer to keep and dropped me from the Departmental Committee on Justice and Legal Affairs. He gave that slot to Hon. Muia who comes from his village, obviously married elsewhere. The reason we got is that Hon. Muia is the Member for Konza. If every Member had to be in a committee that involves him, all Members here would be in the committee that deals with water issues because we all drink water. We would all be in the committee that deals with agriculture because we all cultivate somehow. All of us would be in every committee.

Whereas I accept the fact that parties have a right to move Members of Parliament from one committee to the other, natural justice must be followed or at least be seen to be followed, especially in this House. If a political party – I am the Member for Mwingi North elected on Wiper ticket – strives that its member takes the leadership of this country and does not practise democracy within its ranks, obviously that is very wrong.

Hon. Speaker, I find this list in relation to me very dictatorial and oppressive simply because there is a loophole in the Standing Orders that gives some party leaders draconian powers and, in fact, powers that should not be held by any particular Member, especially in relation to another Member of Parliament who has been elected.

I wrote two letters to my political party and your good office, but not one was acknowledged. I never got any response addressing my concerns about being removed from both Departmental Committees that I was comfortable serving in. I realize that when a dog eats its puppies, there are never sympathizers sending condolences to the dog. I stand here as a victim of this kind of dictatorship. I rest my case and hope and pray that this list is actually rejected so that the party can convene a Parliamentary Group meeting so that it decides on who is most qualified to be in what committee.

Two people cannot appropriate all the powers of the Parliamentary Group of CORD. I request that this House finds this list inappropriate before the House because it was not discussed within our political party.

Hon. Speaker: Hon. Members, allow Hon. Bichage to contribute. At least this one does not have dogs and puppies.

Hon. Bichage: Hon. Speaker, I do not know about Jubilee but I can tell you that we have a problem in CORD.

(Laughter)

Hon. Speaker: Order! Order, hon. Members!

Hon. Bichage: Hon. Speaker, Sir, I was elected to this House after a struggle of about 30 years. Having come here, I give my preference to the party. I am not boasting but in this country, you cannot count from one to 10 before you get my name in the list of experts in transport logistics and regional integration. I have offered my service in this country. When I came here, I wrote a letter and indicated that my priority number one would be to serve in the committee responsible for transport matters but I was put in the committee responsible for energy, without being consulted. We were told that every hon. Member would have a chance to serve in at least two committees. I wrote to the Leader of Minority Party and the Minority Whip and told them that I wanted my second committee to be the one responsible for regional integration.

(Loud consultations)

Hon. Speaker: Order! Order, all of you! You have no business intimidating anybody. Every hon. Member has equal rights in this House. Hon. Bichage, the Member for Kikuyu is on a point of order. So, resume your seat. You will continue later.

What is your point of order, hon. Ichung'wah?

Hon. Ichung'wah: Thank you, hon. Speaker. My point of order is on the question we are debating. The hon. Member has already pointed out that this list is neither from the Speaker's Office nor the Office of the Leader of Majority Party. It is a matter for parties and their memberships to agree on. I am on record having said in this House that there is a problem with the leadership on the CORD side. I am just wondering whether they are in order to debate their leadership problems in this House rather than sort out their issue of 'dogs eating puppies' elsewhere, so that we can deal with the serious business of whether to pay or not to pay the teachers. They should not be debating their issues of puppies and dogs on the Floor of this House. Therefore, I would like to request the Leader of Minority Party and the Minority Whip to, kindly, consult and provide leadership to their membership, so that we can stop wasting the time of the House on trivial issues of puppies and dogs.

Thank you, hon. Speaker.

Hon. Members: Point of order! Point of order!

Hon. Speaker: Order! Order! The hon. Member who has just spoken was on a point of order.

Proceed, hon. Bichage.

Hon. Bichage: Hon. Speaker, the Leader of Minority Party had told me personally that I could start attending meetings of the Committee on Regional Integration. So, this morning I attended a meeting of the Committee, under the chairmanship of Hon. Kajuju. However, my name is not on this list, which means that I attended the committee meeting illegally. I propose that CORD withdraws its Members from this list, so that we can do internal housekeeping before the names are brought back. Otherwise, we cannot have a few people controlling Members of Parliament, who have been elected from constituencies to represent Kenyans in this House. We are discussing matters transparently. So, I request that this list be withdrawn for parties to consult and forward new names.

Hon. Speaker: Hon. Regina, as you walk in, please, note that the rules of this House are not like that. It shows that you do not even know where you are.

Hon. Members, it is important that we appreciate the concerns being raised by our colleagues. I have said in the past that it is always good that people consult. If this Motion is negatived, it means that it may not come back. Therefore, there is need for you to reflect on what we are just about to do.

Yes, Hon. Midiwo.

Hon. Midiwo: Thank you, hon. Speaker. I rise under Standing Order No.96, which provides as follows:

“96(1) A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move ‘That, the debate be now adjourned’, or in Committee of the House ‘That the Chairperson do report progress.’

Hon. Speaker, what we are being treated to is something which the CORD leadership and its membership can sort out. This issue---

(Loud consultations)

Hon. Speaker: Order! Order, hon. Members! Can you allow Hon. Midiwo to finish what he is saying?

Hon. Midiwo: Hon. Speaker, it is good because I have also heard these complaints on the other side of this House, from the Chief Whip; because there are challenges.

Hon. Speaker, a right is a right and a wrong is a wrong. When we sat in a Parliamentary Group meeting a few days ago, I tried to help the Minority Whip and the Leader of Minority Party but the same hon. Members, who may now be complaining here, said that I was interfering. So, I want to say here and now that I have nothing to do with it. However, now that there is a problem, let me promise the CORD Members that we will sit, as a house, and sort out ourselves. Hon. Duale who is the Leader of Majority Party knows that, for five years, we had serious challenges with the issue of constitution of committees. So, I want to plead with our Minority Whip and our Leader of Minority Party that, probably, we have no reason to have no way of knowing. I have been reliably informed that they went to present Kethi to the people of Makueni so that we can defeat Jubilee. So, Kethi is officially our candidate. So, they will be here to answer but I want to request you that we push this debate to a future date, so that we can make sure that we

carry along all our Members. As the leadership of Parliament, we owe that duty to our Members.

Thank you, hon. Speaker.

(Loud consultations)

Hon. Speaker: Hon. Members, have no worries about my knowledge of the Standing Orders. Hon. Midiwo is right to make that suggestion, under Standing Order No.96. Given what we have heard from other hon. Members who have spoken, it is only fair that I put the Question that debate on this Motion be adjourned.

*(Question, that debate be adjourned,
put and agreed to)*

(Debate adjourned)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF BILLS

Hon. Langat: Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order No.120, this House resolves that the publication period of the following Bills be reduced from 14 days to nine days-

(i) The Microfinance (Amendment) Bill (National Assembly Bill No.3 of 2013);

(ii) The Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No.4 of 2013);

(iii) The Insurance (Amendment) Bill (National Assembly Bill No.5 of 2013);

(iv) The Insurance (Motor Vehicle Third Party Risks) (Amendment) Bill (National Assembly Bill No.6 of 2013);

(v) The Tax Appeals Tribunal Bill (National Assembly Bill No.7 of 2013); and,

(vi) The Capital Markets (Amendment) Bill (National Assembly Bill No.8 of 2013).

This is a Procedural Motion to formally give the House these Bills and to formally let my Committee handle them. Since the 11th Parliament started, we have only had one Bill which is the Division of Revenue Bill. My Committee wants to give this House the next set of Bills which I have read out.

(Loud consultations)

Hon. Speaker: Hon. Members, please consult in low tones. Please read Standing Order No.104 on standing on gangways and passages. I have seen many of you doing exactly that. You will be thrown out of the House.

Hon. Langat: Hon. Speaker, Sir, I wish you could throw somebody out now.

Hon. Speaker: I think I am about to.

(Laughter)

Hon. Langat: Hon. Speaker, Sir, thank you for your protection. I was saying that we have only passed one Bill in this House. I am trying to give this House the next set of Bills so that we can discuss them. This includes the Microfinance (Amendment) Bill and the Kenya Deposit Insurance (Amendment) Bill. We need to reduce this time so that we can get these Bills as soon as possible. We should start moving into Bills because we have been doing Motions. These are serious Bills that we want to pass in this House.

I do not want to spend much time on this. I request the House to support the reduction of time so that we can move on. I request Hon. Katoo to second this Procedural Motion.

Hon. Katoo: Hon. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Let us move on to the next Order!

BILLS

First Readings

THE MICROFINANCE (AMENDMENT) BILL

THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL

THE INSURANCE (AMENDMENT) BILL

THE INSURANCE (MOTOR VEHICLE THIRD PARTY RISKS) (AMENDMENT) BILL

THE TAX APPEALS TRIBUNAL BILL

THE CAPITAL MARKETS (AMENDMENT) BILL

(Orders for First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committees)

COMMITTEE OF THE WHOLE HOUSE

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(Order for Committee read)

[The Speaker (Hon. Muturi) left the Chair]

IN THE COMMITTEE

[The Chairlady (Hon. (Dr.) Laboso) took the Chair]

THE APPROPRIATION BILL

*(Resumption of consideration
interrupted in Committee on 26.6.2013)*

Hon. Chairlady: Hon. Members, we are now in the Committee of the whole House to consider the Appropriation Bill (National Assembly Bill No.11 of 2013). Clause 2 was considered on 26th June, 2013.

