

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 27<sup>th</sup> February, 2014

The House met at 2.30 p.m.

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

### PRAYERS

### PAPERS LAID

**Hon. Speaker:** Yes, Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following papers on the Table of the House today Thursday, 27<sup>th</sup> February, 2014:-

Report of the Auditor-General on the Financial Statements of the Capital Markets Authority for the year ended 30<sup>th</sup> June, 2013.

Report of the Auditor-General on the Financial Statements of Industrial and Commercial Development Corporation for the year ended 30<sup>th</sup> June, 2013.

Report of the Auditor-General on the Financial Statements of Lands Limited (Subsidiary of Agricultural Development Corporation) for the year ended 30<sup>th</sup> March, 2013.

Report of the Auditor-General on the Financial Statements of the Agricultural Development Corporation for the year ended 30<sup>th</sup> March, 2013.

Report of the Auditor-General on the Financial Statements for Kenya Institute of Education for the year ended 30<sup>th</sup> June, 2012.

**Hon. Speaker:** Well, hon. Chepkong'a.

**Hon. Chepkong'a:** Hon. Speaker, I beg to lay the following Paper on the Table of the House, today Thursday, 27<sup>th</sup> February, 2014:-

Report of the Departmental Committee on Justice and Legal Affairs on the approval for appointment of the following nominees to the Kenya National Commission on Human Rights:

- (a) Ms. Kagwiria Mbogori - Chairperson
- (b) Ms. Susan Shatika Chivusia – Member
- (c) Mr. George Morara Monyoncho – Member
- (d) Mr. Vincent Suyianka Lempaa – Member
- (e) Ms. Jedidah Wakonyo Waruhiu – Member

**Hon. Speaker:** Very well. Hon. Cecily Mbarire, I am informed that you are in the next Order, but you are listed in the wrong place.

**Hon. (Ms.) Mbarire:** So, I wait hon. Speaker?

**Hon. Speaker:** We are not yet there.

Next Order! Yes, hon. Mbarire.

## NOTICE OF MOTION

### ADOPTION OF PUBLIC ACCOUNTS COMMITTEE REPORT

**Hon. (Ms.) Mbarire:** Thank you, hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya accounts for the year 2008/2009 and 2009/2010 laid on the Table of the House on Thursday, 27<sup>th</sup> February, 2014.

### APPROVAL FOR APPOINTMENT OF KNCHR COMMISSIONERS

**Hon. Speaker:** Yes, hon. Chepkong'a.

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

THAT, pursuant to Section 11(7) of the Kenya National Commission on Human Rights Act, 2011, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the approval for appointment of the following nominees of the Kenya National Commission on Human Rights:-

- |                                |   |             |
|--------------------------------|---|-------------|
| 1. Mrs. Kagwiria Mbogori       | - | Chairperson |
| 2. Miss Susan Shatika Chivusia | - | Member      |
| 3. Mr. George Morara Monyoncho | - | Member      |
| 4. Mr. Vincent Suyianka Lempaa | - | Member      |
| 5. Miss Jedidah Wakonyo Warui  | - | Member      |

Thank you, hon. Speaker.

## STATEMENTS

**Hon. Speaker:** Hon. Members, today we are having responses to requests for Statements, starting with hon. Kamama.

### POLICE RAID AT MASJID MUSA MOSQUE

**Hon. Abongotum:** Hon. Speaker, the Member for Mvita, hon. Nassir, requested that this Statement be issued on Thursday next week due to some special reasons and circumstances and we are in agreement.

**Hon. Speaker:** Hon. Nassir, is that the position?

**Hon. Nassir:** Yes, hon. Speaker. Considering that there are currently some matters pending in court, we agreed that we leave this Statement for Thursday, next week. We do not want any Statement that will not only be prejudicial to the courts, but which might end up contravening some issues.

**Hon. Speaker:** Very well. Hon. Kamama, are you to respond to any other Statement request?

## POLICY ON EMPLOYMENT/PROMOTION OF CHIEFS

**Hon. Abongotum:** Hon. Speaker, on Tuesday, you ordered that the Cabinet Secretary for Interior and Coordination of National Government appears before my Committee on a special request from hon. Nkaissery on the issue of chiefs in Kajiado. I have just come from the meeting. So, I have not given hon. Nkaissery a copy of the Statement. With your indulgence, can I read out the Statement? I have looked at it, together with other Members of the Committee, and we feel that the Statement should be given today, so that hon. Nkaissery can be satisfied. I do not know whether it is okay with him, given that he does not have a copy of the Statement.

**Hon. Speaker:** Hon. Kamama, what hon. Nkaissery wanted was information. So, read out the Statement, so that he can interrogate that information since he may not have had the advantage of appearing in the Committee. The best thing would be for you to read out the Statement that you have. Hon. Nkaissery can either seek some more time to go through it or seek clarification on the basis of the Statement.

Hon. Nkaissery, do you have some interlocutory matter?

**Hon. (Maj-Gen.) Nkaissery:** Thank you, hon. Speaker. The Statement is the property of the House because yesterday, you directed that it be brought today. I do not see any problem. Let the Chairperson of the Committee read out the Statement so that I can interrogate it.

**Hon. Speaker:** Very well. Let hon. Asman Kamama Abongotum read it out.

**Hon. Abongotum:** Hon. Speaker, on 12<sup>th</sup> February, 2014, the Member for Kajiado Central, hon. (Maj-Gen.) Joseph Nkaissery, requested for a Statement regarding the promotion of chiefs and assistant chiefs. The hon. Member informed the House that in 2010, the Government created a number of locations and sub-locations in Kajiado Sub-County. One position of Chief Grade II and five positions of Assistant Chiefs Grade II were advertised and interviews were conducted.

He further alleged that the names of the successful candidates were not made public, in accordance with the interview regulations. He noted that an assistant chief whose sub-location was upgraded qualified very well during the interviews, but he was not appointed and the position was re-advertised. The hon. Member particularly requested to be informed on---

*(An hon. Member crossed the Floor  
without bowing to the Chair)*

**Hon. Speaker:** The lady hon. Member who has just crossed the Floor to consult the Leader of Majority Party, this is Parliament and it has rules. Can you walk back to the entrance and do the necessary? You cannot just walk across.

*(The hon. Member walked to the Bar  
and bowed to the Chair)*

Hon. Members, as hon. Kamama reads out the Statement, even for me, in fairness, I need to have time to hear what he is saying, so that I can follow the clarifications that will be sought by other hon. Members.

**Hon. Abongotum:** Hon. Speaker, the hon. Member particularly requested to be informed on the following:-

- (i) why the positions of Kumpa and Orinie locations and Impiro Sub-location were re-advertised while in actual fact, successful candidates were appointed;
- (ii) timelines within which the officers will be appointed; and
- (iii) the role of the Cabinet Secretary for Interior and Coordination of National Government in the appointment of chiefs and assistant chiefs.

Hon. Speaker, Kumpa and Orinie locations were created in 2012 while the position of Assistant Chief for Impiro Sub-Location fell vacant upon the promotion of the area Assistant Chief to the position of Chief, Impiro Location. Subsequently, the three posts were advertised, together with the positions of Kajiado Central Deputy County Commissioner on 16<sup>th</sup> August, 2012, vide Notice No. HRM/4/218. Interviews were conducted on 30<sup>th</sup> January, 2013.

Subsequently, the results of the interviews were submitted by the then District Commissioner (DC), through the Provincial Commissioner (PC), Rift Valley, to the Permanent Secretary (PS) in the Ministry of State for Provincial Administration and Internal Security then. In response, the PS authorised the PC to effect appointments in Kumpa, Orinie and Impiro locations, among others, in the Sub-county.

However, the Office of Kajiado County Commissioner received adverse reports against the successful candidates of the three administrative units. Therefore, it advised the Principal Secretary against effecting the appointments. The appointments were consequently shelved. Subsequently, on 9<sup>th</sup> December, 2013, the Principal Secretary for Interior and Coordination of National Government authorised the Regional Coordinator, Rift Valley Region, to re-advertise the posts.

The re-advertisement was done by the Kajiado Central Deputy Commissioner on 23<sup>rd</sup> January, 2014 vide Notice Ref. HRM/4/VOL II (49). The advertisements attracted three applicants for Kumpa Location and eight for Orinie Location. Impiro Sub-location attracted six applicants. All the applicants have been invited for interviews at the Deputy County Commissioner's Office on 11<sup>th</sup> March, 2014.

On the role of the Cabinet Secretary for Interior and Coordination of National Government, I want to confirm that he has no direct role to play in the appointment of chiefs and assistant chiefs. However, he plays an oversight role on policy matters in the Ministry.

Thank you, hon. Speaker.

**Hon. Speaker:** Yes, hon. Nkaissery.

**Hon. (Maj-Gen.) Nkaissery:** Hon. Speaker, it is unfortunate that the Chairperson is not the one who wrote the Statement. What the Chairperson just read out are total lies. First of all, he said that when those fellows were appointed, adverse reports were received. This is the normal way of playing politics with the careers of Kenyans. I have documents here.

As he said, on 11<sup>th</sup> March, 2014, I requested the Government to give us some extra locations, and the locations he mentioned were created. One of the locations that

were created was actually an upgrade of former Kumpa Sub-Location. The Assistant Chief of the sub-location had already served for 17 years. If the Ministry is cheating Parliament, we have to censure it. After the creation of the said sub-locations, the positions were advertised and people applied.

Interviews were subsequently done. The Assistant Chief emerged top during the interviews. In fact, he should have been promoted automatically. Unfortunately, because of the spelt out procedure, he participated in the interview. He emerged top in the interview for the position of Orinie Location with a mark of 81 per cent.

*(Hon. Abongotum consulted with other hon. Members)*

Hon. Speaker, I want the Committee Chairman to listen to what I am saying, so that he can go back to the Ministry and demand the right answer. That is because we cannot allow Parliament to be taken for a ride. The person who topped in the interview for Orinie Location passed on before the appointment was made. So, the next person should be the one who emerged second, and who was duly appointed. The minutes of the interviews are here. The letter forwarding the qualified candidates is here. The PC wrote to the Kajiado Sub-County Commissioner on 4<sup>th</sup> June, 2013 and directed that the same people had been appointed by the Principal Secretary.

What happened, subsequently, is that some political losers went and saw the Cabinet Secretary. That is exactly why I want the Committee Chairman to listen. Some political losers went and saw the Cabinet Secretary, who listened to them. The Cabinet Secretary called me and I went to see him. I told him: "I do not know these fellows. It is only the Sub-County Commissioner who knows them. They are the right people. An assistant chief who had served for 17 years became number one in the interview." So, we agreed. He wanted to stop the process, so that he could give the political losers the opportunity to say that they were the ones who actually recommended those individuals.

Hon. Speaker, later on, I called three hon. Members of this House namely; hon. Lekuton, hon. Lati and hon. Sakuda. We went and told the Cabinet Secretary: "Do not interfere with the Provincial Administration recommendations." The Cabinet Secretary promised not to do so. He said: "I was misled." That is why I am asking what his role is in the appointment of chiefs and assistant chief. There was an approval for the appointment of those people but just because of politics, they have been denied their rights.

This House must defend the rights of citizens. Doing so is part of the responsibility of this House. So, this is a straightforward case. They have re-advertised the positions. Somebody who has a letter of acting in appointment written by the County Commissioner; somebody who has been awarded an acting allowance has been denied his right. The said chief comes from my constituency. He is a Christian. He is actually a pastor. He holds a diploma. He has served for 17 years. The individual who wants to take the position is a relative of a Member of County Assembly (MCA), who is actually a political sycophant of the guy I have been defeating for the last three parliamentary terms.

Hon. Speaker, I want you to make a decision because the Chairman of the Committee is unable to tell the truth. This House must defend the rights of the citizens of

this country. I have a record of the entire process. So, the Statement that has been given here is totally wrong. It is misleading the House. For that reason, we need to actually censure the Ministry.

**Hon. Speaker:** Hon. Nkaissery, you have spoken well, but I am just wondering. The information that you have is a lot. Was it made available to the Committee Chairman and his members so that, as they had the meeting, they could ask the Cabinet Secretary and his team to comment on the contents of those letters in order for the Committee's response to, at least, have a bearing on the massive material that you have just presented to the House? Did the Committee have that information?

**Hon. (Maj-Gen.) Nkaissery:** Hon. Speaker, I do not know when the Cabinet Secretary will appear before the Committee. But they have already made a blunder by giving wrong information in the House. So, I do not know what sanctions should be taken against the Ministry. This is wrong information.

**Hon. Speaker:** Hon. Nkaissery, let me come to your aid. If the Committee was not in possession of the information that you have just provided--- What you have just read out is material that is not meant to be presented to the House. Hand it over to the Committee. The Committee shall schedule a meeting with the Cabinet Secretary and his team, at which meeting you are also invited. Indeed, the three colleagues that you visited the Cabinet Secretary with should also be invited to go and confirm that you actually had-- Or was it a village meeting? You said that you had a meeting with hon. Lekuton, hon. Lati and hon. ole Sakuda. That also suggests some local arrangement. They should also attend the Committee meeting, so that they can beef up your case before the Committee. That is how you can bring your case before the Committee, so that we do not get a Statement from the Cabinet Secretary but a report of the findings of the Committee. Indeed, you are raising very serious matters; that people have been interviewed and recommended for appointments or promotions, whatever the case may be.

**Hon. Abongotum:** Thank you, hon. Speaker. I just want to say that we are actually not telling lies. First of all, that language is not parliamentary. I want to state that as a Committee, we will not delve into the Maasai politics. We will stick with rules and regulations that govern the Civil Service. The confirmation we want to give you is that this matter was deferred until 11<sup>th</sup> March, 2013, so that those chiefs can do interviews because of some reasons. One of the reasons is that there was a Report by the County Commissioner vide a letter dated 28<sup>th</sup> August, 2013, Ref. No. KJD/CC/Confidential/HRM/8 (4). I will read part of the letter because it is also restricted and confidential.

The Commissioner wrote to the Public Service Commission (PSC) and in paragraph two he says:-

“There are emerging intelligence reports that seem to be touching on matters of security, peace and tranquility of the residents of Kumpa and Orinie locations and Impiro Sub-location. The successful candidates that you authorized to be appointment were issued with appointment letters.

In an effort to maintain and promote peace, security and harmony, I advised the three administrative units be re-advertised so that fresh interviews can be conducted.”

