

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 25th February, 2014

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, how many are we? I am just ascertaining that we have quorum before we begin transacting business. I confirm that we have the quorum.

PETITIONS

EFFECTS OF *AD VALOREM* LEVY ON TEA FARMING

Hon. Murungi: Hon. Speaker, this is a public petition by the residents of South Imenti Constituency and tea farmers on the declining tea prices and the effects of the *ad valorem* levy.

We, the undersigned residents of South Imenti and tea farmers draw the attention of the House to the following: That the performance of the tea industry is vital to the Kenyan economy. Noting that tea is the largest foreign exchange earner in Kenya contributing over Kshs116 billion in 2012 and the tea industry consistently contributes 4 per cent of our GDP, more than 650,000 Kenyans directly earn an income from tea. Tea accounts for approximately 60 per cent of Kenya's export earnings and is the leading foreign exchange earner. That tea cess supports and funds maintenance of rural roads, health and education facilities in the tea growing areas. That whenever there is an unprecedented increase in tea production in Kenya, auction prices usually experience a big slump as recorded in 1995, 1999, 2001, 2007 and 2013. The upward and downward trends in tea prices are cyclical and dependent on supply and demand situations. That the *ad valorem* levy continues to hurt the tea industry as it is a regressive tax which penalizes the higher priced handpicked quality tea produced by the small scale farmer. Further, the tea industry is grappling with increased costs of farm inputs. That the Government has failed to create an enabling environment by eliminating the bottlenecks that the tea industry is exposed to, for example, the Tea Board of Kenya, should harmonize the payments made by the tea industry to various bodies and create a single window payment system.

Therefore, your humble petitioners pray that Parliament through the Departmental Committee on Agriculture, Livestock and Co-operatives obtains without delay an undertaking from the Cabinet Secretary in charge of this Ministry:-

That the Government will review the *ad valorem* levy downwards not on percentage of the value of tea but a fixed amount per kilogramme of tea as proposed in the 2006 Tea Taskforce Report.

That the Government immediately reconstitutes the Tea Board of Kenya in order to ensure oversight on the levy.

The Government introduces a buffer fund to cushion farmers on price when the prices of tea are below the cost of production.

The Government waives the Value Added Tax levied on locally produced tea to enhance higher local consumption.

Your petitioners will ever pray. This petition is presented by hon. Murungi, Member of Parliament for South Imenti Constituency.

(Hon. Murungi laid the document on the Table)

Hon. Speaker: Hon. Members, it is important that we keep on reminding ourselves about the procedures. When a Member comes up with a petition such as the one that has just been presented to the House, your own rules under Standing Order No.226, allows the Speaker the leeway of giving a few Members chance to comment on the same. I do not know whether most of us were following what hon. Kathuri was reading out as to be able to make comments.

Yes, hon. Justice Kemei.

Hon. Kemei: Thank you, hon. Speaker. I wish to comment on the petition that has been presented by my colleague.

Hon. Speaker, the tea industry has supported the economy of this country for a very long time. Looking at the performance of the economy, you cannot mention the various sectors that contribute to its performance without touching on the tea industry. The declining prices being awarded to farmers, especially in the last two years; and especially the imposition of *Ad Volem* duty has made farmers life quite difficult. This is a tax that we feel strongly should not be levied. It should be removed.

The petition is very crucial, particularly at this point when the entire agricultural sector is not doing very well. We have a problem in the maize, milk and livestock industry, particularly with the eminent collapse of the Kenya Meat Commission (KMC). That is why we find it necessary that we, as Parliament, listen to petitions presented to this House by our people and give them due support.

Thank you. I wish to support.

Hon. Speaker: Yes, hon. Mbarire.

Hon. (Ms.) Mbarire: Thank you, hon. Speaker. I rise to give my support to hon. Kathuri and more importantly, to the very timely petition that he has brought. I support this, being a Member from a tea growing area. I know that over 50 per cent of my constituents depend on tea for their daily bread. What we have witnessed over time is that the amount of labour and money that farmers put on their land does not add value, in terms of profit because the profits go to either brokers in the sector or through the kind of taxes and levies that are added to the total amount of money that they receive.

As Members from tea growing areas, we feel that farmers do not get value for their hard work. That is why this petition is timely. We hope that the Government will

scrap these levies so that more money can get into the pockets of farmers and see value addition to our tea, so that we can sell the final product out there instead of selling a raw product that is subsequently branded as different types of tea that you cannot even tell where it comes from. I hope that the Members from tea growing zones present here, and those from without tea growing zones, can support us in this petition, so that we can empower our farmers. Beyond tea, we must also think about farmers in coffee and cashew nuts growing areas because cash crop farming is the best way of empowering our agricultural constituencies.