(Clause 3 agreed to)

Schedule

Hon. Chairlady: Hon. Members, this is the order in which we will take the amendments. We will take Hon. Moses Lessonet's proposed amendment followed by Hon. Ronald Tonui's amendment. If Hon. Ronald Tonui's amendment is carried, then Hon. Midiwo's proposed amendment will fall. Hon. Chris Wamalwa and Hon. Mwaita's proposed amendments will also fall.

Hon. Members, there is a small clarification. Hon. Mwaita's amendment will fall if Hon. Lessonet's amendment is carried. Hon. Members, we want to continue and conduct ourselves as we have always done in the Committee of the whole House. Therefore, I call upon Hon. Moses Lessonet to propose his amendment.

Hon. Lessonet: Thank you, hon. Chairlady. I stand to move the amendment to Clause 1 to introduce 1st July as the commencement---

Hon. Chairlady: Hon. Lessonet, we are on the Schedule. We are not on any clause. Clause 1 will come towards the end of the Bill; so it is on the Schedule.

Hon. Lessonet: Hon. Chairlady, thank you for that direction.

I beg to move:

THAT, the Schedule to the Bill be amended:

(a) in Vote D103, by deleting the figure "44,869,029,251" appearing in the third column and substituting therefor the figure "46,169,029,251";

(b) in Vote D108, by deleting the figure "13,585,699,194" appearing in the third column and substituting therefor the figure "12,285,699,194"

I want to move an amendment to reduce Vote D103 by Kshs1.3 billion. This is the vote for the Development Expenditure towards the Ministry of Health where Kshs1.3

billion was to be used for construction of houses for nurses in all the constituencies. We felt that, that amount can properly be used if it is reallocated to the Constituencies Development Fund (CDF). Therefore, we are increasing Vote D108, which is the Development Vote for the Ministry of Devolution and Planning by the same amount of Kshs1.3 billion so that it can be properly within the CDF. Just to make further clarification on that, we have already consulted with the Budget and Appropriations Committee and the Ministry of National Treasury. We are in agreement that this amount can properly be transferred to the CDF by making the amendment which I will propose. I had initially risen on a point of order to tell you that the intended amendment by Hon. Mwaita is different from this. Hon. Mwaita is trying to move some votes from a different vote in the Ministry of Health to take care of the Poverty Eradication Commission (PEC). So I am informing you that if my amendment sails through, I think the one by Hon. Mwaita is still viable. Mine is about the CDF and he is moving an amendment of only Kshs300 million towards the PEC. I am moving an amendment to reduce the vote of the Ministry of Health specifically towards the development of houses for nurses in all constituencies, which can be properly implemented through the CDF.

With those few remarks I beg to ask a medic, Hon. (Dr.) Nyikal to second.

Hon. (Dr.) Nyikal: Hon. Chairlady, thank you for giving me the opportunity to second this amendment. The gist of this amendment is to hasten the construction of houses for nurses. When we discussed this at the Committee and in consultation with the National Treasury and the Ministry of Health, we felt that the performance of the CDF projects has been faster in the past, better and many times cheaper. Therefore, it was felt that this is something that needs to be done urgently. We are all aware that we have just offered, as a country, free maternity services across the country. That is something that will be dependent to a large extent on the work of nurses who work in health centers, dispensaries and hospitals. You are also aware that we have approved a budget to employ 30 nurses in every constituency. It is, therefore, important that we move fast and with speed and make their lives comfortable by constructing those houses. So, we felt that these funds should be moved from the Ministry of Health to the CDF. I am sure that now that it is going to the CDF, this amendment is unlikely to face any opposition.

With those few remarks, I beg to second.

Hon. Chairlady: The Cabinet Secretary for the National Treasury has confirmed that they have consulted and they are in agreement.

(Question of the amendment proposed)

Hon. Musyimi: Hon. Chairlady, just to confirm that we have, indeed, met with the Cabinet Secretary, not once, yesterday I was privileged to table the evidence from the Cabinet Secretary in this House that the money has been acted upon accordingly. That evidence is there and so this House can, at least, take comfort in that the Cabinet Secretary has approved.

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

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

Hon. Chairlady: We will now have the amendment by Hon. Tonui.

Hon. Tonui: Hon. Chairlady, I beg to move:

THAT, the Schedule be amended:

(a) in Vote R106, by deleting the figure “77,399,662,593” appearing in the third column and substituting therefor the figure “53,399,662,593”;

(b) in Vote R209, by deleting the figure “148,492,870,015” appearing in the third column and substituting therefor the figure “172,492,870,015”.

I am proposing this because I want to see the disharmony in the Public Service harmonized. I want the issues of teachers---

Hon. Chairlady: Hon. Tonui, so that you can help hon. Members to follow your argument, tell us how much money you are moving from where and where you are taking it to so that we are clear on how to follow your argument; and for what purpose.

Hon. Tonui: Hon. Chairlady, that is what I am trying to do. If I had been allowed to go through it the way I have organized it, it will be okay. What I am proposing is that we remove from the Ministry of Education, Science and Technology because it is within the same sector about Kshs24 billion to move to the Teachers Service Commission (TSC) to ensure that there is harmonization in terms of allowances for all public servants. We know that teachers under the TSC and those in the Public Service Commission (PSC) are in the same job groups. Unfortunately, they are not paid the same allowances even though they are in the same job groups. For example, when it comes to the issue of commuter allowance, those under the TSC in Job Group R are paid Kshs4,410 while those under the PSC are paid Kshs20,000. That is a difference of Kshs15,590. This is a big disparity which even the Constitution does not allow. Teachers are also commuting just like everyone else using vehicles. They do not use donkeys. So that is why I thought we could deal with the issue of harmonizing these allowances.

Even within this city, teachers travel to, for example, Moi Primary School here, using the same means with civil servants in the same job group. So, why can we not harmonize the commuter allowance? To do that, we require about Kshs11.4 billion. After all, the Constitution provides that we should not discriminate against anyone. That is what I am proposing.

On the issue of leave allowance, we are talking of Kshs1.4 billion. Everyone else in this country is paid leave allowance except the teachers. For example, civil servants in Job Group K are given a leave allowance of Kshs6,000 and those in the Judiciary are given Kshs16,000. These are not lawyers, but the employees who are there. The ones under the Teachers Service Commission Secretariat are paid Kshs6,000, but teachers in the same job groups are not paid even a single cent. That is why I am proposing that we harmonize leave allowances for all the public servants, including teachers. We should not discriminate against teachers.

Hon. Chairlady: Go further, Hon. Tonui, to say from which Vote Head.

Hon. Tonui: Hon. Chairlady, if you could allow me, I was going to explain.

Hon. Chairlady: Order, Members! Remember this is the Third Reading. We are in the Committee of the whole House and we are not debating the matter. So, you really have to be brief, so that we can follow your argument.

Hon. Tonui: Hon. Chairlady, what I am proposing is already stated there. I am proposing to remove it from R106 – the Ministry of Education, Science and Technology. It is reallocation within the same Head Vote. This House places the role of resolving national issues---

Hon. (Ms.) Shebesh: On a point of order, hon. Chairlady. I am rising on a point of order again on the issue of relevance and clarity. The Member should go straight to the point. For us who are looking at the Appropriation Bill, what he is trying to do in rectifying the issue of salaries is touching on the Vote Head that deals with the Recurrent Expenditure in the Ministry of Education, Science and Technology. Therefore, we would be punishing the education sector rather than helping it. He should be clear as to where he is getting the Kshs27 billion. The clause that he is quoting in the Appropriation Bill is for administration purposes and he should be clear as to whether he wants to do away with the free primary education, the Kshs1 billion for quality assurance or he wants to take away the money that has been given for the university education. He should be clear what Vote Head he is touching.

Hon. Chairlady: Just clarify. The Ministry of Education, Science and Technology has many different Vote Heads. So, can you be clear which one you are removing, Hon. Tonui?

Hon. Tonui: Hon. Chairlady, this is from the issue of laptops. I was proposing that we build computer labs.

(Loud consultations)

Hon. Chairlady: Order Members! There shall be order in the House. You will get your chance to debate, Members. You know that we do not have to shout so that you can be heard. Let us allow the Member. I have already informed him that this is Committee of the whole House. Let him proceed to conclude. You have got the voice because when you are in this debating Chamber, it is not the shouting, but it is the numbers that will eventually count. So, let us just give everybody a chance. Let them say their bit and we can then proceed to vote. Please, conclude, Hon. Tonui!

Hon. Tonui: Hon. Chairlady, I have already identified where that money should come from. We need to support the teachers. We should not wait and then we shed crocodile tears after discussing the issues that are affecting the teachers.

Hon. Midiwo: On a point of order, hon. Chairlady. Having listened to Hon. Tonui and having looked at the ordering of the amendments, his reasoning, to me, is perfect although he is talking and the Members are shouting, the same Members who have just said that they want to pay teachers. They said yesterday and today. I support Hon. Tonui in principle. All I wanted to ask him is to withdraw his amendment because my amendment, which will soon be coming, encompasses the Kenya Union of Post Primary Education Teachers (KUPPET), Kenya National Union of Teachers (KNUT), the Auditor-General and many other sectors and political parties which all these Members belong to. So, if he moved his, we will only deal with KUPPET generally, but if I moved

mine, we will deal with the issue of salaries which the Government promised the teachers. I want to plead with Hon. Tonui to withdraw his amendment and support mine. I beg him.