So, there is already a report from the ground that there were issues that were touching on security, tranquility, peace and harmony in that area. That is why the Government took that decision. They will appear before the interview as said on 11<sup>th</sup> March, 2014. Let the best candidate win.

Therefore, that is the position. I want to be categorical that I will not delve into their local issues. We will give a Statement as the Committee on Administration and National Security.

**Hon. Speaker:** Hon. (Maj-Gen.) Nkaissery, what is your reaction?

**Hon. (Maj-Gen.) Nkaissery:** Thank you, hon. Speaker. When you look at the body language of the Chairman, you can tell that this is not his message. I agree with him. Let the Cabinet Secretary be called to the Committee. Let the Committee table the Report. I will go and present the position because when you hear this message--- Promotions were done on 4<sup>th</sup> June, letters came in August appointing those men. These two positions are new; Orinie and Impiro. In Impiro, the candidate was a lady and because those gentlemen, who are said to be political losers did not want her, they started fighting behind the scenes.

When I talked to the Cabinet Secretary, that is when they “cooked” these confidential issues. It is wrong for the Chairman of the Committee on Administration and National Security to believe these “cooked” stories. I agree to go to the Committee and tell them what I know. They should also bring what they know.

Hon. Speaker, Kajiado Central has no insecurity issues at all. I am part of that constituency and it is the most peaceful in Kenya. We want to get out this matter, and they are getting themselves into deeper problems. Therefore, I would like to go to the Committee and present the position.

**Hon. Speaker:** Hon. (Maj-Gen.) Nkaissery, you know, we did not want as a House to dictate to the Government on whom to employ; whether female or male and on whatever political persuasions. We may not know that because we are not the ones doing the engagement. But would you avail yourself to the Committee? In my own feeling, I think you should share that information with the Committee in its sitting at which the Cabinet Secretary and his team are present. This exchange between yourself and hon. Abongotum, Chair of the Committee is not taking the House anywhere. The House is unlikely to compel the Government to employ people that they think through their interviewing processes, may not be the right ones. If we do that, we will be getting into the wrong areas. But I think, perhaps, the issues you would want addressed by the Committee would be better addressed if you can attend a meeting of the Committee at which the Cabinet Secretary and his team are present. That will be the better thing to do, hon. Abongotum, so that you can hear it in the confines of the Committee room.

I can see hon. Kaluma is burning with some suggestion.

**Hon. Kaluma:** Thank you, hon. Speaker. I agree to the guidance given by the Chair. When hon. (Maj-Gen.) Nkaissery raised the issue, I stood and questioned as part of the responses the Chair would bring on behalf of the Committee, the qualification requirements for chiefs. I remember, I did indicate that I have a similar problem in the most populous location in my constituency, Kalanya Kanyango Location, in which all major trading centres are.

The services of the chief of that location have been discontinued on account of the fact that he has no Form Four certificate and therefore, we have a situation of insecurity. In fact, we are in a problem because this is a chief commended by the leadership of the Provincial Administration; from the County Commissioner downwards.

Therefore, I am requesting that as the Committee goes back to consider the matter, I also be given an opportunity to appear before it so that all these issues can be resolved because I have looked at the relevant laws--- the law does not say that a chief has to be KCSE certificate holder.

**Hon. Speaker:** I think you do not even have to be given permission, as hon. Member of the House, if you knew the time and place where the Committee will sit, you can attend.

**Hon. Kaluma:** Hon. Speaker, it is important to be notified of time. Sometimes it is hard for us to know the business of each Committee on each day. So, if I would be notified when they are discussing the matter, I would attend.

**Hon. Speaker:** When the Cabinet Secretary is present.

**Hon. Abongotum:** Before I go to hon. (Maj-Gen.) Nkaisery's issues, I just want to confirm to the House that qualifications of a chief and sub-chief is Form Four certificate of C- (Minus) especially in the so-called high potential areas, where people are highly educated. There is always a provision to exempt people from pastoralist areas that were ignored by so many regimes to the extent that there are very few people who have that kind of qualification. In fact, very few educated people in those areas prefer to be chiefs. Most of them want to go to other areas. So, it can actually be lowered to Standard Eight and Standard Seven in special circumstances.

Hon. Speaker, I stand guided that hon. Nkaisery is not an expert in body language. This is because he is a psychologist and he seems to know how I normally behave. However, to the best of my knowledge I am the same Kamama, the Chairman.

Hon. Speaker, I stand guided on the issue of whether hon. Nkaisery should bring this Report to the Committee; I have no problem. However, we sat with the Cabinet Secretary and looked at this Report. This is the statement from the Cabinet Secretary.

On the issue of employment, actually the Principal Secretary (PS) is almost the final person on this issue. The Cabinet Secretary plays a very minimal role on this. Unless you want to introduce peripheral issue so that we are confused as a Committee, that is the position of this Committee in as far as this matter is concerned.

**Hon. Speaker:** So, hon. Nkaisery where do you take it from here?

**Hon. (Maj-Gen.) Nkaisery:** I thank you for your direction, hon. Speaker. I will take the Report to the Committee and then we will bring it to this House. Our role is to defend the rights of our citizens and not the Government. I am not talking about your body language because of--- I know that you are my great friend, but I can see that you are leaning more towards the Government than the citizens. It is your right to defend the citizens. So, I will come and share with you this Report. In fact, I will give you this Report after this. I will also participate in your discussions with the Cabinet Secretary.

**Hon. Speaker:** Hon. Nkaisery, you know you have taken more than your fair share.

**Hon. (Maj-Gen.) Nkaisery:** One more thing, hon. Speaker.



**Hon. Speaker:** No! No! No! We must bring it to an end. You see, the whole House has just been listening to something about a location and some other one. Now, hon. Kaluma has brought another name of another location and I cannot quite remember it. Now, you can see we are going to spend all the time discussing about locations and sub-locations. I think the best thing is this: Hon. Kamama take possession of the information that hon. Nkaissery has. At the date you invite the Cabinet Secretary, let hon. Nkaissery be invited to that meeting so that then he can come and state his case there.

**Hon. Abongotum:** Hon. Speaker, there is no need. We will not invite the Cabinet Secretary as he has already given us all the information. We only need information from hon. Nkaissery and then we table it in Parliament.

**Hon. Speaker:** Very well. You can go that route as well. However, hon. Members, you can see the inadequacy of this system. Hon. Kaluma, I can see you are trying to look for an answer for your case. But you see, hon. Kamama said that some of the requirements are Form Four, C- (Minus) or some equivalent just like they say a "University degree or some equivalent". I do not know what the equivalent of Form Four or C- (Minus) is. That is what he said. I thought he gave a window that sometimes there is recommendation from the village leadership and other religious--- not political.

If we begin questioning this here, it would be better if you can cross-examine the Cabinet Secretary. Even if we begin cross-examining hon. Kamama and he is just a conveyor of information, we will not go far. The best thing would be if we had the Cabinet Secretary. Time and again I have expressed my dissatisfaction with this system. If the Cabinet Secretary was here, we would get the real answer or if he found inadequacies then as a House we can direct a particular policy to be adopted or action in a particular direction. Now we are directing a colleague who has to go and get information from other people who are not here.

Hon. Kamama, maybe, hon. Kaluma could see you to know where it is that you will be meeting the Cabinet Secretary so that he can prosecute the issue of his location. Although he has not sought the Statement, I think that will be fair because he is talking about insecurity. In that context, I think it will be fair that hon. Kaluma be informed when the Cabinet Secretary is coming.

**Hon. Midiwo:** Hon. Speaker, I know you have ruled that we need to move on, but you know this matter may seem to be simple. You know it is the chiefs who provide much of this country with security. The Statement that the Committee Chair has made may be misconstrued by the DCs and the DOs around the country that what he has said are the qualifications of the chiefs. I thought that as Parliament under the new dispensation the Committee would have engaged the Cabinet Secretary and brought a policy paper. As you know, and he has also already admitted, there are many parts of this country where the way we choose our leaders, education is not part of the requirement. In fact, it could be that chief that most people respect. Even some MPs are chosen by those chiefs. It is a fact in some parts of the country and that is the truth. So, it is good to engage the Cabinet Secretary so that we guide this nation.

This is because a pronouncement like the one he has just made does not need to go on our record because it may be misconstrued to mean that, that is the norm and the DCs will just victimize people even in the village from where your come. So, I plead with you to guide them so that they order the Cabinet Secretary to give us a paper to discuss so

that everybody can share their requirements. As you know, prior to the last elections I am the one who insisted on the issue of educational standards. This is because we knew that if you say that Form Four is the limit and now you are saying C- (Minus) is the standard then the people in Migingo Island will never get an MCA. This is because you do not need to go to school to be a fisherman. So, I said that on issues of representation we needed to do this in a different way. I think this Committee can guide this House in a way that we set some standards because we are unique as a country.

**Hon. Speaker:** Of course, hon. Kamama also wants to clarify that he also indicated that in some areas the C-(Minus) is not the norm. You may say that yourself.

**Hon. Abongotum:** Hon. Speaker, especially in the area of chiefs and their scheme of service, I am an authority on this matter. We used to have the old scheme of service until the NARC Government came in. When the NARC Government came in hon. Murungaru actually came up with a scheme that one must be a Form Four and with a C-(Minus) and above for one to merit. Of course that was to be considered alongside other considerations, for example, one must have a clean record, development conscious and so on. There are other things that are normally looked into.

Hon. Speaker, then again the late hon. Michuki came up with a special scheme of service that every Assistant Chief could actually rise up to the level of a Principal Chief. That is Assistant Chief Grade II all the way to Senior Chief and Principal Chief. So, that is the highest position that a chief can attain.

So, hon. Speaker, that was the policy then and the scheme of service is there in black and white. We can table it in this House but because of the pressure from the leaders from the pastoral communities and because of lack of interest in some of those people from pastoral areas, the Government relaxed those provisions so that they can get chiefs in places like in Marsabit, Turkana, Pokot. Most of the “dotcoms” in those areas would prefer to join other sectors.

So, hon. Speaker, that is the position and I want to say I am an authority in that area. You can even approach me privately. Thank you, hon. Speaker.

**Hon. Speaker:** Next is hon. Eseli.

**Hon. (Dr.) Simiyu:** Thank you, hon. Speaker. The issue hon. Kamama is talking about I think is very important because I believe that a House Committee, apart from just getting the answer from the Principal Secretary, is also an oversight committee. That is one of our reasons for being in Parliament. In the situation that I have heard here whereby an Assistant Chief who had been promoted is now being brought back to where he was and issues of security are being mentioned, why was this Assistant Chief not sacked or suspended, if indeed there were security issues?

Hon. Speaker, I think the issue of the Provincial Administration is so important to the lives of Kenyans that I believe this Committee should have delved further into the issue. They had been given the mandate to look into this matter and find out what all this was all about. This is because if hon. Kamama says the requirement is KCSE C (Minus) and above, what about those who had been employed before that condition came up? I believe what hon. Kaluma was saying is that this chief had been employed before and then he was sacked because he did not have these qualifications. Is that the normal procedure? I think we need to be very careful. The Provincial Administration at the level of chiefs carries a lot of influence and we need to be careful that, that influence is then

not misdirected into political issues despite the Committee saying that these are sideshows and things like those. That is the bread and butter of the life in Kajiado. So, it is not sideshows. I think the Committee needs to delve into this thing to its logical conclusion and bring to account those people who have caused this debacle in Kajiado.

Thank you, hon. Speaker.

**Hon. Speaker:** Well, I think that is just additional information which I think can be canvassed when you deal with the issue of policy. This is because I do not want to open debate on it because there is really no debate. I know everybody would want to tell us something about some chief or assistant chief. Please, because I have not heard the other gender since I sat here, let me give hon. Regina Muia the chance to speak.

**Hon. (Ms.) Muia:** Thank you, hon. Speaker. I sit in that Committee and this afternoon we had an opportunity to meet with the Cabinet Secretary. Actually, sometimes it is so frustrating when you are given an answer and you come to the Floor of the House to give it and then one is told he is telling lies. Actually, I was in that Committee and we were discussing about insecurity in this country. Insecurity begins at the grassroots level where chiefs and assistant chiefs are. The information the Chairman has given this afternoon is exactly the same information that he was given by the Cabinet Secretary.

*(An hon. Member crossed the Floor without bowing)*

**Hon. Speaker:** What is wrong? Hon. Member just go back where you came from.

*(Laughter)*

**Hon. (Ms.) Muia:** That is the information which was given to our Committee. We are asking: What happened to the chiefs who went through interviews?

*(Loud consultations)*

Hon. Speaker, there is a lot of noise. I cannot be heard. The consultations are too high.

**Hon. Speaker:** Hon. Regina Muia, that issue which you are trying to canvass is not even on the Floor now. So, we are assuming that you are making a personal statement.

**Hon. (Ms.) Muia:** I am just trying to assist the Chairman because I was in that Committee.

**Hon. Speaker:** Do not assist him now. Go and assist him in the Committee.

**Hon. (Ms.) Muia:** I am in that Committee, hon. Speaker.

**Hon. Speaker:** If you are in his Committee then it is even better. Go and assist him there. Now, you are a member of the Committee and you are saying you want to assist, you have not assisted. Even before he came here, you ought to have assisted.

The Member representing Kirinyaga County, is this a strategy or what is it now?

## POINT OF ORDER

### DELAY OF THE AFFIRMATIVE ACTION

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## SOCIAL DEVELOPMENT BILL

**Hon. (Ms.) W.K. Njuguna:** Thank you, hon. Speaker. First, I would like to correct my names. My name is Winnie Njuguna and not B.N. Nyaga.

Hon. Speaker, I still want to really ask for clarification because I have a statement here from the HANSARD of 20th February, 2014 where the Leader of Majority Party said in his own words that and I quote:

“I want to inform my good colleague that the Chairman of the Budget and Appropriations Committee has said that he has now talked to the Cabinet Secretary and they have agreed it will leave the Committee and head to the Speaker’s office where it will be approved, printed and then brought before this House.”

Hon. Speaker, up to today which I think is the seventh day nothing has happened. The Bill is still lying with the Budget and Appropriations Committee. We are just seeking to be given a time line.