With those remarks, I would like to thank hon. Kathuri for bringing the petition.

Hon. Speaker: Yes, hon. Sakwa Bunyasi.

Hon. Bunyasi: Thank you, hon. Speaker. I rise to support the petition by hon. Kathuri. I do not come from a tea growing area but the petition touches on a number of key comparatively related issues. First, we should pay special attention to the key sector and remember that good times should be available to support bad times. It is also important that, that kind of stabilisation from within the resources of the industry itself needs to be looked at as well.

Secondly, this is a pointer to the need to buttress the activities in various value chains in this economy. That way, we shall also be responding to the needs of regional distribution disparities. I would urge the Government to look at the vertical value chains in all the key commodities. Some may be cash crops, which are export oriented. These are very important. Others may be food crops but they are all income earning activities. So, alongside this, it would a very good opportunity for the Government to think critically and creatively on how to support the value chains.

Where commodities no longer have markets, we should not artificially buttress them. However, leading commodities such as tea, coffee, maize and sugar – which is very much on the forefront – the Government must look at it critically from that broad perspective. Due to those perspectives, I support the petition brought by the hon. Member and thank him for bringing it forward.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Amina Abdalla.

Hon. (Ms.) Abdalla: Thank you, hon. Speaker. I want to join my colleagues in congratulating hon. Kathuri for the petition. I pressed the intervention button because I am curious about his levy. I would want to know whether it is levied by the Finance Bill because the solution would be more on deleting the provision from the Finance Act than in having a petition discussed here. So, the petitioner or somebody else who understands how this tax is being levied could explain it to us, so that we can look for a more appropriate solution to the problem.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Onesmus Njuki Muthomi.

Hon. Njuki: Thank you, hon. Speaker, for giving me the opportunity to commend on this particular petition. I want to thank hon. Kathuri for bringing this very important petition on behalf of not just the farmers of Imenti South but on behalf of the farmers of Kenya who grow tea.

It happens that the farmers who grow tea have been having diminishing investments because of the available land. This has affected their economies of scale.

Previously, they used to grow tea on large parcels of land. This has now reduced to a level where they plant tea on even a quarter or half of an acre. If you couple that with diminishing returns, the fact that tea cannot be intercropped with anything else, this leaves tea farmers in a very precarious situation because tea is the only crop they depend on. It is high time we saved farmers from this situation. What worries me is the fact that tea consumption in the world is not reducing. How comes that the investments that have been put to support that very important beverage are reducing to a level that most of the farmers are actually cutting their tea plants and replacing with other crops? Something has to be done to make sure that tea farmers are supported to get back to business.

With those few remarks, I would like to support.

Hon. Speaker: Yes, hon. Stephen Manoti.

Hon. Manoti: Thank you, hon. Speaker, for giving me the opportunity. I would like to thank the hon. Member who has brought the petition to this House. What everybody here knows is that tea farmers do a lot of work but their reward is very little. Their tea brings a lot of foreign exchange to this country but nobody takes care of them. If tea farmers are exempted from paying taxes, we will see a lot of improvement. The lifestyles of families in tea growing areas will improve. As it is now, people with many acres of tea behave like people who do not earn anything. It is a better move and we shall all support it for the sake of our people.

Thank you.

Hon. Speaker: Yes, hon. Elijah Moindi.

Hon. Moindi: Thank you, hon. Speaker, for giving me the opportunity to contribute to this important petition.

Tea is one of the major cash crops in this country, especially by small-scale farmers. Where some of us come from, most of the farmers depend on tea. The Government should do something to enable farmers to get income from tea. The Government should send agricultural extension officers to some of the farms to teach farmers and look for an appropriate market for their produce. Some farmers have started selling their tea locally because the Government is not discharging its responsibility of teaching farmers how to grow tea and finding an appropriate market for them.

Therefore, I support the petitioner, so that this particular cash crop can be meaningful to farmers.

Thank you.

Hon. Speaker: Hon. Members, we have had sufficient comments. The petition is accordingly referred to the Departmental Committee on Agriculture, Livestock and Cooperatives. I would like to encourage as many Members as possible to also generate work for committees in like manner.

CATTLE RUSTLING IN THE COUNTRY

Hon. Speaker: Hon. Members, Standing Order No.225(2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. I, therefore, wish to convey to the House the information that my office has received a petition regarding persistent problem of cattle rustling in the country and the resultant

destruction of property and loss of lives. The petition, signed by six residents of Mukutani Division, Baringo County, prays that Parliament:-

(a) enacts a law on pastoralism and livestock farming;

(b) amends the Firearms Act, Cap.114, to include disarmament, a procedure for disarmament, and to further devise other effective ways of addressing the issue of illicit arms; and,

(c) resettles internally displaced persons occasioned by cattle rustling.