Hon. Chairlady: That is up to the Mover of the amendment.

Hon. Tonui: Hon. Chairlady, my amendment has a real basis. So, I may not accept to withdraw it because there was a basis why I was proposing it. I am proposing the amendment on the basis of harmonization.

(Loud consultations)

Hon. Chairlady: We have to have order in the House, Members! We really must have order!

Hon. Tonui: Hon. Chairlady, my amendment is on the basis of harmonization. So, I want it to stand. I want to request my colleague, Hon. Osele from Kasipul Kapondo to second.

Hon. A.B. Duale: On a point of order, hon. Chairlady. We are in this House not by default, but to represent our people. We are at the Committee Stage and we are not discussing the issue of teachers, KNUT or KUPPET. With your indulgence, you must guide the House. I want to go into the HANSARD saying that we are dealing with a money Bill at the Committee Stage. Hon. Tonui is moving an amendment on the money Bill. He is under obligation it is not a choice, to tell the Members which Vote. He has only written here Vote 106. He is the owner of the amendment and he must tell all the Members Vote 106 is which Vote. We cannot transact the business and you are here. We must be told what is Vote 106 and he must explain to the nation. It is a money Bill and we should not take this House casually. Could Hon. Tonui either withdraw his amendment as suggested by Hon. Midiwo or he tells the House, in white and black, Vote 106 is what under the Ministry of Education, Science and Technology and where he is taking it what it will be? It must be done.

Hon. Chairlady: Make that clarification. I think I have also told you to ask the same question severally; is R106 on administration, recurrent or development expenditure? What exactly is R106?

Hon. Tonui: Hon. Chairlady, Sir, all of us here are representatives of people. It is not Hon. A.B. Duale alone who is here to represent the Kenyan public. Even Ronald Kiprotich Tonui is here to represent Kenyans who voted for me. So, when I talk---

Hon. Chairlady: Order, hon. Members! Really, hon. Members we cannot continue in this version, because each one of you--- Everybody has a right, an equal right in this House. Nobody is more important than the other once you are here.

(Loud consultations)

Order! Order, hon. Members! I am making a general statement. So, hon. Members---

Hon. Ken Mirenga please leave the Chamber!

Hon. Members: Yes! Yes!

Hon. Chairlady: Hon. Members, this is a debating Chamber, and you must maintain order! Allow Hon. Tonui to finish what he wanted to say. This is a Committee of the whole House.

Hon. Tonui, please conclude, so that we can get another hon. Member to contribute. I am asking Hon. Ken Mirenga to go out for the remainder of the day.

(Hon. Ken Mirenga left the Chamber)

Hon. Tonui: Hon. Chairlady, that is why I was giving you the breakdown. The commuter allowance is Kshs11.4 billion, leave allowance Ks1.4 billion and responsibility allowance Kshs3 billion. That totals to around Kshs15 billion. The item for laptops, which has Kshs17.5 billion, will cover that amount.

Hon. Chairlady: So, yours is precisely on the item for laptops?

Hon. Tonui: Yes. I can be seconded now?

Hon. Members: Yes, we are here.

Hon. Chairlady: We actually do not require seconding in the Committee of the whole House. But I will indulge you because this is a matter that all of you seem to be interested in. So, who is seconding you? Hon. Tonui, you have to say who is seconding you.

Hon. Tonui: *(Inaudible)*

Hon. Chairlady: Okay; I will assume you do not have somebody to second your amendment. Are you the one deciding that you are seconding the Motion or is it the owner of the amendment? It is the owner of the amendment who should tell us.

Hon. Tonui: I had already said Hon. Onyango of Kabondo Kasipul is seconding.

Hon. Onyango: Thank you, hon. Chairlady. You cannot just be on continuous points of order. I stand---

Hon. Chairlady: Hon. Onyango, I am the Chair of this Committee! Please do not decide to do my job.

Hon. Onyango: I am very sorry, hon. Chair, for usurping your powers. I am very sorry. I beg to second on the basis that we have many things that, as a House--- There are powers given to us to allocate and locate; we can set priorities and assist the Government achieve its goals. Certain things may not seem a priority.

I am not debating; I am just saying that up to this stage teachers earn Kshs150 responsibility allowance, while civil servants earn Kshs3,000. The disparity can be eliminated by additional money that is going to come from Vote 106 and be reallocated to that item. I beg to second for the sake of our teachers, who are supposed to live like other Kenyans.

(Applause)

(Question of the amendment proposed)

Hon. Chairlady: Order, hon. Members! I have just proposed the Question. I am now waiting for very brief contributions before I put the Question. Hon. Sakaja, what do you have to say on this?

Hon. Sakaja: Thank you, hon. Chairlady. I just want to clarify that in as much as the sentiments by the hon. Member are well received the Vote he is talking about is not the one that actually has what they are calling the laptop project.

Vote R106, in the Appropriation Bill has the amount required in the year ending 30th June, 2014 for salaries and expenses for the Ministry of Education, Science and Technology, general administration and planning, basic education, quality assurance and standards, secondary, tertiary and university education, research, science and technology and innovation. I do not see laptops there. I think that he is misleading the House by saying that the money that he is trying to get for teachers is under laptops. That is a wrong Vote.

Hon. Chairlady: Very good. You can see in that clarification that you have used a Vote that---

Hon. Members: On a point of clarification.

Hon. Chairlady: Order, hon. Members! You cannot have too many clarifications on these. I do not know what all these requests are for.

Yes, hon. Mwaura.

Hon. Mwaura: I am sorry, hon. Chairlady. It was a wrong button. I am sorry.

Hon. Chairlady: That was a wrong button. Let us have Antony Kimani Ichung'wah.

Hon. Ichung'wah: Hon. Chairlady, I think the issue I wanted to raise has been raised by Hon. Sakaja.

Hon. Chairlady: Thank you. Hon. Leader of Majority Party, do you have something different?

Hon. A.B. Duale: Hon. Chairlady, this is procedural and the Budget Office is here. I am sure this now puts Parliament in a very awkward situation. The hon. Member has been captured by the HANSARD and Kenyans are watching. He said Vote R106 is taking money from laptops. This is very shameful.

(Several hon. Members stood up in their places)

Hon. Chairlady, protect me from those who are making noise.

Hon. Chairlady: Okay. Order, hon. Members! Hon. Opiyo, you will get your chance.

Hon. A.B. Duale: Hon. Chairlady, I want you to guide us. We must follow the law. Vote R106 is not for laptops. If hon. Members have nightmares over laptops, they will sleep a lot. The laptops will be there and the teachers will be paid.

Hon. Chairlady: Order! Leader of Majority Party, I think that Hon. Sakaja has clearly prosecuted that point. So, let us not repeat what has been said.

What is your point of order, Hon. Midiwo?

Hon. Midiwo: Hon. Chairlady, I wish to beg my colleagues to follow your instructions; this is a tedious matter. We know emotions are there, but Hon. Tonui is a new Member of the House, and this is his first term in this House. I have been here for 11 years; I know how people in the Government steal and I want to prove it to you. You can call it expenses, goats or cows, but the fact remains that there is Kshs53 billion hidden somewhere in these expenses.

Hon. Members: Prove it!

Hon. Midiwo: It is not for me to prove; this is what you did, and the nation needs to know it.

(Loud consultations)

Hon. Chairlady: Allow the hon. Member to finish his contribution.

Hon. Midiwo: Before the Appropriation Bill comes here, the Budget Committee, in all fairness to Hon. Tonui, should have tabled their report which report is missing. We are indulging them. What we can say now is that we cannot debate this Bill without a report. This Bill must be based on something. There is no report before this House. What is somebody trying to hide from Kenyans? This is a Committee on which 51 hon. Members of this National Assembly have been sitting for so many hours every day, and earning allowances; they cannot dare table a report and then table the Appropriation Bill. Let us be fair to Hon. Tonui.

Hon. Chairlady: Order, hon. Member! Yes, I am told that the information may not be totally correct, Hon. Midiwo, because the Report on the Estimates from the Budget and Appropriations Committee was tabled and passed in this House. It is in furtherance of that Report that we have this Appropriation Bill.

Hon. Members, can we then proceed to make a decision on Hon. Tonui's proposal and then move on?

Hon. Members: Yes!

Hon. Musyimi: Hon. Chairlady, allow me to inform this hon. House and the nation at large that budget-making is a process. It starts with policy, goes to planning, budgeting and finally appropriation. That process is guided and guarded by law. It starts with our mother law, the Constitution. Article 114 in respect of a money Bill, which this Bill is, states that this National Assembly may only proceed in accordance with the recommendation of the relevant committee of the Assembly - the Committee I am honoured to Chair - after taking into account the views of the Cabinet Secretary responsible for finance. That process must be guarded by law. The law in question is the Public Finance Management Act. Section 7(g) of that Act states that no recommendations may be made unless the views of the Cabinet Secretary have been taken into account.

Finally, our own Standing Order No. 231 states: "...If a motion makes provision for a matter listed in the definition of "a money Bill" in terms of Article 114 of the Constitution, the Assembly may proceed only with the recommendation of the Budget and Appropriations Committee after taking into account the views of the Cabinet Secretary for finance".