**Hon. Speaker:** Just explain. What Bill is this?

**Hon. (Ms.)W.K. Njuguna:** It is the Affirmative Action Social Development Bill and it has been in this Budget and Appropriations Committee for over six months now. This is the seventh month. We are suffering. We really urge the Chairman to have the heart of women and consider this Bill. He has been very hard on this Bill. We are just pleading with him to bring this Bill before this House so that Members of Parliament can give their input and I am sure they are very willing to support it. We are sisters and parents.

Thank you, hon. Speaker.

*(Applause)*

**Hon. Speaker:** Hon. Leader of Majority Party and hon. Mutava Musyimi, I think the ball is in your court.

**Hon. A.B. Duale:** Hon. Speaker, number one and to make it very clear to the Chair of the Budget and Appropriations Committee, before money Bills come to me or you for approval and my signature for publication--- I had a session yesterday with the gracious 47 County Women Representatives (CWRs) and I want to repeat to the House that it is not only the Budget and Appropriations Chair that is involved. The Cabinet Secretary for National Treasury must concur and give a certificate to any Bill. In their presence, I called the Cabinet Secretary for the National Treasury yesterday and he has agreed that he will expedite it.

Secondly, in their presence in my office yesterday I called the Chair of the Budget and Appropriations Committee and we are set for a meeting on either Tuesday or Wednesday morning.

So, the request is misplaced. It is a money Bill. I must say I am a bit sad because as leaders we spoke yesterday. I even called other higher offices and now it is like we are reinventing the wheel. I am not very happy but at least I will talk to the Cabinet Secretary for National Treasury and the Chair. As the leader, I understand their urgency but please

do not reinvent the wheel. We had a meeting yesterday and so the money will be processed from the National Treasury. It has not yet come!

**Hon. Musyimi:** Hon. Speaker, I want to assure you and this House when that matter is properly before my Committee, we will deal with it.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Hon Members who have strategically placed yourselves in corners, this is not the way to do it.

**Hon. Ng'ongo:** On a point of order, hon. Speaker. I wish our colleagues, the 47 county MPs---

*(Loud consultations)*

**Hon. Speaker:** Order, hon. Members! Hon. Members representing counties who are walking out maybe to make their representations to some other office, go and make them in peace. If that is where you are going to prosecute your issues, please go and prosecute them in peace. But this is the National Assembly Chamber!

*(County Women Representatives walked out of the Chamber)*

**Hon. Ng'ongo:** Hon. Speaker, I wish our colleagues, the 47 county MPs would just exercise some patience and relax. I know this Bill has taken a bit of time but my issue was with regard to what the Leader of Majority Party said, it is correct that this Bill has been with us for some time and consultations have been going on, which have now gone on for too long. However, it is not correct to say that we can only proceed in concurrence with the Treasury. What the law says is that we proceed having taken into consideration the Treasury's recommendations. So, Treasury gives recommendation but it is the duty of the Budget and Appropriations Committee to decide on what needs to be done. So, my concern is that there is in our Standing Orders the provision on how long it should take for Bills that are going through pre-publication period. It is not a blanket cheque and I know the Budget and Appropriations Committee has had a lot of issues but the reason why this Bill has delayed is because of consultations. So, I will only urge my Chair that we now come to conclusion with these consultations so that we take a firm decision on this Bill. It either proceeds or if we feel it should not proceed, we say so and then the chapter would be closed. I think it is high time that a decision is made because you cannot have the Bill forever.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Hon. Mbadi was on a point of order and I expected that those of you who have done at least one extra time beyond this one would know those basics.

*(Hon. (Ms.) Odhiambo-Mabona consulted loudly)*

Hon. (Ms.) Odhiambo-Mabona, you can never purport to quarrel with the Chair. Certainly, not this one! You cannot sit there and begin engaging the Chair in some quarrel. Hon. Musyimi, you have heard what your hon. Member has said, maybe you want to say something.

**Hon. Musyimi:** Hon. Speaker, the initial Bill that we were dealing with was requesting a certain percentage, relative to the revenues raised. Then I was made to understand – I stand guided – that there is another Bill that is being drafted. I have not seen that Bill and it is in that sense that I was saying when that matter is properly before the Committee, that is to say, the revised Bill, we then deal with it.

**Hon. Speaker:** One way or the other, whatever it is that your Committee feels, you need to make a determination; either to proceed with the Bill or make whatever recommendation and then it will be dealt with.

**Hon. A.B. Duale:** Hon. Speaker, on the outset I want to recognize students from Yusuf Haji Girls Secondary School of Ijara Constituency, Garissa County in the Galleries, on behalf of my good friend, hon. Abbass.

#### BUSINESS FOR THE WEEK COMMENCING 4<sup>TH</sup> TO 6<sup>TH</sup> MARCH, 2014

Secondly, pursuant to Standing Order No.44(1)(2), on behalf of the House Business Committee (HBC), I rise to give the following Statement regarding the business appearing before the House, the week beginning Tuesday, 4<sup>th</sup> March, 2014.

The HBC met on Tuesday at the rise of the House to give priority of the Business of the House for the coming week. Next week, the House will consider the Report of the Departmental Committee on Labour and Social Welfare on the vetting of nominees to the National Gender and Equality Commission. Further, the House will consider the Report of the Departmental Committee on Justice and Legal Affairs on the vetting of the nominees to the position of the chairperson and members of the Kenya National Commission on Human Rights (KNHRC) tabled today. This is because the 21 days for consideration of the matter expire on 4<sup>th</sup> and 5<sup>th</sup> March, 2014, respectively.

On the same day, it is envisaged that the House will consider the Report of the Joint Sittings of the Departmental Committees on Administration and National Security and that of Defence and Foreign Relations on the inquiry into the terrorist attack on the Westgate Mall and the other terror attacks in Mandera and Kilifi. Through you, I wish to urge hon. Members to get copies of those reports and understand the content to enable them make informed debate.

The House will also continue with the consideration of the County Governments (Amendment) Bill, 2014. This is one of the two Bills that originate from the Senate, the other being the National Flag, Emblems and Names (Amendment) Bill, 2013. We, in the National Assembly, must expedite these Bills so that we can convey them back to the Senate. Let me commend the Departmental Committee on Justice and Legal Affairs for preparing their reports on the two Bills on time. Further, in the event the consideration of the Second Reading of the Kenya Qualifications Framework Bill, 2013, the Constitution of Kenya (Amendments) Bill, No. 15 of 2013 and the Statute Law (Miscellaneous Amendments) Bill, No.2 of 2013 are not concluded today, then it follows that they will also be put down for next week.

We are also expecting the Budget and Appropriations Committee to table its report on the Budget Policy Statement (BPS), 2014/2015 in the course of next week for approval. Further, the House will consider approval of Members to specific Committees. This is meant to take care of hon. Members who were elected through the recent by-elections. The Committee on Selection is requested to sit and finalize this matter before we put it down for debate.

Hon. (Maj-Gen.) Nkaissery's Statement was over but now he is still discussing it with the Chair.

*(Hon. (Maj-Gen.) Nkaissery consulted loudly)*

**Hon. Speaker:** Hon. Members, you put this particular procedure in the Standing Order so that sometimes we appreciate hon. Members have engagements in many areas. So, if you know in advance the business coming, then you can arrange your diary. So, if you do not listen, it just shows that you take it as routine.

**Hon. A.B. Duale:** Thank you, hon. Speaker. Now that this House did approve the Report of the Budget and Appropriations Committee on the Supplementary Budget yesterday, I wish to urge Members to prepare themselves for the Supplementary Appropriation Bill, 2014. Further, through you hon. Speaker Sir, I want to remind colleagues that matters of budget take priority in this House and, more specially during the Budget cycle that has already commenced. As the business of the House takes shape during this Session, the House Business Committee has noted an increased number of Private Members' Bills. This is a clear demonstration and readiness of colleagues in this House to do their function of legislation. Let me take this early opportunity to commend my colleagues who have managed to come up with those very important Bills for consideration.

I want to urge Members to appreciate this positive devolvement and give more priority to Bills. It is, therefore, the opinion of the House Business Committee that Bills will be granted more priority as opposed to Motions on Wednesday mornings.

Finally, the House Business Committee will sit on Tuesday 4<sup>th</sup> March 2014 at the rise of the House to consider business for the rest of the week. I now wish to lay the Statement on the Table of the House. Thank you.

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

**Hon. Speaker:** Very well. Hon. Members, I think there is no comment on that. Hon. Ng'ongo, do you have a comment on the business coming next week?

**Hon. Ng'ongo:** Thank you, hon. Speaker. I appreciate the Statement by the Leader of Majority Party. My only concern, which I would request the Leader of Majority Party to pass to the House Business Committee, is that there are some Bills, like my VAT Amendment Bill - I thank the House Business Committee for putting it in the Order Paper. But the way it has been placed in the Order Paper makes it almost impossible to transact. You put other Bills ahead of it. This Bill, if it is not passed within a reasonable time, it will be of no value to this country. I think we appreciate why this

amendment became necessary. So, I request the House Business Committee next week, to consider giving it priority so that, at least, we can transact it.

Thank you.

**Hon. Speaker:** Well, we have given instructions that Private Members' Bills be prioritized as they come. I am sure that, if you look at the order in which they are placed, it reflects the publication time and when they were first introduced in the House. So, I believe that if the House, of course in plenary here, wants to shorten the time they take debating one Bill, very many Private Members' Bills will be done away with. This is just to try and express some view that we cannot all speak to every Bill. If we all want to speak to every Bill on Wednesday morning, then we are actually not helping our colleagues who have proposed certain Bills. It means that they can only be dealt with after that week. I do know that there are about three Private Members' Bills listed for Wednesday next week, and yours being one of them. I am sure the Leader of Majority Party has been pushing to have that Bill debated. It was hoped by the House Business Committee that the last one, which was debated this week, would take less than one hour, so that the others can follow in that order. The new Constitution and our own Standing Orders allow you to come up with legislative proposal as private Members. Indeed, even if you want to amend one article or section in a law, like it happens in other jurisdictions, it is still your initiative. But for us to realize that, we must appreciate that once the substance of a Bill has been introduced and debated by a sizeable number of Members, we should give way so that others can get the chance to be debated. I think hon. Ng'ongo, that matter is in good hands. The Leader of Majority Party has been pushing for it. I know there several others which are in the pipeline.

Hon. Musyimi, do you have something to say before we go to the next business?

**Hon. Musyimi:** Yes indeed. I thank you. Hon. Speaker, the Public Finance Management (PFM) Act, as you are aware, requires that not later than 14 days after the Budget Policy Statement (BPS) is submitted to Parliament, the Budget and Appropriations Committee tables the Report in the House. The deadline for submission of that Report as required by law is next week, the 4<sup>th</sup> of March. It is important to point out that the Supplementary Budget was submitted on 12<sup>th</sup> February this year. The BPS was submitted on 14<sup>th</sup> and it has been fairly a tight schedule for us on both counts. Indeed, the Supplementary Budget was only debated and concluded last night. As you are aware too, the BPS is the document that provides the broad policy direction for the next financial year and, that being the case, I can report that we have only received submissions from four Chairs of Committees this morning. There are many others who have been unable to see us either because they have not been able to complete discussions internally, or because of other reasons. But we have, therefore, concluded as a Committee that we will not be able to submit this document because we have not received the submissions of Committees. We are, therefore, requesting that you extend the time, if you find it possible, from Tuesday 4<sup>th</sup> of March to Thursday 6<sup>th</sup> of March. If that is possible, then I would like to request the Chairs--- Maybe, I should stop there and if you so agree then, perhaps, you will allow me to make an announcement in that regard. I thank you hon. Speaker.



**Hon. Speaker:** Before you switch off your microphone, you say you have only received representations from four Committees. What is the position with the other committees? Is it that they are not ready or that you are already overwhelmed?

**Hon. Musyimi:** Hon. Speaker, we asked them to see us today. I can only assume that they are not ready because they have not gotten back to me.

**Hon. Speaker:** Hon. Musyimi, can you indicate to the House which Committees have presented their reports to you?

**Hon. Musyimi:** Hon. Speaker, I did not want to go that route but now that you have directed, I will.

**Hon. Speaker:** Hon. Musyimi, you see, you as the Budget and Appropriations Committee are sitting for so many hours. Let the House know which Committees have made their representations, so that everybody else can pull up their socks. This is how we encourage each other.

**Hon. Musyimi:** Hon. Speaker, I had to personally go round the premises of Parliament trying to encourage the Chairs to bring reports to my Committee this morning. I spent about half an hour. I can report that we have received reports from the Committee on Transport, Public Works and Housing, Committee on Justice and Legal Affairs, Committee on Energy, Communication and Information and the Committee that deals with the Ministry of Interior and Coordination of National Government; Departmental Committee on Administration and National Security. Those are the only Committees that have appeared before me.

**Hon. Speaker:** Yes, Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I think it is good that the Chair of Budget and Appropriation Committee has been very transparent. Now, out of more than 20 Committees, only four have done it. It is very sad. Even as we sit here, you will find Committees having meetings which permission you have granted. As much as we always put the Executive and other arms of Government to task, I am happy that hon. Ng'ongo is very keen on constitutional timelines, particularly on the National Treasury. We want this Parliament and its Committees to respect timelines. Hon. Speaker, you are the Chair of the Parliamentary Service Commission (PSC) and the Clerk's Office has provided all the infrastructure.

Hon. Speaker, I want you to give direction and ultimatum that even if it is on Saturday, they must sit and agree. The Director of Committees must also be put to task. The Director of Committees must also give Committee Chairs specific timelines that the House requires. I am sure that if you are sitting here, and you are a Chair of a Committee and you have not done what the Budget and Appropriations Committee is supposed to do in terms of timeline, the people of Kenya are watching. They are watching that the Chair, Departmental Committee on Education, Research and Technology; the Chair, Departmental Committee on Lands; the Chair, Departmental Committee on Health and others---

I want to thank the Chair, Departmental Committee on Justice and Legal Affairs; Chair, Departmental Committee on Transport, Public Works and Housing; Chair, Departmental Committee on Administration and National Security and the Chair, Departmental Committee on Energy, Communication and Information. We are proud of

you but the rest must speak for themselves. This is very sad. It is only the four Committees which are working.

Hon. Speaker, yesterday, when you were not on the Chair, an amendment came from the Departmental Committee on Labour and Social Welfare and I want hon. Gladys to listen to me. This Committee had a serious issue but it did not take the opportunity to appear before the Budget and Appropriations Committee. The amendment was shot down.