The petition, therefore, shall stand committed to the Departmental Committee on Administration and National Security for consideration. The Committee is requested to consider the petition and report its findings in accordance with Standing Order No.227 (2).

Thank you.

Next Order!

PAPERS LAID

The following Papers were laid on the Table:-

The Proposed National Assembly Calendar for the Second Session of the 11th Parliament.

The Ethics and Anti-Corruption Commission Annual Report, 2012/2013.

The Commission on Revenue Allocation Annual Report and Financial Statements, 2012/2013.

The Nyayo Tea Zones Development Corporation Financial Statements for the year ended 30th June, 2012.

Kipchabo Tea Factory Limited Financial Statement for the year ended 30th June, 2012.

Report of the Auditor-General on the Financial Statement of Kenya Plant Health Inspectorate Service for the year ended 30th June, 2013

Report of the Auditor-General on the Financial Statements of the Nursing Council of Kenya for the year ended 30th June, 2013.

Report of the Auditor-General on the Financial Statements of Kenya Copyright Board for the year ended 30th June, 2013.

Thank you, hon. Speaker.

(By hon. A.B. Duale)

The Budget and Appropriations Committee Report on the Supplementary Budget for 2013/2014

(By hon. Musyimi)

Hon. Speaker: Next Order!

NOTICES OF MOTIONS

APPROVAL OF ASSEMBLY CALENDAR FOR SECOND SESSION

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Hon. A.B. Duale: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Standing Order No.28(1), this House approves the Calendar of the Assembly (Regular Sittings) for the Second Session of the Eleventh Parliament.

Hon. Speaker, I ask, through you, that the Draft Calendar be circulated to Members before debate on the Motion tomorrow.

Hon. Speaker: Indeed, the Draft Calendar should be circulated, so that every hon. Member can be aware of what is proposed therein.

Yes, hon. Mutava Musyimi.

ADOPTION OF REPORT ON 2013/2014 SUPPLEMENTARY BUDGET

Hon. Musyimi: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Budget and Appropriations Committee Report on the Supplementary Budget for 2013/2014, laid on the Table of the House on Tuesday, 25th February, 2014.

Hon. Speaker: Next Order!

REQUESTS FOR STATEMENTS

SHORTAGE OF EDUCATION QUALITY ASSURANCE AND STANDARDS OFFICERS

Hon. Huka: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I hereby request a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology concerning shortage of Quality Assurance and Standards Officers, commonly known as “QUASOs”, throughout the country. The Chairperson should inquire into and report on the following:-

- (i) the functions and the number of QUASOs in each county; and,
- (ii) the Government policy on QUASOs and the plans it has put in place to recruit more officers.

Thank you, hon. Speaker.

Hon. E. Keter: Hon. Speaker, on behalf of the Chairperson of my Committee, I would like to reply to the hon. Member, who also happens to be a Member of my Committee. Since he wants a report covering all the counties, I suggest that he gives us at least three weeks.

Hon. Speaker: What is your reaction, hon. Huka?

Hon. Huka: Thank you hon. Speaker. Three weeks is a very long time. The nature of the Statement does not envisage that he will be going to the counties to get the information. They can get it right from the headquarters of the Ministry of Education, Science and Technology. Therefore, I do not see why he should request for three weeks. In fact, one week should be sufficient or even a shorter time.

Hon. E. Keter: Hon. Speaker, in line with what the Member has said, I am sure there are so many other issues in the Ministry. There are other Statements which we need

to go through and the officers need enough time. I still plead with the Member to give us three weeks and we shall go through the Statement and give an adequate answer.

Hon. Speaker: Hon. Huka, it looks like you may be struggling to extract water from the rock.

Hon. Huka: Thank you, hon. Speaker. Let me accept his proposal, but let us agree that it will be strictly three weeks and not three months.

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

Hon. Speaker: Yes, Leader of Majority Party.

Hon. A.B. Duale: Hon. Speaker, I think with your indulgence, you need to give direction on Statements. That is because we are having a situation where a Committee member is seeking a Statement from his own Committee. When they are doing oversight over that department, they can easily call the Permanent Secretary or the Cabinet Secretary because that is their mandate. Ultimately, I think in the future, you need to give direction. That is because a Member seeking a Statement from the Chair and the Chair saying he will answer in three weeks is not right. It is even faster when the Committee writes to Cabinet Secretary and asks for clarifications. It will save a lot of time.