Hon. Chairlady the logic is clear. We sat as the Committee charged with that responsibility by the process and law. In the deliberations we saw it as expedient and necessary to seek about Kshs5.6 billion to be given to the TSC to support the process; that was last week. This is work in progress. Unless this House wants to introduce anarchy--- Anarchy is when you govern without regard to the law and procedure. If we want to respect the laws that we pass, the Constitution and the Standing Orders, then the direction is set out and it is clear.

Allow me to quote one theologian because I am a bit familiar with that world. Dr. Calvin said this in Geneva over 400 years ago: “If I were to choose between the evil of totalitarianism and the evil of anarchy I would choose totalitarianism as the lesser evil.” This is anarchy we are introducing here. Let us follow the law. The law is clear.

Hon. Chairlady, I oppose the amendment.

Hon. Chairlady: I think that was the last contribution on that matter. Hon. Jakoyo, please, let us proceed and put this amendment to vote.

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

Hon. Members what that means is that--- Order, hon. Members! That amendment has fallen and, therefore, Hon. Jakoyo Midiwo can continue to present his amendment.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, hon. Chairlady. I just needed your guidance and direction. I listened very carefully to the Chairman of the Budget and Appropriations Committee, whom I respect very much as a man of God like myself, who is a woman of God. I know that Hon. A.B. Duale is in doubt. The reason he is in doubt that I am a woman of God is because I do not go to the mosque. However, we serve the same God.

(Loud consultations)

Hon. Chairlady: Please, continue!

Hon. (Ms.) Odhiambo-Mabona: Hon. Chairlady, the clarification that I wish to seek from you is on what the Chairman has just said. He said, if I got him well – and it is going to have an impact on what Hon. Midiwo is going to do - that once we consult the Cabinet Secretary, and once the Budget and Appropriations Committee approves, then our role is merely to rubberstamp. That is extremely dangerous. We need your direction so that if that is the case we then do away with all amendments and pass what the Budget and Appropriations Committee has done and go to other Motions.

Hon. Chairlady, having said that I want to say that my vote is with the teachers of this country.

Hon. Chairlady: Hon. Members that point has been taken, and I will refer to our Standing Orders on that matter. Let us now allow Hon. Midiwo to move his amendment.

(Loud consultations)

Hon. Midiwo: Calm down! Relax! Relax!

Hon. Chairlady, this is an interesting day. What is happening on this Floor will mean that many hon. Members will lose their political careers out of ignorance.

Hon. Chairlady, I beg to move the following amendment to the Schedule of this particular Bill:

THAT, the Schedule be amended-

(a) in Vote R106 by deleting the figure “77,399,662,593” appearing in the third column and substituting in place therefor the figure “24,399,662,593”.

Hon. Members: Where are you reading from? We do not have that.

Hon. Chairlady: Hon. Midiwo could you, please, make it clear that you are moving your Motion in an amended form because it is different from what is on the Order Paper?

Hon. Midiwo: Hon. Chairlady, I want to make that clear because the figures are different and it was a typing error in the Office of the Clerk. It should be understood better when I explain the figures.

(Hon. Shill stood up in his place)

Do not worry, Hon. Shill. This is not a cow market! This is the National Assembly of Kenya.

Hon. Chairlady, the net effect of what the first amendment does is that it gives me a total figure of Kshs53 billion. I want to move a further amendment to the Schedule as follows:

(b) in Vote R124, by deleting the figure “1,388,402,397” appearing in the third column and substituting in place thereof the figure “2,388,402,397”;

(c) in Vote R126, deleting the figure “329,726,897” appearing in the third column and substituting in place thereof the figure “3,329,726,897”;

(d) in Vote R209, by deleting the figure “148,492,870,015” appearing in the third column and substituting therefor in place thereof the figure “195,492,870,015”;

(e) in Vote R211, by deleting the figure “2,070,505,700” appearing in the third column and substituting therefor the figure “4,070,505,700”.

Hon. Chairlady, the amendment is important, and it is important that I explain. I know that it is being opposed controversially. I know that our children are at home because their teachers are on strike due to a debt which was incurred in 1997. What the teachers are seeking are peanuts for the individual. I like what the President said about the economy. How do you manage the economy? You must put money into the pockets of people. This is not money which is going to the teachers for free; it is their money. They have worked for it. I made a proposal in this House a week ago. The Government could have involved us. We know that the Government has mixed up priorities.

It is, therefore, the duty of this House to help the Government. I am not doing this for the sake of it. I am doing it as a responsible Kenyan. Why am I saying so? The money is in this Budget. That is why we said we needed to be furnished with proper reasons. It is good that the Budget and Appropriations Committee reduced money that was set aside for purchasing of an office block for the immediate former President. We love our retired Presidents but there is fraud involved even in that deal. I want to table evidence in this House to show that the valuation of that building is only Kshs230 million. However, a certain mandarin, out of audacity, dared to set aside Kshs700 million for purchasing that building when teachers continue to earn peanuts.

Hon. Members: Shame! Shame!

Hon. Midiwo: It is, indeed, a big shame!

Hon. Chairlady, I will table this report so that Kenyans can access it.

Hon. Member: That one was amended.

Hon. Midiwo: Hon. Chairlady, this is an official Government document. It is the valuation report of that building. It means that this House has a duty---

Hon. Member: On a point of order, hon. Chairlady.

Hon. Midiwo: No, let me continue. You will have your turn.

Hon. Member: Hon. Chairlady, this document was amended.

(Loud consultations)

Hon. Chairlady: Order, hon. Members! We will check the authenticity of the document.

Hon. Midiwo, can we have it, so that we look at it in the normal manner we authenticate documents that come to the House?

Hon. Midiwo: Hon. Chairlady, ask my colleagues because the amendment I am moving is huge and is dealing with Kshs53 billion.

Hon. Chairlady: Hon. Midiwo, you should know that this is a Committee of the whole House.

Hon. Midiwo: Hon. Chairlady, I know that but I am moving five amendments in one. Please, I beg your indulgence.

Hon. Chairlady: Hon. Midiwo, can you table that document, so that we verify its authenticity as you continue to summarise your amendments?

(Hon. Midiwo laid the document on the Table)

Hon. Midiwo: Hon. Chairlady, I am saying that we will give the teachers Kshs47 billion from Vote R106. Due to the underfunding of the Office of the Director of Public Prosecutions, which is an office of the Jubilee Government, we are giving that Office a further Kshs1 billion.

Hon. A.B. Duale: On a point of order, hon. Chairlady.

Hon. Chairlady: Order, hon. Members! Just allow Hon. Midiwo to finish what he is doing.

Hon. Members: On a point of order! Point of order!

Hon. Chairlady: Order! Order!

Finish, Hon. Jakoyo Midiwo.

Hon. Midiwo: Hon. Chairlady, lastly---

(Loud consultations)

Hon. Chairlady: Order! Order, hon. Members! Somebody is going to go out just now. Order, Members!

Hon. Washington Midiwo, can you, please, summarise?

Hon. Midiwo: I am summarising, hon. Chairlady.

Hon. Chairlady: Order! Order, hon. Members! Let us just be patient with each other. Nobody is going to go anywhere. All of you have rights in this House. So, please, be patient.

Please, complete your submissions, Hon. Midiwo.

Hon. Midiwo: Hon. Chairlady, Hon. Tanui was asked to say what he was doing with the money. Is it irritating that I know how to do it? What is the problem?

Hon. Chairlady, I am giving the Director of Public Prosecutions Kshs1 billion to enhance the work of his office. This is important to the Jubilee Government. The Auditor-General's Office has been allocated a meagre Kshs1.8 billion; it is the same amount that was given to that office last year. Beginning this year, we are going to have 48 governments. Unless we wish to export corruption to the counties, we should fund the Office of the Auditor-General adequately. We are already seeing what the governors are doing. Many hon. Members are complaining. Therefore, we must have credible auditing of public funds at the county level.

Lastly, on political parties, all the hon. Members on that side of the House belong to political parties. Hon. Sakaja, you are a chairman of a political party. I want you to listen to me very carefully. The Political Parties Act says that---

Hon. Member: *Tutaziangusha tu!*

Hon. Midiwo: You used to be a teacher, and you will face the teachers tomorrow. I think you are a quack. You do not care about fellow teachers.

(Laughter)

Hon. Chairlady: Hon. Midiwo, wind up.

Hon. Midiwo: Hon. Chairlady, lastly, the Political Parties Act stipulates that not less than 0.3 per cent of the collectable revenue shall be set aside in every financial year to go to political parties. Zero point three per cent of Kshs1.6 trillion is about Kshs3 billion. It can never be Kshs300 million that is being given to political parties. That is by law. Which impunity are you trying to use?

(Loud consultations)

Hon. Chairlady: Order! Order, hon. Members!

I think you have finished, Hon. Jakoyo Midiwo.

Hon. Midiwo: Hon. Chairlady, I am finishing.

Hon. Chairlady: You have finished. I have indulged you, Hon. Jakoyo Midiwo. Please, resume your seat now. Order, hon. Members! I think you have finished, Hon. Jakoyo.

Hon. Midiwo: I am finishing, hon. Chairlady. Give me one minute.

Hon. Chairlady: I indulge you, Hon. Midiwo.