Again, today we have---

**Hon. Musyimi:** On a point of information, hon. Speaker.

**Hon. A.B. Duale:** Hon. Speaker, we have a couple of Committees that have not met the deadline of the Budget Policy presentation from their sectors.

Hon. Speaker, when you are a Chair, you are not better than the other colleagues. You are only given a privilege and if you cannot lead from the front, then the Committee Members can speak for themselves and we will do the necessary.

**Hon. ole Sakuda:** Thank you, hon. Speaker. I want to confirm that, indeed, the Departmental Committee on Lands had its report ready but there was confusion this morning as to what time we were supposed to present it to the Budget and Appropriations Committee. We talked about that with the Chairman of the Budget and Appropriations Committee and it is for him to give us the time because I am sure our report is ready.

**Hon. Speaker:** Very well. Maybe, we do not have to belabor the point. I think the most important issue is the request made by the Budget and Appropriations Committee to extend the deadline from Tuesday to Thursday, 6<sup>th</sup>. In fairness, granted that there are very many Committees that have not been able to present their reports, that request has merit and is accordingly granted. So, the Chair of the Budget and Appropriations Committee, you will bring your report on Thursday, 6<sup>th</sup> March.

Hon. Sabina Chege, the Chair, Departmental Committee on Education, Research and Technology, do you want to say what hon. Ole Sakuda has said, that your report is also ready?

**Hon. (Ms.) S.W. Chege:** No, hon. Speaker. I just want to make things clear here. Hon. MutavaMusyimi knows that I was ready yesterday, I went before his Committee and they were not yet through with the Supplementary Budget. I also spoke to him today and he gave me a date for Tuesday at 11.00 a.m. So, it is sad for it to be---

**Hon. Speaker:** That is good.

**Hon. (Ms.) S.W. Chege:** So, we are ready, hon. Speaker. On the few issues that we, as Chairs, present to the Budget and Appropriations Committee, we plead that they implement them. It is also very important that they listen to us when we make our proposals. I know that the funds might not be enough but before they make the decision that they are not awarding us what we have sought, it is important that they let us know so that we are also answerable to our Members.

Thank you.

**Hon. Speaker:** You can make the request to the Committee when you get there. Hon. MutavaMusyimi, do you want to say something?

**Hon. Musyimi:** Thank you, hon. Speaker for indulging me. There is also a bit of a problem with the Office of the Clerk because when we made the decision that all the

Committee Chairs report to my Committee on Tuesday, we agreed that we would be sitting in the small dining room from 9.00 a.m. until 1.30 p.m. and that is what we did.

The instructions were then given to the Office of the Clerk. There is somebody who deals with that. That is a lady called Florence. She was then supposed to direct the other clerks of the other Committees to inform their Chairs accordingly. That is not my department. Perhaps in future, the co-ordination of the work between the clerks also needs to happen a little bit more efficiently. This is because I get the impression that many Chairs probably did not know that we were meeting but we had already done the communication and there was nothing else we could have done. It is not my job as the Chairman to be communicating to the clerks of the other Committees. Surely, that falls under the Office of the Clerk of the National Assembly.

**Hon. Speaker:** There is a Director of Committees. That is the work of the Director of Committees and she should be accordingly informed of the sittings. Therefore, hon. Nuh and hon. Pukose, you do not have to tell us the state of your reports now that there is more time to present and there will be better co-ordination hopefully. I assume that your reports are also ready for presentation to the Budget and Appropriations Committee.

**Hon. (Dr.) Pukose:** Hon. Speaker, debate---

**Hon. Speaker:** No, there is no debate. You can debate before the Committee so that we can do other business now.

Hon. Members, before the next Order is called out, I want to remind hon. Members that before we went on recess, I am sure that Members will recall that there were some amendments made to our Standing Orders. Therefore, some of the business in Order No.8 was interrupted due to the recess. Therefore, those that were in the Committee will start at the point at which the Committee had reached. I think that is Order No.8(i). I think you had gone up to Clause 4. It is fair that you deal with it. I am aware that there are several proposed amendments. I am sure that the Members who had proposed them are ready and they have been informed. One of them is hon. Millie Odhiambo.

I think it is good to proceed with that. Prosecute your amendments and then finalise that business before you go to the next one. This is because if you go to the second business before the first one, I believe that you will cause confusion to the Members who have already prepared. I had an indication that hon. Millie Odhiambo was ready with her amendments and they reminded the Office of the Clerk to put them on the Order Paper and I think they have done that.

Hon. Members, I just wanted to make that clarification and call for the next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Hon. Speaker left the Chair]*

## IN THE COMMITTEE

*[The Temporary Deputy Chairman (Hon. Kajwang')  
took the Chair]*

THE NATIONAL POLICE SERVICE COMMISSION  
(AMENDMENT) BILL

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hon. Members, this is the Committee of the whole House considering the National Police Service Commission (Amendment) Bill, National Assembly Bill No.17 of 2013. We are considering Clause 4.

*(Clause 4 agreed to)*

*Clause 5*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, first of all, I want to say that these are outstanding clauses in this amendment Bill. When we left this House, we got the news that the late President Nelson Rolihlahla Mandela passed on. I want to pass my condolences to him and the family posthumously.

Having said that, I beg to move that Clause 5 be amended in paragraph (a) by deleting the words “and approval of the Cabinet Secretary” appearing in the proposed new paragraph A.

This is to ensure that the Cabinet Secretary shall not be deemed to be interfering with the internal affairs of the Commission on matters of human resource development yet the Commission is an independent office as provided for in Article 248(2)(j) of the Constitution. So, we want to ensure that the Commission is totally independent from micro-management by any Cabinet Secretary, namely, the present and even the future Cabinet Secretaries. This is because the complaint has been that the Commission was being micro-managed from the Office of the President by the Cabinet Secretary thus undermining the independence of the same Constitution.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hon. Members, you understand that this is how we will move in this clause that, if, the House upholds the amendment by hon. Kamama, then the amendments by hon. Agoi and those by the Member for Mbita, will therefore, be superfluous.

**Hon. Ng'ongo:** Hon. Temporary Deputy Chairman, I support this amendment because I believe this is a progressive amendment. I was concerned that we are subjecting the Commission to the consent of the Cabinet Secretary, which would have compromised the independence of the Commission in terms of appointing or hiring the officers and staff. So, if we get this right, then the amendment by my sister, Hon. Millie, which also would have been a better improvement on this particular clause, in the event that this amendment by the Committee did not come earlier--- So, I support.

**The Temporary Deputy Chairman** (Hon. Kajwang’): To be fair, let me hear what these two other Members are saying. Member for Mbita.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman for giving me this opportunity. I want to thank hon. Kamama for moving that amendment. Indeed, this is the Kamama I knew in the last Parliament. He was this forthright and brought this good amendment. So, because his amendment is better than mine, I support and I understand that mine falls.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I appreciate you. May we also hear from the Member for Sabatia.

**Hon. Masadia:** Hon. Temporary Deputy Chairman, I want to thank hon. Kamama. When we were closing the last Session, he was a bit hostile on the amendments, but he has had a change of heart and I want to thank him. The amendments were going to cripple the Commission because they were going to make sure that the Cabinet Secretary takes full control of making decisions and giving permission. Because this has been deleted, I want to thank and support the amendment.

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

*(Clause 5 deleted)*

*Clause 6*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Sabatia! You understand, both of you; the Member for Mbita and the Member for Sabatia, that each of you are seeking deletion. So, if therefore, we carry his amendment yours will be superfluous.

**Hon. Masadia:** Thank you, hon. Temporary Deputy Chairman. The Member for Mbita has always been speaking. You better give me a chance to contribute because she will always get a chance next time. She is favoured sometimes.

I beg to move:-

THAT, Clause 6 be deleted.

Vetting is a very important factor of the Commission and if we do not delete Clause 6, it will mean that we remove the vetting function from the National Police Service Commission. That will kind of paralyze operations and integrity of the officers. So, we have it deleted, so that the vetting process and function remains with the National Police Service Commission.

*(Question of the amendment proposed)*

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman. I concur and I want to congratulate the Member for Sabatia for having a similar amendment. To encourage the Member, one of the ways that you get to contribute is to do exactly what he is doing. There is no choice. You have to contribute. So, I just want to thank him that he has learnt the tricks of the book. I therefore, support his amendment.

The reason for my support is that I do not understand why we want to stop the Commission from making regulations for vetting. I looked at it and it does not stop them from vetting, but it stops them from making regulations on vetting. So, we are basically saying that we can still allow them to vet without regulations. I support the deletion because the proposed amendment by the Chair will in effect, allow the Commission to vet but without making regulations.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The Chair of the Committee, do you have a contrary opinion?

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I support the amendment by hon. Agoi that vetting should be part of the process of managing that Service. So, I support it totally. We need vetting so that we can get the best in the Service.

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

*(Clause 6 deleted)*

*Clause 7*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, Member for Sabatia. Chair, you understand therefore that if the amendment by the Member for Sabatia is carried, then the amendment you sought will be dropped. The Member for Sabatia is proposing to delete the clause, according to the Order Paper. It would therefore mean that, if we carry it, then yours will be dropped. That is for directions and not debate. This is practice and procedure; it does not call for your reaction at all. Hon. Agoi, please proceed.

*(Loud consultations)*

First of all, we need to have an amendment proposed on the Floor, before we can entertain a point of order. Can you proceed please!

**Hon. Masadia:** Thank you, hon. Temporary Deputy Chairman. I beg to move:-  
THAT, Clause 7 be deleted.

It is dealing with quorum. We only have nine members and a quorum of five members. This clause requires that we get six members and it is going to be very difficult to get them in a busy organization like this which is dealing with national security issues.

We need to reduce the quorum back to five, as it was in the original Act so that decisions can be made quickly. They need to discharge their function efficiently and effectively. Chairman of the Committee, I know you are in a hurry to talk, but please support me.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Alright, I can now take your contributions, in the order that they come. First in line is the Member for Mbita.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman-

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**The Temporary Deputy Chairman** (Hon. Kajwang’): It will be helpful for the Chair to be the last one to speak on this.

**Hon. (Ms.) Odhiambo-Mabona:** I just wanted guidance, because ordinarily the procedure is that if the Chair has an amendment, then he or she has priority.

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, it does not. According to the Standing Orders, an amendment seeking to delete a particular section of law has priority over a normal amendment because it is deleting the entire clause. If it is carried, then the other one lapses. If it is negated, then we go back to the amendment sought by the Chair or anybody else and amend it. That is how I understand the Standing Orders.

Anybody else who wants to speak on this subject? Can I extend this debate, it seems to be for Members from Suba alone? Can I hear from Ikolomani for example?

**Hon. Shinali:** Thank you, hon. Temporary Deputy Chairman. I rise to support this amendment. The quorum of six members from nine members is very high. Even in this House it is difficult to raise two-thirds. This is two-thirds of nine members. I would like the quorum to be reduced to five members with a mandatory of a member from the National Police Service. Otherwise, I sincerely feel the Commission cannot run, if we have to put the quorum at six.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Alright, I can hear a few more. Hon. David Gikaria, Member for Nakuru.

**Hon. Gikaria:** Thank you, hon. Temporary Deputy Chairman, I stand to oppose. I am a Member of the Committee on Administration and National Security and we had an opportunity of listening to Mr. Nyachae of the Commission for the Implementation of the Constitution (CIC), the Police Service Commissioner, the Inspector General (IG) and the Cabinet Secretary for Interior and Coordination of National Government.

The complaint that was there is that if we left it at five, three can be from the uniformed forces. It is possible for civilians to say that they are not part and parcel of a decision made. After deliberations with various stakeholders, the Committee agreed that it is fair to have six with a condition that four will be civilians and at least the two will be the IG or his two Deputy Inspectors. This was advice given by the CIC. If we leave it at five, we can have three from the uniformed forces and two civilians and they can---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Point well made. Yes, Member for Homabay Town.

**Hon. Kaluma:** Thank you, hon. Temporary Deputy Chairman, for the opportunity to contribute to this matter. I rise to support the amendment proposed by the Member for Sabatia. We know the composition of the National Police Service Commission and I am making this presentation on consideration of what is also proposed in Clause 8---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just hit the point, the way the others have been doing it.

**Hon. Kaluma:** The point I am making is that to increase the number in terms of quorum will be to disable the Commission from meeting to execute its mandate at all. There is no way we can know that when we move it to six, the three that hon. Gikaria is talking about will be there, if you add to the fact that there is a possibility they are going

to hold only six meetings in a year. We are strangulating the Commission; it may not meet if we make the quorum so high.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The Leader of Majority Party, we do not want to make this a debating issue, but let me hear you now, I can see your request please.

**Hon. A.B. Duale**: I was only supporting that Clause 7 should not be deleted but replaced with the following---

**Hon. (Dr.) Pukose**: (*off record*)

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Pukose, please.

**Hon. A.B. Duale**: No! No! I am not supporting. I am talking about Clause 7 by the Chair---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, speak your mind.

**Hon. A. B. Duale**: The one which states that the quorum of the meeting of the Commission shall be six members who shall include--- I am supporting it because we need to have a balance. This is a Commission of both the---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hold on just a minute, we are deleting. Not before I hear from the Chair, can I hear from the Chair please? Hon. Kamama.

**Hon. Abongotum**: Hon. Temporary Deputy Chairman, I wish to propose that Clause 7 be deleted and replaced---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Kamama, I think you---

**Hon. Abongotum**: So, if I just oppose that amendment will actually---

**The Temporary Deputy Chairman** (Hon. Kajwang’): I thank you for being accurate on your feet.

**Hon. Abongotum**: I oppose, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Shall I put the Question? Alright, let me be fair to you again. Member for Suba!

**Hon. Ng’ongo**: Yes!

**The Temporary Deputy Chairman** (Hon. Kajwang’): If you could only take at least one minute.

**Hon. Ng’ongo**: For the time being, we only have one MP for Suba. In the next Parliament, we will have one for Suba North and another for Suba South, so there will be two MPs from Suba in the 12<sup>th</sup> Parliament. I pray that I will be one of them.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Is there a district called Suba?

**Hon. Ng’ongo**: I want to oppose this amendment. Listening to hon. Gikaria, I tend to be persuaded that we should allow the proposed amendment of a quorum of six to proceed. Truly, first of all, for one to be a member of a Commission, we must raise the threshold for quorum, so that if they are not performing, we dissolve it and have a new one. Again, hon. Gikaria said, we do not want a situation whereby only those who are in the police force are in attendance because we wanted to reform the police service through this Bill. So, I oppose.