Hon. Speaker: I think so, especially when you are a Member of that Committee. It is much easier to get the information through your Committee. Anyway, in respect of the current case - and because hon. Huka has not been on my screen - I give him the benefit of the doubt. Next is hon. Mwadime.

NON-COMPLETION OF VOI-MWATATE-WUNDANYI ROAD

Hon. Mwadime: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to seek a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the completion of works on the Voi-Mwatate-Wundanyi Road. That road has been under construction for the last two years with no signs of completion. The Government has not paid the contractors the full amount owed to them in 2013. The road works were due to be completed in March 2013, but the amount owed is currently at Kshs.585 million. About 70 per cent of the work has been completed, leaving 30 per cent which has not been completed due to financial constraints. The

Chairperson should inquire into and report on:-

- (i) when the Government will pay those contractors to allow them to continue with the work on the road; and
- (ii) the completion date of the works on the road.

Thank you, hon. Speaker.

Hon. Speaker: Chairperson of the Departmental Committee on Transport, Public Works and Housing, the Vice-Chair or a Member thereof. The Member is hon. Manoti.

Hon. Manoti: Hon. Speaker, on behalf of the Chairman and the Committee, we shall be able to give the answer in three weeks' time.

Hon. Speaker: Hon. Mwadime

Hon. Mwadime: Hon. Speaker, I think three weeks is okay.

Hon. Speaker: Is it okay?

Hon. Mwadime: It is okay.

Hon. Speaker: Very well. Next Statement, hon. (Ms) Mbarire

ONLINE LOAN APPLICATION SYSTEMS FAILURE AT HELB

Hon. (Ms.) Mbarire: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2) (c), I wish to request for a Statement from the Chairperson of the Committee on Education, Research and Technology regarding the online loan application systems failure at the Higher Education Loans Board (HELB). The systems at HELB have now been down for the last three months. Students have been unable to access online application forms to apply for the student loans. As a result, many of them are unable to pay their fees and risk their respective institutions taking action against them for failure to pay the fees. In her Statement, the Chairperson should inquire and report on:-

(i) the measures the Ministry of Education and Higher Education Loans Board are taking to correct this situation;

(ii) the correct statistics of the number of applicants or students who have been adversely affected by this situation, and the measures taken to mitigate these effects on them; and

(iii) whether HELB has enough funds to meet the increased demands for loans occasioned by the double-intake.

Thank you hon. Speaker

Hon. Speaker: Chair of the Departmental Committee on Education, Research and Technology. Who is this?

Hon. Members: Vice-Chair

Hon. Speaker: You are not on the screen. Yes, hon. Melly

Hon. Melly: Yes.

Hon. Speaker: You were not on the screen earlier on.

Hon. Melly: Thank you, hon. Speaker. This is a very weighty matter and I think many students have been asking about it. As a Committee, we will take it with a lot of seriousness and we will report back to the House after two weeks.

Hon. Speaker: Hon. (Ms) Mbarire, you are not on the screen.

Hon. (Ms) Mbarire: Hon. Speaker, two weeks is in order; if two weeks can be two weeks and not months.

Hon. Speaker: Well, I think hon. (Ms) Mbarire, says two weeks is okay, only if two weeks do not turn out to months. There is nothing to respond to.

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

Hon. Speaker: There is nothing out of order. Hon. Wanjohi.

REHABILITATION OF NAIROBI CITY PARK

Hon. Wanjohi: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2) (c), I wish to request a Statement from the Chairperson of the Committee on Lands regarding the planned rehabilitation of Nairobi City Park. The Government of Kenya and the Aga Khan Trust for Culture (AKTC) signed over US\$20 million, which is an equivalent of Kshs17 billion, agreement for the rehabilitation of the neglected Nairobi City Park. As part of the four to six year project, AKTC recently requested the Ministry

of Lands and the National Land Commission to assist in recovering parts of the park that may have been allocated to private developers. This will mean that many persons, including the inhabitants of the Hawkers Market, will be displaced in the process. In his Statement, the Chairman of the Committee on Lands should state clearly the particulars of the agreement with regard to land allocated for rehabilitation of city park, explain if it is in order for those outside the gazzetted land to be displaced in the process of rehabilitation and if so, what means of compensation will be awarded to them.

Thank you, hon. Speaker.

Hon. Mwiru: Thank you very much, hon. Speaker. I must also thank the hon. Member because this is a renewed request for this Statement. This is because it had been requested in the First Session and the Committee had made some tremendous steps towards giving that Statement that time. Therefore, we are about 90 per cent done and I want to assure the hon. Member that in one week's time we should be able to give the Statement to this House.