(Loud consultations)

Please take your seat Hon. Midiwo. I can see other hon. Members leaving this Chamber. Can we pronounce the document that has just been laid on the Table? You

know that we always authenticate documents that come to the Floor of the House. This document has the logo of the Republic of Kenya. It is a Report of the Technical Committee on the Proposed Purchase of LR7258/46 along Gigiri Road for cabinet office space. It was presented to the Permanent Secretary, Secretary to the Cabinet and Head of Public Service on 22nd---

(Hon. Nuh consulted loudly)

Hon. Junet, you risk being thrown out of this House if you continue in that fashion.

It was presented to the Permanent Secretary, Secretary to the Cabinet and the Head of Public Service on 22nd February, 2013. It is stamped “confidential”. It is signed by one Patrick Bucha, who was the Chairman of that Committee. So, it is an unacceptable document by the standards set in this House.

Hon. Members, what Hon. Jakoyo Midiwo is proposing to do is to remove money from the Ministry of Education, Science and Technology. He wants to allocate Kshs1 billion to the Director of Public Prosecutions (DPP). He also wants to allocate Kshs3 billion to the Registrar of Political Parties and Kshs46 billion to the Teachers Service Commission (TSC). He also wants to allocate Kshs2 billion to the Auditor-General. That is the import of what you are going to vote on.

Yes, Hon. Gatobu.

(Question of the further amendment proposed)

Hon. Kinoti: Thank you, hon. Chairlady. I think you are politicizing this issue very much. I rise under Standing Order No.54 on amendments to Motions. We must defeat the amendment Hon. Midiwo is bringing to the House. To be sincere, Hon. Midiwo cannot hide under the issue of teachers. I am a teacher by profession; my fiancé and parents are teachers.

Hon. Members: No! Shame!

Hon. Kinoti: Hon. Chairlady, I am very passionate with regard to this issue. Protect me hon. Chairlady. I am saying that Hon. Midiwo is reducing---

Hon. Chairlady: Hon. Members, if we cannot allow each other to speak--- Look at Hon. Kinoti, is that somebody for you, Hon. Midiwo?

(Laughter)

Please, allow him to speak. Let us give Hon. Kinoti time to speak. Continue, Hon. Kinoti.

Hon. Kinoti: Thank you, hon. Chairlady. I have said that I am very passionate about teachers and education. It is only yesterday that this House passed a Motion I moved on education. Hon. Midiwo cannot take us round in circles. Hon. Midiwo is proposing to take away Kshs47 billion from the Ministry of Education, Research and Technology and distribute Kshs52 billion. However, this does not add up. He has distributed Kshs3 billion to political parties, Kshs47 billion to teachers and Kshs22 billion--- He is saying that it is teachers whereas it is not teachers. This is not an issue of

teachers. He has taken some money from the Ministry of Education, Research and Technology.

Hon. Chairlady: I think your point, Hon. Kinoti, has been made. Please remember how we have been guided by the Chairman of the Budget and Appropriations Committee. Hon. Members, because we need to make progress and this is the Committee of the whole House, I will now put the Question.

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

Hon. Members: Division! Division!

Hon. Chairlady: Yes, there are more than enough Members seeking a Division. Ring the Division Bell.

*(Several Members stood up in their places
and sang)*

Hon. Speaker: Order, hon. Members! Please settle down. We want to start. Any hon. Member without a card should come to the Dispatch Box and all other hon. Members must be seated and logged in; we are voting electronically.

Hon. Members, you must be logged in with your pin numbers except for the hon. Members without cards, who shall stand by the Dispatch Box. Everybody else should be seated and logged in. Hon. Members should not be consulting any more. Get seated and log in with your cards, please! Hon. Members, we will be doing electronic voting.

Hon. Members: No, no!

Hon. Chairlady: Hon. Members, the machines are working. Please, hon. Members, be seated and log in, except for the hon. Members who do not have cards, who shall be at the Dispatch Box.

Hon. Members, please be seated. We all belong to this House. Please, be seated and log in, all of you. The system is working. You will see it and it will be printed. So, there is no reason to doubt. It will show clearly how you have voted. So, hon. Members let us trust this system. It is ours. Please, sit down. Any hon. Member who does not have a card, I have clearly said that you use the Dispatch Box. You will use your voice. This is for only those hon. Members without cards. Everybody else, be logged in and let us get on with the business, hon. Members.

Can the question be projected on the boards? The question is that it be amended as proposed by Hon. Midiwo. That is the question that we are going to division on. The question is that the Bill be amended as proposed by Hon. Midiwo. Please, hon. Members, you have the chance to decide whichever side to be on. We do not have to shout. We do not have to have a shouting match. I have said that the question is whether it should be amended as proposed by Hon. Midiwo.

As you can see from the board, we are 129 hon. Members in this House right now. We have counted the hon. Members and we have 129 hon. Members now logged in, unless somebody has not logged in. I have said that hon. Members who do not have cards should come to the front here.

Hon. Chairlady: Order! Serjeant-at-Arms, could you order hon. Members to sit down, please. Order, hon. Members! This is not a market place, hon. Members! Please be seated. Obviously, hon. Members are unhappy about doing the electronic voting; so we shall use manual voting. Please hon. Members, I therefore, order that I be given tellers for the “Ayes” and for the “Noes”, I want to be given tellers from both sides of the House. The teller for “Ayes” is Hon. Ichung’wah, and the teller for “Noes” is Hon. Wamunyinyi.

Okay. We will start voting, hon. Members. Please do not utter any other word except “Yes” or “No!”

Hon. Ababu: *(Inaudible)*

Hon. Chairlady: Order, Hon. Ababu! We did not hear what you said.

Hon. (Maj-Gen.) Nkaissery: On a point of order, hon. Chairlady.

Hon. Chairlady: Continue calling names.

(Names were called out)

Hon. Members, we need to bring the Committee of the whole House to a close. I will now announce the results of the Division. It is the Chair that announces the results. We had a total of 173 hon. Members voting.

DIVISION

(Question put and the House divided)

(Question negatived by 98 votes to 75)

AYES: Messrs. Ababu, A.O. Ahmed, Akujah; Ms. Amolo; Messrs. Anyango, Arama, Bady, Dr. Bichage, Messrs. Bollo, Bosire; Ms. Chae, Ms. Chidzuga; Messrs. M.D. Duale, Ganya, Eng. Gumbo, Messrs. Kajwang’, Kaluma, Kasuti; Ms. Katana, Ms. Kedogo; Dr. Kibunguchy, Messrs. Kobado, Koyi, Ms. Lay; Messrs. Lempurkel, Magwanga, Masadia, Mati; Ms. Mbalu; Messrs. Midiwo, Mlolwa, Momanyi; Ms. Muia; Messrs. Mukwe, Mule, Mulu; Ms. Mutua; Messrs. Mwadeghu, Mwadime, Mwamkale, Mwanyoha, Mwaura, Nassir, Ndiege, Nkaissery, Nuh, Nyamweya; Dr. Nyikal; Dr. Nyongesa, Messrs. Ochieng, Odanga; Ms. Odhiambo-Mabona; Messrs. Okoth, Olum; Ms. Ombaka, Messrs. Omondi, G.W., Omondi, J.O, Dr. Ondicho, Messrs. Onyango, Opiyo, Otaalo, Dr. Ottichilo, Messrs. Outa, Owuor, Oyoo, Oyugi, Shimbwa, Shinali, Dr. Simiyu; Messrs. Sitati, Wakhungu, Wamunyinyi, Wandayi, Wangamati and Wangwe.

Teller of the Ayes: Hon. Ichung’wah.

NOES: Ms. Ali T. G; Messrs. Baiya, Banticha, Barua, Bett J.K, Bitok, Busienei; Ms. Chege S.W; Messrs. Chepkong’a; Ms. Chepkwony; Messrs. Chumel, Dawood, Dido, Duale, A.B, Ekomwa; Ms. Emanikor; Messrs. Farah; Ms. Gathogo; Messrs. Gethenji, Gikaria, Huka, Ichung’wah, Irea, Kabando wa Kabando; Ms. Kajuju; Messrs. Kamau, Kangara, Kang’ata, Kanini Kega, Karani, Katoo, Kemei; Ms. Kering; Messrs. Keter E.A., Kilonzo, Kimaru, Kinyua; Ms. Kipchoim; Messrs. Kiptanui; Ms. Kiptui; Messrs.

Kipyegon, Koinange, Kombe, Konchella; Ms. Korere, Dr. Laboso; Messrs. Lagat, Lati, Lentoimaga; Ms. Leshoomo; Messrs. Lessonet, Limo, Losiakou; Ms. Machira; Messrs. Mahamud, Manje; Ms. Mathenge, Ms. Mbarire, Ms. Mitaru; Messrs. Moi, Muchai; Ms. Muhia, Ms. Munene; Messrs. Murgor, Murungi, Musau, Musyimi, Mwaita, Nakara, Nakuleu, Nderitu, Ndiritu, Ngare; Ms. A.W. Ng'ang'a, Ms. Ng'etich; Messrs. Ngunjiri, Njagagua, Njenga, Njomo, Njuki; Ms. Nyaga B.N.; Mr. Nyaga J.M.; Ms. Nyamai; Messrs Nyumu, ole Ntutu, Otsiula, Sakaja, Sang; Ms. Seneta; Mr. Serut; Ms. Shebesh; Mr.Shill; Ms. Sunjeev, Ms. Teiya; Mr. Theuri; Ms. Wahome; Messrs. Waititu and Wambugu.