*(Question, that the words to be left out*



*be left out, put and negatived)*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, clause 7 be deleted and replaced with the following new clause—

Amendment of  
the Second  
Schedule of No.  
30 of 2011.

**7.** The principal Act is amended in the Second Schedule by deleting paragraph 3 and substituting therefor the following new paragraph—

Quorum. 3. The quorum of meetings of the Commission shall be six members, who shall include—

- (a) the four members appointed under Article 246(2)(a)(i) and (iii) of the Constitution; and
- (b) any two of the members appointed under Article 246(2)(b) and (c).

Hon. Speaker, it is important that hon. Members appreciate the fact that we have members of this Commission who are civilians and we have other members who are uniformed. We want to blend the two so that it is not actually inclined to favour one side. That is why we propose that we increase the number to six so that they can be properly represented in the Commission.

Therefore, I propose.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Bunyasi, do I put the Question? Where are you?

**Hon. Bunyasi:** Can you allow us to contribute a bit?

**The Temporary Deputy Chairman** (Hon. Kajwang’): Could you rise as you speak?

**Hon. Bunyasi:** Sorry, I am short. Remember that the Inspector-General could be a civilian. That is my understanding from the Constitution. He did not have to be a uniformed person. So, the argument that uniformed persons must be accommodated to six is too demanding. Actually, a quorum of six is really debilitating to the Commission. I am sure about that.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Therefore, you are opposing it.

**Hon. Bunyasi:** Yes, I am opposing it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Let us hear from the hon. Member for Mbita.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Temporary Deputy Chairman. I stand to oppose. I oppose because one of the reasons that the Commission has been having challenges is that, sometimes they do not get the quorum and sometimes they are blackmailed by the members, especially from the Service. In fact, a day or two ago, I saw them pool their members. If they do not have a quorum, it means you have effectively killed the Commission. So, we need to allow the Commission to do its work, if other members are not willing to attend. It would be a way of blackmailing the Commission.

Therefore, I oppose.

**Hon. Lentoimaga:** Thank you, hon. Temporary Deputy Chairman. I stand to support that the quorum be comprised of six members because these other members are uniformed and in the day to day operations of the police, they are there commanding and doing the normal work of police. If they will allow five members, they can make decisions that cannot be necessarily favourable to the other members and this has been causing conflict.

Therefore, we need to put them there so that we can run the Commission.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. You are well understood. Thank you.

Hon. Member for Taveta, can you whisper for the Leader of Majority Party so that you can speak both on his behalf and your behalf.

**Hon. (Dr.) Shaban:** Asante sana, Naibu Mwenyekiti wa Muda. Nataka kusema kwamba kuna umuhimu wa kuhakikisha kwamba kazi ya tume inayosimamia maswala ya askari, inaendelea vizuri. Wafanyakazi hao wa usalama wako na jukumu kubwa; lakini juu ya hapo, kukifanywa uamuzi, kama wenye kuwasimamia katika zile kazi hawatakuwapo, kutakuwa na matatizo. Kwa hivyo, ninaunga mkono mabadiliko haya ambayo mwenyekiti wa Kamati hii amependekeza ili wale wajipange vizuri ili waweze kufanya kazi. Maanake wakikosa kufanya kazi, watakuwa wamekosea Wakenya.

Kwa hivyo, kuna umuhimu wa kuwa watu sita wafanye kazi hiyo.

Asante.

*(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)*

*(Clause 7 as amended agreed to)*

*Clause 8*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 8 be amended in sub-clause (7) by deleting the word “fourteen” and substituting therefor the word “four”.

What I am seeking to do is to remove 14 days notice for any meeting. We can see very clearly that this Commission is a very busy one. Therefore, if you give it 14 days every time they want to meet, it is a way of crippling it. When you want to cripple the Commission, you do not cripple it by directly saying “bring down the Commission”, but by doing very many administrative actions that then cripple it and it makes its work difficult, one of which is of course, raising the quorum to impossible standards and the second one putting the notice to very long notice periods.

Therefore, I am proposing that the notice period moves from 14 to four days. Even as I want to move, I also wanted the Chair’s ruling on whether we are properly constituted because one third of this House is not here. The women representatives are not here. I do not know whether we are properly constituted.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Well, I will give you direction on that very easily. This is a Committee of the whole House. It has proceeded from where the House in plenary left. When the House was in plenary, it was fully constituted in terms of the Constitution and in terms of quorum. Therefore, if a few hon. Members have decided to go for a cup of tea, that is all right. The rest of hon. Members in the Chamber will continue with the business.

*(Question of the amendment proposed)*

**Hon. Ng’ongo:** Thank you, hon. Temporary Deputy Chairman. Actually, this amendment by hon. Odhiambo-Mabona needs to be supported. This issue of giving notice of 14 days was based on the old tradition where you were writing letters and posting them to invite people to come from all over the country for meetings.

Nowadays the Commission has people who are information compliant, I do not want to use the word “digital” because that word to me seems not to be a very nice word. They talk of digital but play analogue. Anyway, what I want to say is that, in this age of information technology, by the click of a button, you can invite someone even in a matter of hours or minutes to attend a meeting. You do not need two weeks to invite members to attend a meeting.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, you are in support?

**Hon. Ng’ongo:** Definitely. I cannot oppose a progressive amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Hon. Njagagua, the Floor is yours.

**Hon. Njagagua:** Hon. Temporary Deputy Chairman, I do not want to use the words I have heard people use: “Put him on”. I do not think that is Parliamentary. I personally support that amendment. I will not shy away from using words that are in this digital era because as an hon. Member said, it is very easy to convene a meeting even within a day. We have done that before, hon. Temporary Deputy Chairman, if you remember. When you are calling your troops, within a day they will be around.

I support.

**Hon. (Ms.) Kipchoim:** Hon. Temporary Deputy Chairman, I also want to support what hon. Millie has proposed. I want to use the same word the Member for Suba is avoiding to say, people are now digital.

**Hon. Chumel:** Hon. Temporary Deputy Chairman, I also rise to support. This is because we are dealing with security matters and an issue can take long and then later bring problems. The proposal she is giving is suitable.

I support.

**Hon. Wetangula:** Hon. Temporary Deputy Chairman, I support the amendment. This is in conformity with the new technological era. This is because nowadays we can summon the Commission even by SMS. This is a security commission and it can be called at a short notice. So, four days is good.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Chairman of the Departmental Committee, did you have a dissenting opinion on this?

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I support and it is in the interest of efficiency. As you know even our Cabinet meets every Thursday. So, this being a digital Government, I support it.

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

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

*(Clause 8 as amended agreed to)*

#### *Clause 2*

**Hon. Masadia:** Hon. Temporary Deputy Chairman, I beg to move:- THAT clause 2 be deleted.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Sabatia, can you explain yourself?

**Hon. Masadia:** Hon. Temporary Deputy Chairman, I beg for two minutes and then I will come back to it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): No! Can you, please, finish moving the amendment?

**Hon. Masadia:** No, I said that we delete Clause 2.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Could I be kind enough to supply you with the words that: “I propose that the Clause be amended as proposed in the Order Paper.”

**Hon. Masadia:** Hon. Temporary Deputy Chairman, I proposed that the Clause be amended as proposed in the Order Paper, that is, Clause 2 be deleted.

*(Question of the amendment proposed)*

**Hon. Geni:** Hon. Temporary Deputy Chairman, it would have been fair enough if the Member explained what the clause says so that we read from the same script.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Well, I gave you that opportunity to debate. You have ended up giving some other information.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I stand to oppose that amendment because the Member has not convinced us enough as to why he wants Clause 2 deleted.

**Hon. Ogalo:** Hon. Temporary Deputy Speaker, the amendment proposes to make the Inspector General and the two Deputy Inspector Generals full time members of the Commission. I think that is not in order. They are supposed to remain ex-officio members who only come for the meetings. The principal Act which the proposed amendment seeks to amend states that the Chairperson, the members of the Commission other than ex-officio members shall serve on a full time basis. So, if we amend that by removing ex-officio members from that clause the Inspector General and the deputies will be full time members.

I support the amendment.

**Hon. (Ms.) Mbalu:** Hon. Temporary Deputy Chairman, I stand to oppose the amendment because the hon. Member does not seem to own it. He has not explained it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): He has owned it. He has said that he is moving the amendment as per the Order Paper. So, we will allow Members to go at the pace that they are.

Dr. Pukose, you know there are some Members who could be slow, but very thorough. Others could be very thorough, but very fast also. So, let us have all Members go at their pace.

**Hon. Serem:** Hon. Temporary Deputy Speaker, I stand to oppose the amendment. I disagree completely. You cannot say, “as proposed in the Order Paper”. This is because the Order Paper says: “That Clause 2 be deleted”. What is it that we are deleting?

**The Temporary Deputy Chairman** (Hon. Kajwang’): We are deleting the principal Act. You must have seen the principal Act.

**Hon. Serem:** As per the Order Paper?

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, which is to remove the words which are on the Order Paper!

**Hon. Serem:** But the Member was not able to express that!

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I hear the Chairman of the Departmental Committee on this?

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, we over consulted on this issue together with all the stakeholders, members of the Commission, CIC and other interested parties. We agreed that the three of them should be full-fledged members and not ex-officio members.

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

*(Clause 2 agreed to)*

*(Clause 1 agreed to)*

*(Title agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right, hon. Members. We will move to the next business. This is the Committee of the whole House considering the second business which is the Kenya Heroes Bill, National Assembly Bill No.30 of 2013.

THE KENYA HEROES BILL

*(Clause 3 agreed to)*

*(Loud consultations)*

**Hon. Members:** But there is no Clause 3.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order, I believe that each one of you is aware of your constitutional obligations in this House and the Chair will uphold what you people decide. The Chair does not have a vote in this matter. So, if you choose to do your issues recklessly, that is how the Chair will go. However, I want to take it that my constitutional role requires that there is an Act of Parliament. If therefore there is no Clause 3 in any legislation then there will be no legislation at all. So, I will rule that we will go back on Clause 3 again.

**Hon. Members:** Why?

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, hon. Temporary Deputy Chairman.

*(Clause 3 agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Member for Rangwe, can I hear you on the microphone?

**Hon. Ogallo:** Hon. Temporary Deputy Chairman, when you put a Question you are supposed to get an answer from the Members. When the Members vote, we have voted. You cannot seek your own view by taking a Question back to the Members.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Other than the fact that I find your address a little despicable, I also think that I have a constitutional duty under Articles 94 and 95 of the Constitution to make sure that we have a legislation in this House. Let us proceed.

*Clause 4*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 4 be amended by deleting the word “co-opt” appearing in sub clause (5) and substituting therefor the words “hire as consultants”.

Hon. Temporary Deputy Chairman, if you look at what is proposed in the Bill it provides that the Commission may co-opt members and yet there is a very clear way in which the members of the Commission are appointed by law. So, I wish the Leader of

Majority Party would give me an ear. Could I please request that the Leader of Majority listens because he is the one who is responding?

**The Temporary Deputy Chairman** (Hon. Kajwang’): This House is composed of very many Members and not only the Leader of Majority Party.

**Hon. (Ms.) Odhiambo-Mabona:** Okay, then if I have your authority because he will be taking me back.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Go on. The Chair has all his ears for you.

**Hon. (Ms.) Odhiambo-Mabona:** Okay, Chair. I even want when they support me they do so knowingly and when they oppose me, they oppose me knowingly.

**The Temporary Deputy Chairman** (Hon. Kajwang’): But you are persuading the whole House and not necessarily the Leader of Majority Party.

**Hon. (Ms.) Odhiambo-Mabona:** He is the Mover. However, I wish to state that the reason why I am proposing this amendment is that if you look at the law, it provides a manner of appointing commissioners. What this “co-opt” does is that it provides an unlawful way of appointing commissioners. What ordinarily happens is that if they need expertise then they hire consultants but you do not co-opt commissioners. It is like the Police Commission that we have just dealt with now. You have seen, for us to bring the Inspector-General (IG) and his deputy we had to move an amendment to make them full members and not ex-officio members. However, when you give the Commission authority to go and co-opt members and it does not state how many members and how they are appointing them, you might actually appoint commissioners that are more than the Commission itself and they are full time commissioners. So, that is why I am saying the better way is to hire consultants but not to co-opt. In the practice of this country, there is no law where you co-opt.

*(Question of the amendment proposed)*

**Hon. Kaluma:** Hon. Temporary Deputy Chairman, a commission cannot by itself co-opt commissioners more so when we have in our laws the procedure through which you make people commissioners to this Commission or any other commission. It would be worse with regard to the fact that all commissioners including ex-officio members will be members. You will have a situation in which really you do not know the Commission proper. Even our work as Parliament in terms of vetting the commissioners will be duly undermined. Thank you.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Most of you have spoken on this. Member for Kitutu Chache North.

**Hon. Serem:** On a point of order, hon. Temporary Deputy Chair. Even if we use the words “hiring consultants” they cannot be commissioners.

**The Temporary Deputy Chairman** (Hon. Kajwang’): But you could also have preferred your amendment and then we would have been debating it. Now the amendment which we have is very clear.

**Hon. Serem:** Hon. Temporary Deputy Chair, then I am opposing the amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): But that cannot be by point of order. Let us allow somebody to speak before we come to you.

**Hon. Serem:** I have the Floor! I am sure you cannot replace “co-opt” with “hiring consultants”. So, I am opposing the amendment because these consultants cannot be and will never be---

**The Temporary Deputy Chairman** (Hon. Kajwang’): So you are opposing!

**Hon. (Ms.) Odhiambo-Mabona:** He is misleading the House!

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. (Ms.) Odhiambo-Mabona, you are the Mover so I will come back to you when hon. Memebtrs have had opportunity to deliberate. Not everything must come by way of point of order. Just hold on; I will come back to you.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I want to support hon. (Ms.) Odhiambo-Mabona on the issue of hiring because when you look at the issue of hiring consultants, I think if we say we are going to co-opt a consultant, it makes it very difficult for the Commission to pay those consultants for their consultancy services. But if you are going to hire consultants, you can advertise your consultancy services and engage them at an agreed cost. When you co-opt, how do you remunerate them? It is very difficult. So, I support the amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Well said! Hon. (Ms.) Odhiambo-Mabona, have a second bite on the cherry.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I just wanted to clarify to the hon. Member who is well meaning but he misunderstood me. When I say “hire consultants” the consultants cannot be commissioners. I am not saying that they be commissioners. The practice is that when you hire consultants, it is just like what the hon. Member who has spoken before has said, you put terms of reference, like the ones we have just taken for the socio-economic audit of the Constitution. You put terms of reference. You hire specific people for a specified time and for a specified task. When their task is done, they leave. But when you co-opt, it means they become part of the commission and you can even co-opt more than the commission. So, that is my clarification.