Hon. Wanjohi: Thank you, hon. Speaker. It is in order and I will wait for one week.

IMPLEMENTATION OF NUTRITIONISTS AND DIETICIANS ACT

Hon. Nderitu: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Health regarding the implementation of the Nutritionists and Dieticians Act of 2007. This Act provides for the establishment of the Kenya Nutritionists and Dieticians Institute and the Directorate of Human Nutrition and Dietician Services under the Ministry of Health. Whereas the Nutritionists and Dieticians Institute has been created, the Directorate of Human Nutrition and Dietician is yet to be created and so is the appointment of a Director of Nutrition and Dietician Services.

Hon. Speaker, in the Statement, the Chairperson should inquire and report on:-

- (i) when the Government plans to establish the Directorate of Human Nutrition and Dietician and the appointment of the Director of Nutrition and Dietician Services;
- (ii) the reason for the delay in setting up the said directorate since 2007; and,
- (iii) allegation of discrimination in the scheme of service and promotion of nutritionists and dieticians compared to other professionals within the public sector.

Thank you, hon. Speaker.

Hon. Speaker: The Chairperson, Departmental Committee on Health, hon. Rachael Nyamai.

Hon. (Ms.) R.K. Nyamai: Thank you, hon. Speaker. I would like to thank the Member for raising this important matter which deals with nutritionists and dieticians. It is important for it to be discussed at this time when we are talking about non-communicable diseases being the highest killer in this country. It goes further to talk about matters of personnel and it will be complicated talking about the fact that we are in a transition with regard to devolution of health. With that I would like to request that we be given three weeks to follow up on this matter and report to the House.

Hon. Nderitu: I am okay with that, hon. Speaker. I would like the Chairlady to expedite the matter because it will go a long way to save the Government in terms of cost of medicine and equipment for our hospitals.

STATE OF KITALE-LODWAR-LOKICHOGGIO ROAD

Hon. (Ms.) Emanikor: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I would like to request a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the state of major roads in the country and in particular the Kitale-Lodwar-Lokichoggio Road.

Hon. Speaker, the Kitale-Lodwar-Lokichoggio Road was initially designed as part of the Great Trans Africa Road that links the Northern Corridor to enhance regional integration and ease trade between Kenya, Uganda, Rwanda, Burundi, South Sudan and the Democratic Republic of Congo. The road is also expected to facilitate access and development in Turkana County. Unfortunately, due to its current deplorable state, the road has led to increased road accidents and has exacerbated highway banditry.

Hon. Speaker, with the discovery of massive oil and water reserves in Turkana County, the road is of utmost importance to the economy of this nation.

The Chairman should, therefore, inquire into and report on:-

(i) the amount of money allocated for the repair of this road in the 2011/2012 Financial Year and preceding years;

(ii) the steps the Government is taking to construct the road and the timelines; and,

(iii) the role the UN will play given the fact that the road was rapidly destroyed by heavy UNHCR trucks in the Operation Lifeline Sudan (OLS) then dubbed the biggest relief operation in Africa.

Thank you, hon. Speaker.

Hon. Speaker: Who is responding? Is it hon. Stephen Manoti, the Member for Bobasi?

Hon. Manoti: Thank you, hon. Speaker. Generally, our roads are in very pathetic conditions all over the country. The report we are getting from the Ministry of Transport and Infrastructure is that they do not have enough money. However, in three weeks' time, we shall be able to give the report.

Hon. (Ms.) Emanikor: Thank you, hon. Speaker. I am only requesting for information and I do not think the Committee needs three weeks to get the information. It should be faster than that.

Hon. Manoti: Hon. Speaker, the Ministry officials have to go and find out what is on the ground before we can give this House a comprehensive report on the road.

Hon. Omagwa: On a point of order, hon. Speaker.

Hon. Speaker: Honestly, hon. Members, when it comes to matters of Statements, if we break the flow between the Member seeking the information--- Let us break that flow so that we get your point of order.

Hon. Joel Onyancha, let us hear your point of order.

Hon. Omagwa: On a point of order, hon. Speaker. With utmost respect and in cognizance of our rules, hon. Members are raising Statements with Committees, to go to

Cabinet Secretaries and then to come back to this House for proper responses. Are we not under duty as legislators in this House, and with your guidance, to change our rules so that we do not go through this roundabout way and have the Cabinet Secretaries come to this House? I see Statements being sought and sometimes chairmen and vice chairmen are not there. In that case it behooves a member of that Committee to stand up and probably think how long it will take to get this information from the Cabinet Secretaries. It is fallacious. I think we should change this and you are under duty as the leader of this House to guide us on how best we can change our rules so that we can have Cabinet Secretaries coming to this House to respond to these Statements.