Teller of Noes: Hon. Wamunyinyi

We have 75 Ayes and 98 noes; there were no abstentions.

I now order that the Bar be drawn. Let the doors be opened. The import of that Division is that Hon. Midiwo's amendment has been lost.

Hon. Kajwang': On a point of order, hon. Chairlady. I rise under Standing Order No.96 to request that the Committee reports progress. The way the amendments have been disposed of, the hon. Members would want to reflect on them.

Hon. Chairlady: Hon. Kajwang', I rule you out of order. The same Standing Order No.96(3) says:

"If the Speaker is of the opinion that a dilatory Motion is an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it".

I will rule you out of order; we will continue.

Hon. Members, I was just stating that Hon. Midiwo's amendment is lost, and by extension, Hon. Wakungu's amendment, which is similar, is dropped.

(Hon. Wakhungu's amendment dropped)

Order, hon. Members! We have gone through this process. Hon. Midiwo was proposing to delete Vote R106, and his amendment has just been defeated in the House. Hon. Members, it is a question of figures. Allow us to move on, hon. Members.

I will now put the Question of the amendment to the schedule as moved by Hon. Lessonet.

(Schedule as amended agreed to)

(Title agreed to)

(Loud consultations)

Hon. Chairlady: Order, hon. Members! Please, take a minute to breathe. Let us consult and we will give you an answer.

(Several hon. Members stood up in their places)

On what Division are you standing up? I want to ask that we report progress. Hon. Members we are now going to report progress. Go ahead, Leader of Majority Party.

Hon. A.B. Duale: Hon. Deputy Speaker, Sir, will I be in order to ask the Committee of the whole House to report progress?

(Loud consultations)

Hon. Chairlady: Order, hon. Members! We have tried to give you as much latitude but it looks like Members do not respect themselves and want us to conduct business like this is a market place. Please allow the Chairperson of the Committee to report progress.

PROGRESS REPORTED

THE APPROPRIATION BILL

Hon. Kajwang': Hon. Deputy Speaker, the Committee of the whole House is considering the Appropriation Bill and has instructed me to report progress and seek leave to sit again today.

Hon. Kaluma: Seconded.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]

Hon. Deputy Speaker: Could the Leader of the Majority Party move the Motion for the extension of the time of the House?

Hon. A.B. Duale: Hon. Deputy Speaker, pursuant to Standing Order No---

(Loud consultations)

Hon. Chairlady: Order, hon. Members!

Hon. Members: Division! Division! Division!

Hon. Chairlady: Okay, let us count the hon. Members on their feet.

Hon. A.B. Duale: Hon. Deputy Speaker, you should not be intimidated.

Hon. Deputy Speaker: Hon. Members, the Members who are on their feet are less than 30. Therefore, the Leader of the Majority Party may continue.

MOTION

EXTENSION OF SITTING TIME

Hon. A.B. Duale: Hon. Deputy Speaker, pursuant to Standing Order No.30, this House resolves to extend its sitting hours until business appearing under Order No.16 is concluded.

Hon. Deputy Speaker, I beg to move.

(Hon. Members attempted to grab the Mace)

(Hon. Members broke into song and dance)

Hon. Deputy Speaker: Hon. Members, I am suspending--- Hon. Members, this House is suspended until 7.30 p.m.

(The House adjourned temporarily at 6.29 p.m.)

(The House resumed at 7.40 p.m.)

COMMUNICATION FROM THE CHAIR

EXTENSION OF SITTING TIME

Hon. Speaker: Hon. Members, as you are aware, the House became unruly and the Sitting had to be suspended. That matter has been reported and it is for that reason that the House will proceed in the manner I am going to direct. Firstly, for the convenience of the House, the Speaker extends the sitting of today until completion of the business under Order No.16, pursuant to the provisions of Standing Order No.30(2). Secondly, due to what transpired in the Committee of the whole House, the House was suspended at 6.25 p.m. today, under Standing Order No.112. The same Standing Order provides for the manner in which the Speaker should proceed in the event of grave disorderly conduct in the Assembly. The suspension was at the point at which the Leader of the Majority Party was moving the Motion to extend the sitting time until the conclusion of the business under Order No.16 on today's Order Paper. This is, therefore, a continuation of the suspended sitting, but taking into account my earlier direction there is no need for the Leader of the Majority Party to move the Motion for extension of business.

Hon. Members, before I proceed to guide the House through the remainder of today's business, I wish to note the following:

(a) The Committee of the whole House had considered the Appropriation Bill, 2013, up to Clause 2. The Title and Clause 1 had not been considered. All the other parts of the Bill have been considered but those of you who may have intended to move amendments to the Schedule, I want to advise that you move for re-committal of the particular item at the appropriate time.

(b) The amendments on the Schedule by Hon. Tonui, Hon. Midiwo and Hon. Chris Wamalwa intending to delete the figure under Vote R106 and appropriate the sum

to other Votes--- I know that hon. Members have argued that the amendments are not similar since they move the amounts to different Votes. However, Standing Order No.54 (8) provides as follows:

“54(8) No amendment may be moved which relates to any words which it has been decided not to be left out of a Motion.”

Hon. Members, in this case, the amendment by Hon. Midiwo proposed to leave out the figure “77,399,662,593” and the Motion was negatived. So, according to Standing Order 54(8), the House decided that those words should not be deleted. In this case, no other amendment to the figure “77,399,662,593” shall be entertained.

(c) When the Committee resumes, it will proceed with the Bill from the Title and proceed to Clause 1 and any other Clause or Schedule that may have been re-committed.

Hon. Members, today is 27th June, 2013 and the last sitting day of the week. In accordance with Article 222 of the Constitution, before 1st July, 2013, which is Monday next week, the House must either have passed this Bill or by a resolution, passed a Motion to allow the Executive, the Judiciary and Parliament to use not more than a half of the sum sought in this Bill. That is popularly known as “Vote on Account”. Therefore, should the House not have passed this Bill by 10.30 p.m. tonight, I will ask the Leader of the Majority Party to move a Motion, under Standing Order No.30(3)(c), seeking the House to resolve to sit again tomorrow, Friday, 28th June, 2013, in order to conclude the requisite business.

Hon. Members, I want to urge you to be very calm and moderate at this moment. The consequences of not passing an Appropriation Bill are very obvious. I have already given you the options available.

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Muturi) left the Chair]

IN THE COMMITTEE

[The Chairlady (Hon. (Dr.) Laboso) took the Chair]

THE APPROPRIATION BILL

*(Resumption of consideration
interrupted in Committee today)*

Hon. Chairlady: Hon. Members, we are now in the Committee of the whole House.

(Members allied to CORD withdrew from the Chamber)

(Title agreed to)

Hon. Members, I am informed that there is an amendment to Clause 1 by Hon. Lessonet. Please, proceed and move your amendment, Hon. Lessonet.

Clause 1

Hon. Lessonet: Hon. Chairlady, I beg to move:

THAT Clause 1 of the Bill be amended by inserting the words “and shall come into force on 1st July, 2013” at the end thereof.

The Constitution under Article 116 requires that it will come into effect two weeks of its passage. Therefore, I request this House to make this Appropriation Bill to come into effect on 1st July, 2013, so that we do not deny our Jubilee Government funds between now and the next two weeks. That is because the Government needs to start various projects from 1st July, 2013, which is next week. That is why I am moving this amendment.

Now that the “tyrannies of noise” have left, we can comfortably pass this amendment just to make the Bill effective from 1st July.

(Applause)

(Question of the amendment proposed)

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

(Clause 1 as amended agreed to)

Hon. Musyimi: Hon. Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Appropriation Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Muturi) in the Chair]

REPORT AND THIRD READING

THE APPROPRIATION BILL

Hon. (Dr.) Laboso: Hon. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Appropriation Bill, Bill No.11 of 2013 and approved the same with amendments.

Hon. Musyimi: Hon. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Hon. Kamau: Seconded.

(Question proposed)

Hon. A.B. Duale: Hon. Speaker, Sir, today is a great day for the teachers of this country. Through the passage of the Appropriation Bill, teachers will know that this Government is one that will solve their issues in collaboration with Parliament and not people who want to play cheap politics.

(Applause)

Hon. Speaker, Sir, I want the country to know that the Budget for the 2013/2014 Financial Year has Kshs3 billion set aside for the promotion of teachers. The Jubilee Government has also set aside money for the recruitment of 10,000 teachers. The Jubilee Government has also up-scaled the money for both free primary and free day secondary education. With your indulgence, I want to put it on record today that when the Estimates for 2013/2014 Financial Year were tabled in this House, they were subjected to the Departmental Committee of the House. Public participation was done in most of the counties and the harmonization was done by the Committees. A Report by the Budget and Appropriations Committee was tabled in this House on 11th June. That Report was adopted by this House.

Hon. Speaker, Sir, the Appropriation Bill was prepared on the basis of what was adopted by this House. That was done with public participation. It was also done with the participation of the Cabinet Secretary for National Treasury.

Under Article 114, Appropriation Bill is a money Bill. If you read that Article along with Section 39 of the Public Finance Act, you will find that it is very clear that a Member of Parliament cannot purport to amend the Appropriation Bill, which is a money Bill. If he has to do that, then he has to get the consent of two important groups. One is the public because it had a chance to put its input. Therefore, the Member needs to go back to the public. Secondly, a money Bill cannot be changed without the concurrence of the Cabinet Secretary for National Treasury. The law is very clear.