**Hon. Serem:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): What is out of order? Remember you are addressing what is out of order; not debating. What is out of order?

**Hon. Serem:** Hon. Temporary Deputy Chairman, I felt that the information given--- If you say “co-opt” appearing in Clause 5---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Could you kindly refresh on what a point of order is and then we will be together.

*(Question, that the word 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)*

*(Clause 4 as amended agreed to)*

*Clause 5*



**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chair, I beg to move:-

THAT Clause 5 be amended by inserting the words “through a public and participatory process” immediately after the word “recommend” appearing in paragraph (b).

The essence of this amendment is that this is a very important Bill through which we want to recognize the heroes who have done a lot of good for this country in different sectors; sports, environment and other areas. To receive acceptability, we need to have this through a public and participatory process that could mean something as simple as saying that you ask the public to nominate. You put a newspaper advert and ask the public to nominate heroes. Then in that way when you have heroes, they become acceptable to the public. It does not mean that the public will be the ones to select; you have a selecting authority but you get the public to be involved and then we own them.

*(Question of the amendment proposed)*

**Hon. Chepkong’a:** Hon. Temporary Deputy Chairman, first and foremost, if you look at the proposed amendment that is one of the functions of the council; to identify and recommend national heroes. On public participatory process, there is no provision. Even if you amend that, what procedure is going to be followed in identifying the persons or the public? There is no procedure! The council itself will identify and recommend national heroes. It is their responsibility. That is a function that has been given to them.

With those few remarks, I totally oppose this. It does not make sense.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I want to urge my good friend, hon. (Ms.) Odhiambo-Mabona to agree with me on this, one of the functions of the council is recommending heroes. They will do what is currently being done; putting it on the newspapers. That is a function of the council, so please drop that so that we move ahead.

**Hon. Ogalo:** Hon. Temporary Deputy Chairman, if we just allow the council to identify by themselves without any public participation--- We should invite the public to participate and help the council in identifying these heroes. So I support the amendment.

**Hon. (Prof.) Nyikal:** Hon. Temporary Deputy Chairman, we must look at this in the context of the Constitution. The Constitution invites that for any public activity, there should be public participation. As it is now, the council can do it in any way they like. We know that in this country we have had complaints that when people are given positions, they start picking their friends and relatives. Therefore, I support the amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I will now put the Question!

**Hon. A.B. Duale:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Why are you pulling me behind? Do you have some new reflections on this?

**Hon. A.B. Duale:** Yes, hon. Temporary Deputy Chairman. I wanted to give the chance to hon. (Ms.) Odhiambo-Mabona.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I see you are doing what you know best; to lobby in the House.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I know we will finally get there but this is how we conducted business in the last House. It is not always that we oppose without reason. The Leader of Majority Party has brought to my attention that it is already provided for in Clause 22. I am satisfied, so I drop my amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I like that spirit; that spirit which was in that other House should also come into this House; that Holy Spirit! Hon. (Ms.) Odhiambo-Mabona, can you go on record as dropping that amendment?

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Temporary Deputy Chairman, I wish to drop my amendment to Clause 5 because it is already provided for in Clause 22. My concern is on the element of public participation.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Do I hear unequivocal word that you have dropped that amendment?

**Hon. (Ms.) Odhiambo-Mabona:** I have dropped that. It is already in the Bill.

*(Proposed amendment by  
(Ms.) Odhiambo-Mabona dropped)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. I will now put the Question.

*(Clause 5 agreed to)*

*(Clauses 6 and 7 agreed to)*

*Clause 8*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let us move to Clause 8. There is an amendment by hon. (Ms.) Odhiambo-Mabona.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you Chairman. I request that I move this by sub-sections because some might be contentious and others may not.

**The Temporary Deputy Chairman** (Hon. Kajwang’): That is all right. So, you are in Sub-clause 1.

*Clause 8(a)*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 8 be amended-

- (a) in sub-clause (1) by inserting the following new subparagraphs immediately after subparagraph (vi) of paragraph (a)-
  - (vii) human rights;
  - (viii) environment;

I am moving an amendment to Sub-clause (1), and I am urging that one of the standards we provide for the council is human rights and environment. The reason is this: If you look at the work that the First Lady is doing on issues of protecting children and the environment, she is doing a lot of work. This Bill has not given that a lot of attention. Should we ever want to honor the First Lady for the work she is doing, it means that on issues of human rights and environmental she is not covered. So, I am proposing that you include human rights and environment because of that reason.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Under Sub-clause (1), I see something on (viii). What do you want to do with (viii)? Take those two together. Member for Mbita you have covered (vii) and (viii), is that so?

**Hon. (Ms) Odhiambo-Mabona:** Yes.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Right. Let us deal with those ones. First of all, let me propose the Question.

*(Question of the amendment proposed)*

Hon. Gikaria, your microphone is on all the time. What are you requesting, Member for Nakuru Town East? Okay those are Members who switch on their microphones and then leave. Member for Kitutu Chache North. Just one minute.

**Hon. Angwenyi:** Thank you, Temporary Deputy Chairman. I support this amendment. We need to recognize people like the late Prof. Wangari Maathai, who was involved a lot with environment. We must recognize, like she says, the work being done by the First Lady and Second Lady in promoting table banking as a right to our people.

I beg to support.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Well said. Member for Kuresoi North.

**Hon. Cheboi:** Hon. Chairman, it is always very difficult to agree with hon. (Ms.) Odhiambo-Mabona. But I think the spirit which she has invoked a few minutes ago is catching up with all of us.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Is the Holy Spirit flowing? Can you feel it?

**Hon. Cheboi:** I really feel it all over my body.

*(Laughter)*

I actually think it is a very wise idea to recognize those particular individuals who have helped Kenya in terms of environment and human rights. I really want to support that, that amendment is carried.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I will, therefore, put the Question.

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

*Clause 8 (b)*

**Hon. (Ms.) Odhiambo- Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 8 be amended-

(b) In Sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)-

(c) In violation of Chapter Six of the Constitution”,

In Sub-clause 2, I am suggesting that we do not appoint persons who are in violation of Chapter Six of the Constitution. They should not be appointed to the Council. We just import the Constitutional provision of Chapter Six.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Member for Ugenya. **Hon. Ochieng:** Thank you so much hon. Temporary Deputy Chairman. I seek to support and you know the reason Chair.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Suba.

*(Loud consultations)*

Order! Did you say that you are supporting without reason? Give the Member for Ugenya the microphone.

**Hon. Ochieng:** Chair, most of the times, we think alike and so, I thought you know the reasons. But the reason is this: In the previous Sub-section, it talks about someone being of good character and integrity. But what the Member for Mbita is doing is taking it further and confirming.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. I hear you. We were at Member for Suba just behind you. Can you support Member for Mbita?

**Hon. Ng’ongo:** Thank you, hon. Chairman. I think I have a problem and, maybe, I need to get to understand the amendment. That is the wording of this amendment “in violation of Chapter Six of the Constitution”, I really need to get that part. You see, first, you do not just say “in violation”. Either you are found--- It should be “you are found”, because how will you determine?

**The Temporary Deputy Chairman** (Hon. Kajwang’): If that amendment were to be carried, this Sub-section would read as follows:-

“A person shall not be qualified for appointment as a member of the Council if such a person is:-

(c) in violation of Chapter Six.”

It is a continuous sentence and it makes a lot of sense.

**Hon. Ng’ongo:** Hon. Temporary Deputy Chairman, you know this thing of saying “in violation of Chapter Six” we need to be very specific. I would have expected hon. (Ms) Odhiambo-Mabona to be a little bit more specific. That is because when you talk of “in violation of Chapter Six”, the next question is how then you are found to have

violated Chapter Six. We have had precedents where this provision is just academic in our law.

**The Temporary Deputy Chairman** (Hon. Kajwang’): But Chapter Six, itself, explains how people get to violate it.

**Hon. Ng’ongo:** No! We should say: “You are found to have violated Chapter Six.” Otherwise, someone may just sit in his house and interpret that you have violated Chapter Six.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Ainamoi.

**Hon. Langat:** Thank you very much, Temporary Deputy Chairman. I think the amendment, in my view, is vague. That is because Chapter Six has a whole lot of issues. I propose that hon. (Ms) Odhiambo-Mabona defines what she really wanted because it is too vague.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, you oppose?

**Hon. Langat:** Yes I oppose, unless she clarifies it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The last on this will be Member for North Horr.

**Hon. Ganya:** I support the amendment. The spirit and the letter of Chapter Six of the Constitution on issues of integrity is very clear and precise. If it is well interpreted, it is very clear and precise.

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

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you complete your amendments, hon. Member for Mbita?

*Clause 8(c)*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 8 be amended-

(c) by inserting a new Sub-section (3) as follows-

(3) The Cabinet Secretary shall appoint the six members of the Council referred to in Section 4(3), one from each list nominated by-

- (a) the Kenya National Union of Teachers;
- (b) the Central Organization of Trade Unions;
- (c) the Law Society of Kenya;
- (d) the Kenya Professionals Association;
- (e) a joint forum of religious leaders;
- (f) a network of civil societies.

Hon. Temporary Deputy Chairman, this is the last thread of my amendments. It is to insert a new Sub-clause (3).

*(Question of the amendment proposed)*

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): That seems interesting but we will go by the request, the Leader of Majority Party.

*(Hon. (Ms.) Odhiambo-Mabona consulted some Members)*

**Hon. Chepkong’a**: Hon. Temporary Deputy Speaker, could you maintain order from hon. Millie Odhiambo. She needs to listen to this because it is important and it affects her.

This particular proposal is unconstitutional.

*(Several hon. Members entered the Chamber  
without bowing to the Chair)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members getting into the Chamber, please do that decently.

**Hon. Chepkong’a**: Hon. Temporary Deputy Chairman, the Constitution is very clear. It says that any appointment that is made in any particular body that is statutory must ensure that there is gender parity. Thirty percent must be, at least, persons of the opposite gender. If you look at this particular list, you will find that all of them are men. Let me take, for instance, KNUT. A man has been picked from there. A man has also been taken from the Central Organization of Trade Unions; the Law Society of Kenya has provided a man and the Kenya Professionals Association has also picked a man. Part (e) talks about a joint forum of religious leaders. Which ones are they? Are they Islamic, Christians, Anglicans---

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, you oppose?

**Hon. Chepkong’a**: We oppose, hon. Temporary Deputy Chairman. This one is unconstitutional.

**Hon. Cheboi**: Hon. Temporary Deputy Chairman, I also want to take this opportunity to oppose this amendment and say that, that spirit which had gotten into me has just escaped. A series of---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, did you hear that the Member for Kuresoi North has lost the Holy Spirit that was flowing---

**Hon. Cheboi**: It is not the Holy Spirit, hon. Temporary Deputy Chairman. It is a spirit because I was not sure which spirit it was in the first place. However, I want to say that these groups, other than the first three, are amorphous organisations. Let us look, for example, at the issue of Kenya Professionals Association. To me that looks amorphous because I am not sure what it is. Like what hon. Chepkong’a has pointed out, a joint forum of religious leaders is also amorphous. A network of civil societies, that is even worse. So, I oppose these organizations which are amorphous. I am sure that the hon. Member is even convinced that---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much. I will give the Member for Mbita a few seconds.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman. I do not want the Holy Spirit to escape from my brothers. You know because of my background, I support the civil society and the joint religious sector but because we do not want this spirit that is coming from the joint religious sector to escape, I will withdraw my amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, in the same vein I just want to tell my very good friend, the Chair of the Departmental Committee on Justice and Legal Affairs that he wants to insist that he is my senior but we must go and check in the Roll of Advocates to find out when he was admitted. I suspect that I am his senior. Could I just clarify that he has said something on record which is not correct even as I am withdrawing that amendment, that this list does not indicate gender. They are not all male institutions but I withdraw because I want the Holy Spirit to stay.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much for being very kind. Therefore, that amendment is withdrawn.

*(Proposed amendment in Clause 8(c) by  
hon. (Ms.) Odhiambo-Mabona withdrawn)*

*(Clause 8 as amended agreed to)*

*(Clauses 9, 10 and 11 agreed to)*

#### *Clause 12*

**Hon. Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 12 be amended by inserting the words “through an open and competitive process” immediately after the words “by the Council” appearing in sub clause (1).

It is in the same spirit as the Majority Leader had pointed out save that, that one was in relation to the clause on the Council and this one is in relation to the Director. So, my suggestion is that when we are appointing the Director, it should be done through an open and competitive process. This means that it should be through an interview and all that. Otherwise you will have a situation where a person just calls the sister or brother from somewhere and says please---

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): All these Members have spoken before. However, let us hear from the Member for Kibra.

**Hon. Members:** He is not in the House!

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, the Member for Kaloleni!

**Hon. Chea:** Thank you, hon. Temporary Deputy Chairman. I wish to support that amendment. You will realize that the clause as drafted is basically discretionary. I believe that with the insertion of the proposed words, it becomes mandatory and the issue as to whether the Council and the Cabinet Secretary have to consult does not arise. So, I would like to support that amendment.

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

*(Clause 12 as amended agreed to)*

*(Clauses 13 and 14 agreed to)*

#### *Clause 15*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 15 be amended by deleting the words “may include persons who are not members of the Council but have the requisite expertise” appearing in sub clause (2) and substituting therefor with the words “may from time to time hire experts to assist in carrying out work in their area of expertise”.

It is similar to a clause that we have already passed that basically provides that we do not co-opt members to the Council because there is a very clear process of getting people to the Council. If the Council needs expertise, then they should hire those experts from time to time depending on the need.

*(Question of the amendment proposed)*

*(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)*

*(Clause 15 as amended agreed to)*

*(Clauses 16, 17, 18, 19 and 20 agreed to)*

#### *Clause 21*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I would like to drop my proposal to amend Clause 21 because trustees should be nominated and not through a competitive process. So, I should have put a different amendment, but I notice I put the wrong amendment there. So, I will drop.