Hon. Speaker: You obviously know that you have my sympathies in that regard. As it is, we have heard what you call the roundabout way of going about it until such time that the rules are changed to give effect to what you have really said is a little more desirable than the current situation. I want to encourage the House to continue thinking about this. We can have strangers called “Cabinet Secretaries”. We just allocate them some time, they come here, respond and it becomes easier for everybody. I agree with you, hon. Onyancha. I think it is high time we thought proactively about that because it is giving Members unnecessary strain. This is because hon. Stephen Manoti who may not convene his Committee’s meeting is giving hon. Emanikor a timeline of three weeks. The Chair may come and say that they are not even scheduled to do anything like that. So, we end up with Members complaining that they sought Statements and they have not been responded to. If we had a way of getting those Cabinet Secretaries here, under the direction and leadership of the Leader of Majority Party, we would be happy. He would just lead some strangers there, bring them in one after the other; they would liaise with the Leader of Majority Party, who would come up with how many Statements they would respond to. We must have a way that gives the Members the feel that they are doing justice to issues of concern to the people whom they represent.

Hon. A.B. Duale: Hon. Speaker, I share the concerns of hon. Onyancha. Look at all the Chairs apart from very few; they are missing. I said apart from very few and I can count the few who are here and also their Vice-Chairs. When you are a Chair and a Vice-Chair, you have a serious obligation to this House. The starting point is that the Chairs and the Vice-Chairs must be here. Secondly, a Member will ask for an answer in three weeks. I want to confirm to you that even Statements sought by Members on behalf of Chairs, are not even sent to the Executive. This morning, there were two Statements - I am sure they are coming - sought by the Members from the Chair of the Committee on Administration and National Security. I had time to ask the Cabinet Secretary for National Security and he says that they are yet to receive requests. In the HANSARD, which I had this morning, you have given directive that, that answer must come. So, even Chairs engage Members here; they say that they will provide the answers in three weeks, but in the same afternoon, they do not send that request to the Executive. So, I think we need to do a lot of in house cleaning and keeping.

When Members are not in the Chamber, they seek your concurrence and so, even Chairs should do the same. All these chairs are marked. If they will not be here, then I think these chairs should not be marked. Hon. Members can sit on them. Even the Members who are here are under obligation to tell their Chairs that this is how the

Committees must run. The Executive is waiting for those requests to be sent to them from the Committee Chairs and secretariats.

Hon. Speaker: Well, respective Chairs, I am sure have heard and those that are absent, I am sure they are digital and can pick this very quickly from the HANSARD. I think they are under obligation to ensure that the business of the House flows smoothly. So, hon. Emanikor, let us just bear with the situation because we are not even sure that even the three weeks that have been promised the Executive will have received the request. However, Statements, once sought are referred to the relevant Departmental Committees, and not to the Clerk's Office, as used to be the case in the past.

Hon. Njuguna Humphrey Kimani.

NON INVOLVEMENT OF SHAREHOLDERS IN
LAND TRANSACTIONS IN THIKA

Hon. H.K. Njuguna: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Lands regarding dishonest land buying companies.

In the recent past, a number of directors of specific land buying companies have been engaged in land transactions without the involvement of the shareholders. For instance, the directors of Nanga, Kihui Mwiri, Mwana wi Kio and Graceton Farms in Thika are selling land belonging to shareholders without their knowledge and involvement. This has triggered land disputes, untold suffering and even loss of lives. The Chairperson should therefore, inquire and report on the following:-

(1) the measures the Government is taking to ensure shareholders are involved and consulted when land transactions or such decisions are taken by the directors;

(2) the steps the Government is taking against such directors who allegedly conduct land transactions without the knowledge of the shareholders; and

(3) the measures the Government is taking to safeguard the interests of such shareholders.

Hon. Mwiru: Hon. Speaker, before I make the commitment, I wish to seek your indulgence in the matters of interpretation of the roles of the two Committees of Lands and the Committee on Agriculture, Livestock and Co-operatives. A matter of membership of a co-operative society lies in the co-operative movement and not in the lands, *per se*. So, I wish to see where there could be a boundary between the functions of the two Committees. If need be, probably we can engage the two Committees to see whether we can resolve the matter. I do not see it lying squarely on the Committee on Lands.