(Applause)

Those are the people who want to run this country through the jungle law. The laptop project was a manifesto pillar in the Jubilee Government. As the leadership of this House, we will make sure that each and every promise made to the Kenyan people, including the laptops, is achieved.

Again, it is the Jubilee coalition in this House that will make sure that our teachers are paid. The 216 Members of this coalition come from constituencies where there are schools and teachers.

The Member for Gem, Hon. Jakoyo Midiwo, was purporting to help the teachers of this country today when in essence he was allocating free primary money from the Ministry of Education, Science and Technology to the Teachers Service Commission (TSC) to pay teachers. You are denying the poor children of this country whose parents live below the poverty line the money that President Kibaki, under his leadership in 2003, gave to the children of Kenya.

(Applause)

They did not do it in last year's Appropriation Bill although their principal was a grand coalition in corruption and not in governance. Again, he purported to allocate money to teachers. I want the teachers and Mr. Sossion to know that tomorrow we will tell the nation that he was giving money to the Auditor-General which he did not ask for.

Parliament in its wisdom, and under the able leadership of the Chairman of the Departmental Committee on Justice and Legal Affairs, gave money to the Director of Public Prosecutions (DPP). Mr. Keriako Tobiko did not ask for money. He is not a teacher and he is not in the streets. Hon. Jakoyo Midiwo was giving money to DPP because their political party, ODM, is bankrupt. It is a bankrupt party both in terms of leadership, ideas, resources and numbers. Because they could not win the elections, he brought an amendment to increase money for political parties. I want to tell the country that the law is very clear on how to fund political parties. A Bill on campaign financing will come to this House next week.

With those few remarks, I want to urge my colleagues that the Jubilee Government is in charge in the House, Senate, counties, State House and we are ready, day and night, to fulfill the pledges we made to our people.

Thank you, hon. Speaker, Sir.

Hon. (Ms.) Shebesh: Hon. Speaker, Sir, I will be very brief. On behalf of the Jubilee side of the Coalition, I would like to apologize to this House and Kenyans for what might have looked like a degeneration of the dignity of this House because of provocation from the CORD side. But it must be known that we knew the politics that was being played. We also knew the grave consequences of not passing the Appropriation Bill. We want to appeal to teachers to know that the side of the House that believes in sorting out their issues is those who do not believe in playing to the galleries. When Hon. Midiwo, a man of many years' experience can purport to bring an amendment that is technically flawed, it is very sad. It was meant to hoodwink teachers so that they can go out the whole weekend and talk about how they supported teachers. I want to say this to the House: I know from experience that most of the work of ODM is to play to the galleries. They never had intention to deliver. I want to plead with my colleagues, today we may have crossed the line because it was our first encounter with anarchy but I want to assure you that anarchy, as long as it has the leadership we saw today, will continue. Let us be on our toes. Let us keep the promises of the Jubilee Manifesto.

With those few remarks, I beg to support.

Hon. Sakaja: Hon. Speaker, Sir, I would like, first of all, to congratulate the House for having passed this Appropriation Bill because in as much as we have passed it as part of the business of the day, we must remember something: That on 4th March, 2013, Kenyans lined up in their millions and they issued a statement of faith that they wanted to vote out cheap politics and vote in results, development and a Government that listens to them and a Government that will look at their issues. Today, we have made history because we have signed symbolically the cheque and promissory note that will lead the Jubilee Government in fulfilling its manifesto and delivering the promises that Kenyans have yearned for, for many years.

As you are aware, I also happen to be the National Chairman of the TNA. We took more than six months going round this country listening to Kenyans telling us what they want to be part of the manifesto of the Government. That is the manifesto that is now being implemented by all Ministries and this Government. Kenyans said they want a Government that is close to them. Kenyans said they want a Government where young people of this country cannot only have a voice but also have an opportunity to make something out of their lives; that the women of this country can have solutions to the problems they are facing. You have seen the issue of the maternity fees that has already been rolled out. Today, we have seen that, indeed, we still have to deal with those who are the enemies of devolution, those who are enemies of development and those who want to keep playing to the gallery, which adds not an ounce of flour to the table of any Kenyan but leaves us in the misery of past politics.

I want to congratulate and assure Kenyans that indeed by passing the Appropriation Bill, hon. Members who were present here feel the needs of Kenyans. Today, we have seen a spectacle where certain hon. Members were trying to play to the gallery by sneaking in an amendment to give teachers money which was coming from the laptops and we must be clear on that. Vote R106 was the vote for free primary education and they were trying to remove money that was supposed to fund free primary education to pay teachers. We are aware that the Jubilee Government is concerned about the plight of teachers. We are aware that the problems that teachers have do not need a simplistic solution of sneaking in an amendment but needs a holistic thought out and well informed solution that will not only look at the root problem but will give a solution that will last. I am sure and confident that His Excellency Mr. Kenyatta and the Deputy President, Mr. Ruto, will find a lasting solution because if we sneak in a solution this year, will we sneak in another next year and the year after? There are many issues that need to be handled by this Government and the Budget and Appropriations Committee – I must congratulate the Chairman, the very able Hon. Musyimi for the great leadership he has offered and even provided Kshs.56 billion. I am sure we will sort out this issue. I want to thank hon. Members and I am happy that in as much as some might have walked out, we still have a quorum and we can transact business. I would like to urge hon. Members that let us remember, despite party politics, we are here to serve the interest of Kenyans and not just to play to the gallery.

With those few remarks, I beg to support.

(Question put and agreed to)

Hon. Musyimi: Hon. Speaker, Sir, I beg to move that the Appropriations Bill be now read a Third Time.

(Question proposed)

Hon. Katoo: Hon. Speaker, Sir, just a quick one. It is good for this country to know that what has been put in the media and played in the gallery that there is Kshs53 billion for laptops is not in this Budget. It is good to make it very clear that the Kshs53 billion that is meant for laptops is a proposed Budget for a three year period. In this financial year, what was there for laptops is only Kshs15 billion. So even if somebody was purporting to move Kshs53 billion for laptops to pay teachers Kshs47 billion, that was inconsequential because there is no such vote in the Budget where Kshs53 billion is meant for laptops. It is only Kshs15 billion and teachers are demanding Kshs47 billion. An amount of Kshs15 billion cannot pay Kshs47 billion.

Secondly, it is also good to make it very clear that this House is not a rubberstamp as others have played to the gallery this afternoon. Actually, as the Leader of the Majority Party has said this House, more than before is a budget-making institution. I urge my colleagues, all your proposals in budget-making process should be forwarded through Departmental Committees which I am sure every hon. Member of this House belongs to. That is where you do reallocation. What came to the Floor through the Appropriation Bill is not from the Executive but it is as a result of this House through the process of making the Budget.

Finally, the Jubilee Government is very much alive to the demands that are being made by the teachers. It is through that process that Kshs5.6 billion has been put in this Budget to streamline the commuter allowance, which is one of the items that the teachers have been demanding since 1997. So, I wish to make that very clear that politics cannot make the Budget. It is real intentions and realities that make the Budget, taking into account Kenyans' aspirations and needs and what is available. That is what has been done this afternoon.

I beg to support the Bill.

Hon. (Ms.) S.W. Chege: Thank you, hon. Speaker, Sir. I wish to take this chance as the Chair of the Committee on Education, Research and Technology to thank the entire House for protecting what was to be done this evening. I would like this House to note that whatever was supposed to be taken was to be taken from the free primary and secondary education and the provision of sanitary towels that our girls need in our schools. As the Chief Whip has mentioned, there is no money for laptops and I want to make it clear that the money for laptops is not Kshs53 billion. It is good for the Members of this House not to get information from the media and then come here and play politics. The money for laptops, as per the Budget, is Kshs15 billion and not Kshs53 billion.

I would also like to take this chance to explain to the Members that the money for laptops is not only for Class One. It is going to cover Class One to Class Eight. I would also like to urge this House to support the laptops project. The Kshs15 billion is not just for buying laptops. We are going to train teachers and connect electricity in our primary schools. We are also going to make sure that Kenya becomes the hub of assembling these

laptops. We want to create employment and in three years' time, Kenya will not be where it is today. So, let it not be seen as a project for Class One, but it is a project that is going to bring industrialization and improve our colleges. Colleges, like Jomo Kenyatta University of Agriculture and Technology (JKUAT) are going to partner with the people who are coming to assemble laptops here. We are going to create employment for our youth. So, I urge the House to support the Jubilee Government because it means good for our children.

As the Chair of the Committee on Education, Research and Technology, I wish to say that the Jubilee Government is committed to listen to the plea of the teachers. Really, if the people who are trying to sneak in some amendments here came and talked about the amendment of the legal notices, for sure they would be helping the teachers. But whatever they did today, they caused this House to delay discussion on the issues that are affecting teachers. I would like to support. I thank Members for supporting and making sure that our children and parents do not suffer because somebody took our money from the education sector to political parties. I felt so sad. I thank the House for supporting me.

Hon. Speaker: Hon. Members, remember that at this point, although this may be among the very first Bills that we are passing, there should be no debate. Just reflect on the Bill that you have just passed and its implications.