**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much. That amendment is dropped.

*(Proposed amendment by hon.(Ms.)  
Odhiambo-Mabona dropped)*

*(Clause 21 agreed to)*

*(Clauses 22, 23, 24, 25, 26, 27 and 28 agreed to)*

*Clause 29*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 29 be amended in sub clause 4 by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) “any form of conduct that is in violation of Chapter Six of the Constitution”.

The essence of the amendment is that if you look at what is provided right now, it says that the Council may dismiss any person for any behavior that they consider unbecoming. That provides a subjective criteria, but the law gives us an objective criteria under Chapter Six. So, I am replacing that with Chapter Six of the Constitution, so that the Council can use an objective legal criteria and not a subjective criteria.

*(Question of the amendment proposed)*

**Hon. Mwadime:** Thank you, hon. Temporary Deputy Chairman. I support the amendment as the Constitution covers everything related to conduct. Therefore, I support it.

**Hon. Muchai:** Hon. Temporary Deputy Chairman, equally, I support the amendment proposed by the Member for Mbita. It is anchoring this in the Constitution which is better than making provisions which are vague. I support the amendment.

**Hon. (Bishop) Mutua:** Hon. Temporary Deputy Chairman, I want to support the amendment because it makes it very clear by anchoring it in Chapter Six of the Constitution. That becomes the yardstick for measuring qualification of a particular person.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, the mood in the House is to support.

*(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)*

(Clause 29 as amended agreed to)

(Clause 30 agreed to)

*First Schedule*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the First Schedule be amended by inserting the following new rows and columns immediately after item 11-

12	HUMAN RIGHTS	Patriotism Vision Integrity Commitment Courage Optimism Patience Reliability Courage Talent Innovation
13.	NATIONAL COHESION AND INTEGRATION	Patriotism Vision Integrity Commitment Courage Optimism Patience Reliability Courage Talent Innovation
14.	ENVIRONMENTAL CONSERVATION	Patriotism Vision Integrity Commitment Courage Optimism Patience Reliability Courage

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		Talent Innovation
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In essence, this tries to include what we have already amended in the main part by providing that we recognize the people who are doing good work for women and children through human rights, also on the issue of national cohesion and integration. This country is divided and we need people who are bringing others together through cohesion and healing. We need to recognize them as heroes. We also need to recognize people who are doing good environmental conservation work. That was excluded. So, in the Schedule, I just want to bring what we did not provide ahead in the Schedule. That is what my amendment is about.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Nyeri County, you want to speak to this?

**Hon. Member:** She is back!

**Hon. (Ms.) Kanyua:** Yes, I am back.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Welcome Member for Nyeri for coming back to the Chamber.

**Hon. (Ms.) Kanyua:** Hon. Temporary Deputy Chairman, I want to support the First Schedule and the list that has been proposed by hon. Millie. I support it as a person from Nyeri County, the home of Mau Mau, the home of Dedan Kimathi and the home of Wangari Maathai, where they had courage, integrity, patience, optimism and they fought for this country. It is time that we have new leaders and fighters for our country and our Constitution. Just as I end, allow me to advise the Members of this House that the African Union has voted the 3<sup>rd</sup> of March as the Wangari Maathai Day. So, as we look at environmental matters on Monday, kindly do remember Wangari Maathai and kindly plant a tree.

**Hon. (Ms.) Chae:** Thank you, hon. Temporary Deputy Chairman for giving me this chance to also support the amendment as it is. We are different and people are gifted differently. I can be acknowledged as a hero when I support others when they are dying. I support the amendment.

**Hon. (Ms.) Sunjeev:** Thank you very much, hon. Temporary Deputy Chairman. I strongly support the amendment by hon. Millie because apart from all the other sorts of heroes that we have, human rights, national cohesion as well as environmentalists are all very important areas. They needed to be recognized and I am glad that they are included now.

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

*(First Schedule as amended agreed to)*

*(Second Schedule agreed to)*

*Third Schedule*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I would request that we do this by sections. So, I would like to propose the first part.

I beg to move:-

THAT, the Third Schedule be amended-

(a) in paragraph 1 by deleting the words “without the permission of the chairman” appearing in item (ii) of subparagraph (b) and substituting therefor the words “without justifiable grounds”;

Paragraph 1 provides that members can be removed if they absent themselves without the permission of the Chairman. I am sure you have noticed that it is even in our Standing Orders and the Speaker was drawing out attention to it the other day. It is a language that is coming up, but which is very dangerous when you are dealing with adults who are very busy and who may be committed for whatever reason; for instance, I may be in hospital. When I am in hospital, I cannot have time to get permission from my Chairman. So, really, I think the better wording is “without justifiable grounds”. It still gives the Chair mandate, but you do not have prior permission from the Chairman. It is a very archaic wording, which is almost colonial.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Okoth, are you now in the Chamber? Are you contributing to this?

**Hon. Okoth:** I support the amendment fully. I think it is a wise one.

**Hon. Onyura:** Hon. Temporary Deputy Chairman, I support this very strongly because as hon. Odhiambo-Mabona says, it can get very dictatorial because, supposing the Chair does not grant permission, then what happens?

Therefore, I support.

**Hon. Ng’ongo:** Hon. Temporary Deputy Chairman, I am also one of the people who believe that adults need not always be seeking permission from other adults in this country. It is something which interferes and infringes on the rights of other members.

Hon. Temporary Deputy Chairman, I support this only that, sometimes I find it a bit difficult to determine what is justifiable. I believe the Commission can now sit down and come up with rules guiding justifiability or lack of it.

**Hon. (Ms.) Ombaka:** I think what I wanted to say has been said.

*(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)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let us go to the next paragraph, hon. Odhiambo-Mabona?

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Third Schedule be amended-

(b) by deleting paragraph 2 and replacing therewith a new sub clause as follows-

(2) Where the office of a member becomes vacant, the office shall be filled in the same manner as that of a new appointment under this Act.

On the last paragraph, my proposal is that when a vacancy arises, it should be filled in the manner of a new appointment under the Act. The danger is, if you have four members going out at the same time and you leave the other members to appoint; or say you have a situation where six members have gone out, and then it means the two members can on their own appoint. It is a very dangerous provision. So, whenever a member leaves, it should be filled in the same manner. The authority is still with the appointing authority but you do not leave it with the body that is already appointed to go out and appoint their own colleagues.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much. I will order hon. Ng’ongo to sit somewhere away from hon. Odhiambo-Mabona, so that you do not confuse the Chair.

*(Question of the amendment proposed)*

**Hon. Opiyo:** Thank you, hon. Temporary Deputy Chairman. Just like it has been proposed by the hon. Member for Mbita, it would be actually out of order to let members of that particular Commission or Council appoint their colleagues. Whenever a vacancy arises, the appointing authority does what it did for the rest of other members.

**Hon. Gikaria:** Thank you, Temporary Deputy Chairman. I agree with hon. Odhiambo-Mabona. It is true. If you allow this to be done by a few individuals, they might misuse the privileges they may have and maybe bring a person of their own.

I, therefore, support.

*((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)*

*(Third Scheduled as amended agreed to)*

#### *Fourth Schedule*

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman. I beg to move:-

THAT, the Fourth Schedule be amended by deleting the words “HAS FULFILLED THE REQUIREMENTS FOR RECOGNITION AS A HERO UNDER THE KENYA HEROES ACT AND HAS BEEN DULY HONOURED AS SUCH” and replacing therewith the words “HAS BEEN DULY RECOGNIZED FOR HIS/HER REMARKABLE WORK IN KENYA IN THE FIELD OF ... AND BY THE POWER CONFERRED UPON ME BY THE CONSTITUTION OF KENYA AND THE KENYA HEROES ACT, HEREBY CONFER HIM/HER WITH THE STATUS OF NATIONAL HERO.”

If you look at the Fourth Schedule, this is where the President will be according the honour to these heroes. If you look at our heroes and the work they have done and what is provided in the Schedule as the honour for recognizing them, it is almost close to a joke.

We must give the President the requisite Constitutional authority and a bit of power. In fact, if I had the time, I would have requested my colleague, hon. Ababu Namwamba, who is more flamboyant to put the terminology that he normally puts, in something like this. But I have tried to improve it to make it much better so that if we are honouring the heroes, then the President will be doing it by virtue of the authority given to him by the Constitution. He will be conferring the heroes with the status of a national hero with some energy and strength.

What we have now is like an annex and this is not anything serious. If we had time, I would have done a more serious thing than this. But we did not have time.

*(Question of the amendment proposed)*

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, hon. (Ms.) Odhiambo-Mabona has no delegates and that is why she is here today. She has no delegates to take to Kasarani tomorrow because she belongs to the *Kalaus* team. She has put this amendment very well. If you look at it, it is only three sentences. She has done very well; therefore, I support the amendment. I am sure she has given the President more hefty words. But since she has no delegates, I can provide her some tonight.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The Chair has no knowledge of any delegates. Hon. (Dr.) Pukose, the Floor is yours.

**Hon (Dr.) Pukose:** Thank you, hon. Temporary Chairman. I want to support the amendment as put by hon. Odhiambo-Mabona. If you look at the initial schedule, you are just talking of “has fulfilled the requirements for recognition as a hero.” When you look at what has been put there, it gives more powers and even the person being conferred the honour will feel much better. I think she went to the Law School and she has used linguistic gymnastics and---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Hon. Nyikal, you have the Floor.

**Hon. (Prof.) Nyikal:** Thank you, hon. Temporary Deputy Chairman. I support the amendment. A lot has been said, but it is also important when somebody is recognized, you need to know what they have done. I think this version has brought that one out.

**Hon. Melly:** Thank you, hon. Temporary Deputy Chairman. I think the amendment as sought by hon. Odhiambo-Mabona is in order. It gives the President a chance to know the kind of person he is conferring the honour.

**Hon. Limo:** Thank you, hon. Temporary Deputy Chairman. I stand to support the amendment because it will really recognize specifically the contribution made by the hero.

**Hon. Lati:** Thank you, hon. Temporary Deputy Chairman. I stand to support the amendment because it looks like what we have in the nobel prize winning field. You have a field and you do not nominate your girlfriend.

Thank you.

**Hon. Waweru:** Thank you, hon. Temporary Deputy Chairman. I fully support the amendment. We have seen in the past where some people have been rewarded but we have no record of what they had ever done. I think it is in order, and as the hon. Member for Samburu has said, we have seen people who have actually committed crimes and have actually been honoured.

*((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))*

*(Fourth Scheduled as amended agreed to)*

## Clause 2

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, just for the record, I know that hon. A.B. Duale was speaking in jest, but because it has gone on record I would like to state that I am not a member of *Kalausi*. If I wanted to form a party, I would give it a fancier name and not “*Kalausi*.” Having said that, I welcome his offer to give me delegates for tomorrow so that I can support my candidate.

Hon. Temporary Deputy Chairman, I want to---

**Hon. Speaker:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you finish, please? You are getting into trouble and you are the one who is proposing---

**Hon. (Ms.) Odhiambo-Mabona:** Okay, hon. Temporary Deputy Chairman. The only thing I wanted to put on record is that I am not a member of *Kalausi*.

## Clause 2(a)

THAT, Clause 2 be amended-

- (a) in the definition of “child” by inserting the words “of a hero” immediately after the word “child”.

I want to suggest that the first part of Clause 2, I notice that it has been taken care of. So, I want to drop Clause 2(a), that is, my proposal for definition of “child” because it

has been clarified elsewhere. I wish to also move the two separately just in case there is no agreement.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Alright. The amendment in paragraph (a) is dropped. It is so, ordered.

*(Proposed amendment to Clause 2(a)  
by hon. (Ms. ) Mabona dropped)*

*Clause 2(b)*

**Hon. (Ms). Odhiambo-Mabona:** Hon. Temporary Deputy Speaker, I beg to move:-

THAT, Clause 2 be amended-

(b) in the definition of “Cabinet Secretary” by deleting the word “heroes” and substituting therefor the words “national heritage”

I want to suggest that the definition of “Cabinet Secretary” be not just that “for the time being for heroes,” but be “the Cabinet Secretary for the time being in charge of national heritage.” This is because the issue of heroes is an issue of our national heritage. It does not have to be the Minister for National Heritage. That is my suggestion.

*(Question of the amendmenet proposed)*

**Hon. Angwenyi:** Hon. Temporary Deputy Chairman, I just want to support the amendment and propose that hon. Millie Odhiambo be the first beneficiary of this law.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much. The problem is that we do not have the Cabinet Secretary in the House. She will have to go through the HANSARD and see if that is possible.

**Hon. Muchai:** Hon. Temporary Deputy Chairman, I am in support of this amendment just as has been proposed by hon. Millie Odhiambo.

**The Temporary Deputy Chairman** (Hon. Kajwang’): There is definitely some mischief coming from the Leader of Majority Party. I can feel some mischief. Proceed, Member for Kabete.

**Hon. Muchai:** Hon. Temporary Deputy Chairman, I am saying that I am in support of this amendment just as has been proposed by hon. Millie Odhiambo- Mabona.

**Hon. (Ms.) Kajuju:** Hon. Temporary Deputy Chairman, I support the amendment. When you give it that national heritage touch, it brings out the patriotism that we want to bring out in this Bill. It is a very important amendment.

**Hon. Ng’ongo:** Hon. Temporary Deputy Chairman I want to oppose this amendment. I believe that was the definition of Cabinet Secretary and it says that he should be the one responsible for youth. You see, the President has the prerogative of changing Ministers. You may find that the one who is directly dealing with matters of heroism is different from the one the President has decided will be in charge of national heritage. So, in order to be very specific, we need to restrict the definition of “Cabinet Secretary” to be the one in charge of heroes. The heroes could be taken to another Ministry. You know the President---



*(Question, that the word 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)*

Clause 2(c)

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT Clause 2 be amended-

(c) by inserting the following new definition in its proper alphabetical sequence-  
“child hero” means a hero who is below the age of eighteen years;

Hon. Temporary Deputy Chairman, I wish to add that we created a new definition of a “child hero”. If you look at our definition of “hero”, it seems to suggest that heroes can only be adults. We have, however, seen young children who are persons below the age of 18 years doing commendable jobs in this country; in sports and in saving lives. There is a time we saw a child who rescued a new born baby who had been abandoned. We also want to recognize such children as heroes and also to give them motivation.