Hon. Speaker: I think it is true. The issues raised here excluding the narrative leading to the question, squarely appear to be financial matters. The Member is asking about the measures the Government is taking to ensure shareholders are involved and consulted when land transactions or such decisions are taken by directors and the steps the Government is taking against such directors who allegedly conduct land transactions without the knowledge of the shareholders. All that is really a matter of shareholders. Also, the measures the Government is taking to safeguard the interests of such

shareholders. This is not land. Maybe the issue you are trying to seek is different. This should go to the Committee on Finance, Planning and Trade.

Hon. H.K. Njuguna: Hon. Speaker, I thought we are talking of land ownership in these farms. The squabbles and disputes with the directors are on ownership since the directors are selling these pieces of land to other parties without involving the shareholders. Therefore, the shareholders are losing the ownership as it were. So, I thought that it is more to do with settling the disputes on the ownership of land, such that the matters are settled once and for all. The struggle is on ownership more than anything else.

Hon. Speaker: Then settlement of disputes would be, in my view, a matter for the Judiciary as opposed to Committees of the House. Settlement of land disputes will be a matter, I believe, of some of the courts, contemplated in Article 162(2) of the Constitution and not really a Committee of the House. If it is disputes, if some of the shareholders are in dispute about ownership of the land, then the recourse should be in the court. Hon. Kimani!

Hon. H.K. Njuguna: Hon. Speaker, the issues in question involve surveying and ownership. Some of them have even gone to the District Commissioner. We have even had some of the people there disappearing and like I said, resulting even in death. The Government has a duty to adjudicate and make sure that these squabbles are brought to an end. They should issue a Statement bringing to light the land issues that concern the Ministry.

Hon. Speaker: I do not know. It looked to me like the issues are more to do with ownership disputes.

Hon. H.K. Njuguna: Hon. Speaker, at the end of the day, we are talking about ownership.

Hon. Speaker: So, you want the Committee to establish who owns what?

Hon. H.K. Njuguna: Yes.

Hon. Speaker: Hon. Mwiru, do you feel sufficiently equipped?

Hon. Mwiru: Hon. Speaker, indeed, the Member is trying to push it to the level that he is dealing with the ownership of land in that area. But from where I sit, as a Committee, we can only establish that maybe a certain co-operative movement owns that chunk of land. In terms of the disputes within the co-operative movement, it is within the purview or the docket of a Co-operative officer. That matter lies in a different Committee all together. The management of assets and liabilities of a co-operative movement is bestowed upon the directors. So, whether the squabbles are there or not, the only issue is that that machinery or system must be exploited and looked into before we even get to the individual ownership of a chunk of land within a co-operative movement. Any problems within the co-operative societies can only be handled by another arm and not me. I am not very competent on that line, from my own understanding.

Hon. Speaker: Hon. Kimani, this matter should go to the Departmental Committee on Finance, Planning and Trade, to deal with it.

Hon. H. K. Njuguna: I thought the hon. Member was talking about the Committee on Agriculture, Livestock and Cooperatives. I see it cutting across the two Committees.

Hon. Speaker: You are now saying three committees, how will they sit? That will be a plenary of this size.

Hon. H. K. Njuguna: I agree it should be the Committee on Agriculture, Livestock and Cooperatives.

Hon. Speaker: This matter falls under Committee on Cooperatives.

Hon. H. K. Njuguna: Yes, it is one Committee on Agriculture, Livestock and Cooperatives.

Hon. Speaker: Cooperatives are under which Ministry?

Hon. H. K. Njuguna: Ministry of Agriculture, Livestock and Fisheries.

Hon. Speaker: No! No! Industrialization is under which Committee? Is it Committee on Finance, Planning and Trade? You need to look at the designations.

This matter should go to the Departmental Committee on Finance, Planning and Trade. Is there a Member because I obviously cannot see the Chair of that Committee? The Vice-Chair is here, hon. Gaichuhie.

Hon. Gaichuhie: Thank you, hon. Speaker. This matter, being complicated and we are still looking at the BPS and other items, we can only report after a month.

Hon. Speaker: You can only report back after a month?

Hon. Gaichuhie: Yes.

Hon. Speaker: Yes, hon. Kimani. After a long struggle, at least there is somebody who is willing to make a response.

Hon. H.K. Njuguna: In view of the complexity of the issue, although one month is quite a bit of time, and going by the deliberations, I am willing to wait for one month.

Thank you, hon. Speaker.

Hon. Speaker: Very well, next Statement! Hon. Z. K. Cheruiyot.

NON COMPLETION OF OLENGURUONE STADIUM

Hon. Cheruiyot: Thank you, hon. Speaker. Pursuant to Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Committee on Labour and Social Welfare, regarding the status of construction of stadia across the country, with special reference to Olenguruone Stadium in Kuresoi South.