Hon. Linturi: Hon. Speaker, I will be very brief because most of what I would have said has been said. I know that the Standing Orders prohibit being repetitive. I wish to thank the Chair of the Committee of the whole House and the Members that were present for saving this day. I would liken today to a story in the Bible, although I am not that prayerful. I would liken it to a situation where two mothers went before the King to ask for one particular child - I stand to be corrected by those who know the Bible - but when the woman who did not have the pain of that child was asked what should be done with the child, she said that the child should be split into two, so that each one of them could take half of the child. The Members of this Parliament understand the consequences of not passing the Appropriation Bill by today.

Members understood very clearly that the money that we are appropriating is for public service. It is for delivery of service to the people of Kenya. So, by them purporting not to understand this and just walking out to deny the people of this country the chance to get services from the Government, in my view, is sabotage. It is a behaviour that I would not condone, but I urge my colleagues to be on the watch out because this is a desperate lot. We must defend our Government. We must give the people money. We must work for our people. When that other time comes, if they will be lucky and if it will ever come; probably, as I said sometimes back, they will have to seek divine intervention if they will ever get to the seat of power.

Hon. Chumel: Thank you, hon. Speaker, for giving me this opportunity to add my voice to what my colleagues have said. I am a teacher by profession and all through from 1996 and 1997, I participated in the teachers negotiations. I happen to have been one of the people who went to Kabarak on a Sunday and Mzee Moi promised us the things that people are talking about. I want to assure my former colleagues, namely, the teachers that this Government will stand with them. It will deliver what they are asking for. Already, the Government has started fulfilling these promises and it is only a few steps that are remaining to complete. Let us be patient.

Today, they were appealing, including my KNUT Secretary from West Pokot, that we support them. I want to assure them this evening that this Government, which I am fully with, will support the teachers and fulfill their demands. What I have seen today is very shameful. Kenyans should understand that the people who were heckling here and are not here now, are the ones who want to shame this Government. They want to make sure that Kenya does not move forward. This includes Hon. Midiwo and others. I understand that yesterday they met somewhere and discussed certain issues. Today, money circulated. I want to tell them that without even money, we want to see that Kenya prospers. That is why some of us are here. We were supposed to be in Mombasa because we have committee functions there, but we said no. We want to make sure that Kenya goes through smoothly. I am appealing to the teachers that nothing will go down without their support. I come from the ASAL areas where some children learn under trees. If wind blows, it blows away the blackboard and even exercise books. It takes time to return those blackboards and books. So, with the laptops that are being promised, being a teacher, I am sure that even the areas which have been marginalized for a long time will get the right education.

I support and congratulate my colleagues and the Deputy Speaker, who was on the Chair earlier. She did a lot. This is a moment when Kenyans have seen who their leaders are.

Hon. (Ms.) Wahome: Hon. Speaker, Sir, I rise to support this Appropriation Bill. I am a sad person because how we have been treated here lacks decorum and the dignity that this House deserves. First time Members have been waiting to see business being conducted differently in this House. It is unfortunate that it is Members who are not first timers who are leading the way in conducting business in a manner that erodes the authority of the House. It may also erode the authority of the Speaker. I want to commend the Deputy Speaker for being extremely patient. I would have acted differently and possibly sent several people out, but the design of the Members of the Minority Party who lack direction and leadership was meant to frustrate the Speaker and this Bill, so that the country can be held to ransom.

The Members of this House, including the Minority, understand the meaning of the Appropriation Bill especially where we are in terms of the timeframe. One would wonder why the CORD, even after losing miserably, has failed to learn that Kenyans have changed in their approach and thinking. Kenyans are thinking differently. They are not living in the old constitutional order, where disorder and shouting was the order of the day. Indeed, some of the Members are yet to see the worst looking at what has happened tonight and considering that this is one of the most important Bills that the 11th Parliament has had to deal with.

I support, but as we proceed, as the Jubilee Government, to implement and execute the promises and implement the items and the votes that are here, it is important to listen to the people. It is important to consult widely, so that we can be in sync with the majority of Kenyans who have continued to support the Jubilee Government. I have no doubt that even the teachers who are watching tonight and who voted for the Jubilee Government, will continue to have faith in dialogue. We need to teach the CORD Members how to carry out inter-parties dialogue and debate. Walking out of the Chamber is a sign of cowardice. Allow me, and I hope that this is parliamentary language, nobody

wins in any platform or forum by walking out. You win by debating, dialoguing, listening and also casting your vote. They have missed an important moment of being part of this Bill, but I am happy the Members are sitting here tonight to give the country the Appropriation Bill.

Hon. Chanzu: Hon. Speaker, Sir, I want to support the Appropriation Bill, but time for cheap politics should have ended by the time we promulgated the new Constitution. The injustices that have been experienced in this country cannot be addressed with the kind of situation that I have seen in this Chamber today. I saw it once in 1998 when we came to this House. We were in suits and some of us were having placards inside their suits and it was quite interesting. That was my first time. It is surprising that some of the people who have done these things were here that time. It has been a big struggle for us to get where we are.

The issue of teachers is a problem that has taken 16 years. It started before 1997 as Hon. Moroto has said. It is not something that you can just sort out overnight because that is deceit. That will be cheating the teachers. Somebody sent me a message and asked me whether the Members are against the proposed amendment by Hon. Midiwo and against giving them the money. I told him that he is being cheated and this is spreading lies by showing that Hon. Midiwo is trying to get money for the teachers. He is trying to divert money which is meant for the education sector to other sectors.

I am happy that the Members remained here and we still have a quorum. When I look in the Chambers, the Members are still ready. Even if there was any war, we would still conduct business. We really want this country to move forward. Somebody said that if you want to get to a place, you cannot get there by estimating the number of steps you are going to make. First of all, you must know where you want to go and then you prepare yourself to get there. I believe that this laptops project that the Government has in mind is something that we want to achieve at the end of the day.

Last week, I was very surprised when I got a schedule at the Committee on Education, Research and Technology on what has been accomplished from 1997 out of what was promised to the teachers. We should take stock of what has been given and what has not been given to the teachers, so that we can work out an amicable way of having the matter sorted out, but we cannot sort it on the streets. When you encourage teachers to block the entrance to Parliament Buildings, how will you come and conduct business which will help their welfare? We should condemn in the strongest terms the behaviour of some of the Members today in this Chamber. I am sure by now they are somewhere telling their masters what they have done, but it was all negative on their part.

With those remarks, I support.

Hon. Kamau: Thank you, hon. Speaker, Sir. I want to thank hon. Members of this House for standing with the children of this country. Without any doubt, if somebody removes money from free primary education and tries to transfer it elsewhere then the implication is that they actually want to scrap it. I truly and sincerely want to thank the hon. Members who are here today and who stood with the children of this country.

Let me speak about the teachers. We are all aware that they are on strike now. Our hearts are out to the teachers. However, the events that happened today have nothing to do with the feelings of teachers; it was all about politics. Hon. Members will agree with me that losing an election is very painful and especially a presidential election; it is very

painful, indeed. Without any question, we realize that some Members are actually not asleep. People are scheming day and night on how the Jubilee Government can be brought down. I want to assure Kenyans that no matter what, this House will stand by the Jubilee Government to ensure that its manifesto is implemented to the letter.

Hon. Speaker, Sir, the antics that I saw here today are really worrying. There were hon. Members standing up and singing, “*Bado Mapambano*”. I have never in the history of this nation seen anything like that. I want to state here clearly and categorically that if that is the caliber of Members of Parliament that were brought in by some people then that clearly gives the reason why they failed in the first place.

I want to appeal to my colleagues who are here, it is our duty and responsibility to help the Government achieve its manifesto. Politics is over. It is over! Until five years are over we cannot go back to politics. It is time to understand that we do not have an election tomorrow or next year. We have to understand that this country belongs to all of us so that we move it forward. Those whose intentions are to bring down the Jubilee Government, I can assure you, will have to wait a long time, indeed. *Hawawezi make!*

With those few remarks, I want to thank you all and appeal to the Kenyan public to ignore the antics they saw here today because it was not about the teachers; rather it was about some specific people whose interest is power, power, power and nothing but power.

Hon. Barchilei: Thank you, hon. Speaker. I would like to take this opportunity to congratulate my colleagues for standing firm at this time and ensuring that the Government is supported. In my maiden speech I said that the laptop programme is very important. This is because we have planned to make this country industrial in the near future. There is no way we can achieve that without making a sacrifice. Technology is very important to achieving this end. You cannot claim to be supporting the teachers while at the same time you are against the Government.

I know my responsibilities as a Member of the National Assembly. I need to support this Government in order to support the teachers. This is because there is no other Government that will pay teachers. We do not have two Governments. We only have one Government. We cannot use the issue of teachers with an intention of failing the Government so that it appears that Kenyans did wrong to elect the current Government.

Let us understand that anything that you do against the Government as a Member of Parliament you are also doing it against your people who elected you. This House has a very powerful role of representing the people of Kenya. It is now very clear that the intention was not the issue of teachers. If that was the case then where are those hon. Members who were for the idea?

I would like to support and urge my colleagues that we do support this Government so that it delivers to the people who elected us. I support my people by supporting the Government.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

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Hon. Speaker: Hon. Members, you will recall that the House had resolved to sit until conclusion of business appearing under Order No.16. Now, having concluded that business, the House now stands adjourned until Tuesday 2nd July, 2013 at 2.30 p.m.

The House rose at 8.38 p.m.