*(Question of the amendment proposed)*

**Hon. Okoth:** Hon. Temporary Deputy Chairman, I support the proposal by the Member for Mbita that we recognize child heroes because they are capable. We know that even young people who are under the age of 18 years can do many amazing things.

**Hon. Muchai:** Hon. Temporary Deputy Chairman, I support and thank the Member for Mbita for bringing this very well thought out amendment. It is not only going to be a source for our children, but it is also going to give them a right of recognition whenever achievements of outstanding nature are made by the children.

**Hon. Kemei:** Hon. Temporary Deputy Chairman, I support the amendment. There are exemplary things that our children can do and we should be able to recognize that. I want to commend hon. Millie Odhiambo because today she has been very meticulous and truly national.

**The Temporary Deputy Chairman (Hon. Kajwang’):** Can I hear an applause?

*(Applause)*

**Hon. J.K. Bett:** Hon. Temporary Deputy Chairman, I also want to support because sometimes we have heroes who are under the age of 18 years. It could be in athletics or scientific fields. I want to support hon. Millie Odhiambo.

**Hon. (Ms.) Kanyua:** Hon. Temporary Deputy Chairman, I also wish to support the amendment and congratulate the Member for thinking about children and making it gender sensitive. This is because both male and female children can be awarded. However, I regret that those of us who are under the 35 years of age bracket did not bring

an amendment for the youth heroes. I think after six months we will also try to get some awards. We have seen it during national days that only persons of a certain age get recognized. In this country, I think it is assumed that you have to be old to support the country.

**Hon. Ogalo:** Thank you, hon. Temporary Deputy Chairman. I also rise to support the amendment because it is going to encourage young Kenyans to become heroes.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Member for Siaya. Press your button once.

**Hon. (Ms.) Ombaka:** Okay. I support this amendment because it is a way of inspiring young people so that they can see other young people performing well and being heroes. So, it is a great thing. I support it.

*(Applause)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. I want to put the Question. Member for Tinderet, anything that has not been said?

**Hon. Melly:** Thank you, hon. Temporary Deputy Chairman. I think heroism is not an act of age. It is an act of performance and when we recognise children here, it is going to encourage them.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, I feel the mood of the House is in support of this amendment. I will now put the Question. Anybody that has a dissenting view? Member for Suba, why are you on your feet? Are you the only one opposing this?

**Hon. Ng’ongo:** No, hon. Temporary Deputy Chairman. I am supporting and saying that it is not only today that hon. Millie has come out as a strong nationalist. In the past she has done very well and I want to just extend that, that is a super quality from Suba. You can see it in the Chair. You can see it in hon. Millie and Mbadi.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you, hon. Member for Suba. Leave it there. Do not spill the beans. All right. I will now put the Question.

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

*(Clause 2 as amended agreed to)*

*(Clause 1 agreed to)*

*(Title agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Let us begin with the National Police Service Commission (Amendment) Bill, National Assembly Bill No.17 of 2013.

#### THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL

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**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the National Police Service Commission (Amendment) Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let us therefore deal with the report on the Committee of the whole House on the Kenya Heroes Bill, National Assembly Bill No.30 of 2013.

#### THE KENYA HEROES BILL

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Kenya Heroes Bill, National Assembly Bill No.30 of 2013 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Hon. Deputy Speaker in the Chair]*

#### REPORTS, CONSIDERATION OF REPORTS AND THIRD READING

#### THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL

**Hon. Kajwang’:** Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the National Police Service Commission (Amendment) Bill and approved the same with amendments.

**Hon. Abongotum:** Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

**Hon. A.B. Duale** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Abongotum:** Hon. Deputy Speaker, I beg to move that the National Police Service Commission (Amendment) Bill be now read the Third Time.

**Hon. Ng’ongo** seconded.

*(Question proposed)*

**Hon. A.B. Duale:** Hon. Deputy Speaker, I think we have made a serious bipartisan move on this law. The Commission for the Implementation of the Constitution (CIC), the Law Reform Commission and the Cabinet had their input. The relevant Departmental Committee of Parliament developed a document where the functions of the Police Service Commission and those of the Inspector-General (IG) as the head and command of the operations are now well stipulated. I want to thank my colleagues and most sincerely the Departmental Committee on Administration and National Security for taking time to talk to all the stakeholders.

I support.

**Hon. Deputy Speaker:** Christine Ombaka.

**Hon. (Ms.) Ombaka:** Hon. Deputy Speaker, I did not press the button but thank you for giving me this chance.

**Hon. Deputy Speaker:** Well. I am only looking at whoever has pressed the button. I do not come up with the names, they are here.

**Hon. Ng'ongo:** Hon. Deputy Speaker, I know that the original Bill had a lot of contentious issues and we tried to reduce them but I wish we reduced them even further. You can remember we had started amendments to this Bill before we broke for Christmas. Some of the things that went into this Bill really did not inspire me a lot. Today, there was an amendment which was proposed and was defeated but I thought it was a very good amendment. I wish it was carried because this issue of insisting that either the IG or his two deputies must attend meetings, I think is too restrictive and subjecting the Commission to direct control of the three police officers, which I think is not fair to the Commission. Anyway by and large, I think we have made some good progress in so far as this Bill is concerned.

Thank you.

**Hon. Deputy Speaker:** Joseph Limo. Members, it is Third Reading. So, just make a comment.

**Hon. Limo:** Hon. Deputy Speaker. Security is very important and what this House has done today is to make very clear the responsibilities of the IG and the Commission. I support this because it will improve the security situation in this country.

Thank you.

**Hon. Deputy Speaker:** Samuel Moroto.

**Hon. Chumel:** Thank you very much, hon. Deputy Speaker. I also want to thank Members for supporting this Bill. Right now there is a lot of insecurity and I hope those concerned are immediately going to curb this insecurity so that we do not lose lives. Today morning we lost a very important person who was a banker. He was just shot dead. So, I think this insecurity will come to an end. Thank you.

**Hon. Okoth:** Thank you, hon. Deputy Speaker. I rise to oppose this Bill. I recognize the efforts that have been made to bring everybody closer but I think it is a little bit of a lie to the nation that this Bill once passed will make the nation more secure.

**Hon. Deputy Speaker:** Yes, hon. Benjamin Langat.

**Hon. Langat:** Thank you very much, hon. Deputy Speaker. The manner in which this Bill has been transacted is very encouraging. I want to thank hon. Millie for mentioning that there is some spirit which has come. I want to say that, that spirit is very good. I advise these hon. Members not to oppose for the sake of opposing. She has given a very good comment today and she is a very good debater. The spirit is very good and we should encourage it. We hope that the police will not have any other reason other than doing the job that they are supposed to do.

**Hon. (Dr.) Pukose:** Thank you, hon. Deputy Speaker, for giving me this chance to contribute to this very important Bill. As you have heard from most of the speakers, the spirit was that of consultation and we felt that we need to move forward. Therefore, when we agreed to have a minimum number of six to form a quorum, it meant that the four civilians who are part of the Commission will not make a decision about the police without the representatives from the police. It is important that we have the police who are the law enforcers getting involved in these decisions that affect them directly.

With those remarks, I support the Bill.

**Hon. Nyenze:** Thank you, hon. Deputy Speaker for giving me this chance. I just want to say that there is rampant insecurity in the country and the House has realized that there was conflict of interest and competition at the top.

I support the amendments that we have made to this Bill. Kenyans have a right now to expect better services from the police because security has run out of hand. There is nowhere in the country – urban centres and the rural areas – where anybody is safe. Everybody is very insecure but because we have taken a bipartisan approach on this Bill because it was give and take--- I want to thank hon. Millie Odhiambo for the amendments that she has moved. We may not have got everything that we wanted but the House arrived at a consensus. We want the police to enhance security so that everybody including business people, ordinary Kenyans and politicians, like these ones are secure wherever they are.

Hon. Deputy Speaker, I rise to support.

**Hon. Angwenyi:** Thank you, hon. Deputy Speaker. I rise to support this Bill and I really like the bipartisan manner in which it has been handled. We have now recognized and appreciated the professionalism of policemen which will lead to better security for our people. I would like to say, like everybody has said, that hon. Millie Odhiambo has given us a good spirit. Please, confer that spirit to hon. Ababu Namwamba and hon. Keynan, my friend here so that they can win tomorrow.

Thank you.

*(Question put and agreed to)*

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

#### THE KENYA HEROES BILL

**Hon. Kajwang':** Hon. Deputy Speaker, I beg to report that a Committee of the Whole House has considered the Kenya Heroes Bill, National Assembly Bill No.30 of 2013 and approved the same with amendments.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

**Hon. Langat** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move that the Kenya Heroes Bill, National Assembly Bill No.30 of 2013 be now read the Third Time.

**Hon. Angwenyi** seconded.

*(Question proposed)*

**Hon. Deputy Speaker:** For all those Members who wanted to contribute to the National Police Service Commission (Amendment) Bill, you can now remove your cards.

**Hon. Gikaria:** Hon. Deputy Speaker, actually, I wanted to contribute to the National Police Service Commission (Amendment) Bill, but let me say that it is good that we recognize the heroes in this country. Of course, it is not only the freedom fighters but even young children, as hon. Millie has just indicated. She has said that we have some young boys and girls who are doing marvelous things in this country and they need to be recognized.

The youth who are also doing exemplary work in different fields should also be recognized. I want to mention this young man who came up with the *M-Pesa* idea. He is one of the people who have come up with a fantastic idea. We need to recognize such a person who has come up with this global idea.

Thank you, hon. Deputy Speaker. I support.

**Hon. Kemei:** Hon. Deputy Speaker, like the hon. Member who has just contributed, I would have wished to contribute to the other Bill. But all the same, and with due respect, I want to say that I am particularly touched by the fact that if our children do something heroic, we will be in a position now to honor them. I am saying this because when my son was eight years old, he rescued goats which were being attacked by a swarm of bees. He risked his life and is, therefore, a hero.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, you can see we are making sure that we have the right numbers in the House. I would like to put the Question.

*(Question put and agreed to)*

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

**Hon. Deputy Speaker:** Next Order!

## BILLS

*Second Reading*THE NATIONAL POLICE SERVICE  
(AMENDMENT) BILL*(Hon A.B. Duale on 12.2.2014)**Resumption of Debate interrupted on 12.2.2014*

**Hon. Deputy Speaker:** Hon. Members, this is a resumption of debate. Any Member is free to contribute.

Yes, hon. Priscilla Nyokabi.

**Hon. (Ms.) Kanyua:** Thank you, hon. Deputy Speaker. I rise to support the Bill.

In supporting this Bill, I would like to recall the history of this country as far as independence of the police is concerned. When we came out, during Independence, with the Lancaster Constitution, among the very many early amendments were amendments that had to do with the police. I think we have gone the same way. However, that is not, in any way, to say that Parliament will not remain watchful on what the police will be doing even as we support this Bill. We will support the Chairman of the Committee on Administration and National Security, who still has a lot of work to do in terms of supporting what the police are going to do.

I just want to urge our police officers to be responsible and continue guarding the country even as we support them in law. I also urge the Committee to remain engaged in terms of other amendments that may be required.

With those remarks, I beg to support.

**Hon. Ichung'wa:** Thank you, hon. Deputy Speaker. I support this Bill since many hon. Members of this House are very supportive of it. Indeed, we all recognise the fact that security is paramount for the well-being of all Kenyans. Would I be in order to ask that, in the interest of time, we put the Question and have the Bill passed?

**Hon. Members:** Put the Question! Put the Question!

**Hon. Deputy Speaker:** No, hon. Members. I will give chance to a few more hon. Members to speak on the Bill. We do even have very many Members who want to contribute.

Yes, hon. Grace Kipchoim.

**Hon. (Ms.) Kipchoim:** Thank you, hon. Deputy Speaker. I also want to support this Bill, bearing in mind the fact that this country's security is paramount, especially to my constituents. I am always in the pages of newspapers championing about security in my constituency. Today I decided to sit here until debate on this Bill is concluded. I am ready to sit here up to the time this Bill will be passed. It is long overdue. We have wasted a lot of time. We want our police offices to be liberal and do their work. Most of the time, the hands of police officers are tied because of the bureaucracy that is provided in the Constitution. They cannot do what they are supposed to do.

I support each and every clause contained in this amendment Bill.

Thank you.

**Hon. Deputy Speaker:** Hon. Members, I am allowing only a few people, particularly those with security issues.

Yes, hon. Phillip Rotino.

**Hon. Rotino:** Thank you very much, hon. Deputy Speaker, for giving me the opportunity to support this very important amendment Bill. I support the Bill because security is paramount for any kind of development to take place. It is important that we all support this Bill and ensure that we give teeth to police officers, so that they can implement all the things that we pass in this House. Without security, all the development goals that we are pursuing cannot be attained. Therefore, I wholly support the amendments contained in this Bill.

Thank you.

**Hon. Deputy Speaker:** Hon. Members, in the interest of time---

*(Loud consultations)*

Order! Order, hon. Members! The Speaker is upstanding. I should not have anybody else on his or her feet.

*(Question put and agreed to)*

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

THE COUNTY GOVERNMENTS  
(AMENDMENT) BILL

**Hon. Deputy Speaker:** Do we have the Committee Chairman for Justice and Legal Affairs?

Yes, Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Deputy Speaker, because of the limited time that we have before this sitting ends, and given that the Committee Chairperson is not here; and further given that this Bill is so important that we need to have consultations at the county level, I request that we defer debate on it and adjourn the House.

**Hon. Deputy Speaker:** Leader of Majority Party, although the Chairperson of the Committee on Justice and Legal Affairs is not here, we have not completed the business on the Order Paper. We have Order No.11, which is your Bill.

THE KENYA QUALIFICATIONS  
FRAMEWORK BILL

**Hon. A.B. Duale:** Hon. Deputy Speaker, I was not prepared to move this Bill. I can also see that we do not have quorum. So, I urge that we defer this one too.

QUORUM



**Hon. Deputy Speaker:** Could we have the Division Bell rang to check our Quorum?

*(The Division Bell was rung)*

**Hon. Deputy Speaker:** Can you stop the Division Bell? Order, Members! We seem not to have mastered the necessary quorum.

### ADJOURMENT

We will, therefore, adjourn this sitting. This House stands adjourned until Tuesday, 4<sup>th</sup> March, 2014 at 2.30 p.m.

The House rose at 6.25 p.m.