The stadium is the life of most people from Kuresoi Constituency, since it provides a good opportunity and environment for adequate training of national and international athletes. The construction stalled one year after construction began and it is reported that the contractor has been paid. The Chairperson should inquire and report on the following issues:-

(i) circumstances under which the construction of the stadium stalled after one year of commencement of the project;

(ii) how much money has been paid to the contractor to date and the reasons behind the abandonment of the project after the payments; and

(iii) steps being taken to ensure the contractor completes the construction as initially scheduled and pays the local suppliers.

This is a matter which is really urgent and the Leader of Majority Party is aware.

Hon. Were: I have committed to bring a response in three weeks' time.

Hon. Speaker: Three weeks! Hon. Cheruiyot.

Hon. Cheruiyot: He has got an honest face, I am sure he will do it.
Thank you, hon. Speaker.

Hon. Speaker: That is okay, hon. Makali Mulu.

PERSONAL STATEMENT

VISIT TO UMAA DAM BY DEPARTMENTAL COMMITTEE

Hon. Mulu: Thank you, hon. Speaker. Pursuant to Standing Order No.84, I wish to make a Personal Statement that is of utmost interest to me and I believe by extension to this honourable House.

On 3rd February, 2013, the Departmental Committee on Environment and Natural Resources made an official visit to my constituency to familiarize themselves with a very important project in this country called Umaa Dam. This is one of the four flagship dams, whose implementation is actually targeted in the vision 2030.

While the visit was important, I am very concerned with the way it was planned and executed. It is very unfortunate that the Committee actually sneaked in and out of my constituency as they did not inform me. To make matters worse, they did not inform any members of the county government and neither were courtesy calls made to any local leaders. Consequently, the visit was seen to have not been made in good faith by the local leadership as none of them including myself as a Member of this honourable House were informed.

Hon. Speaker, Umaa Dam is a very controversial project in my constituency, because there have been reported incidents of corruption in its implementation and that has denied my people their right to water. What made things worse was the fact that a Committee of this House in the Tenth Parliament is perceived by my people, to have given the corrupt elements a clean bill of health. So, when a second visit is made and surrounded with high levels of secrecy, the people of Kitui and more specifically, Kitui Central perceive Parliament as an institution that is part of the conspiracy to deny them their right; that is water.

With this kind of scenario, there is need for this House to have interest in this matter. In conclusion, I plead with House Committees to be courteous and inform area Members of Parliament before such visits are made to the respective constituencies to avoid unfortunate embarrassment to this honourable House.

Thank you, hon. Speaker.

Hon. Speaker: Well, that was a Personal Statement, as you know hon. Members there is no debate allowed. It is loud and clear and as matter of courtesy, when a Committee of the House is visiting any constituency, it is fair and honourable to inform the Member, even if not anybody else. Inform the area Member that the Committee is visiting. Otherwise, we may find ourselves with misconceptions that may be associated with such visits.

What is out of order now! Hon. Harrison Kombe, you are the first one on a point of order.

Hon. Kombe: Thank you, hon. Speaker---

Hon. Speaker: I can see very many interventions and points of order. I am going by the screen and not those who are standing.

Hon. Kombe: On a point of order, hon. Speaker. This regards a Statement I sought from the able Chair of the Committee on Lands that has not yet come up.

Hon. Speaker: When was it sought?

Hon. Kombe: Last time, hon. Speaker.

Hon. Speaker: When did you seek the Statement?

Hon. Kombe: Last time, hon. Speaker.

Hon. Speaker: Now, last time is difficult for me to adjudicate. Was it in the last Session?

Hon. Kombe: Yes, hon. Speaker. But the Committee had gone---

Hon. Speaker: Let me implore you for free again, as I normally do. If it was during the last Session, you can re-phrase it.

Hon. Kombe: It is okay, hon. Speaker, but get me right.

Hon. Speaker: You want to---

Hon. Kombe: Hon. Speaker, would I be in order to ask the Chair to give his report because he had visited the area? It was already in the process--

Hon. Speaker: Hon. Kombe, everything that was sought where no reports had been presented to me, died with the Session.

Hon. Kombe: It is fine, hon. Speaker. People are going to die there; the situation is so bad on the ground and that is why I am standing on a point of order.

Hon. Speaker: It is unfortunate. In as much as I sympathize with what you are saying, I will not allow you to raise it in the manner that you now propose. It is not difficult for you to go and write it a fresh. If you say that the Committee was already seized of the matter, it means that what was remaining would be finished. So, do I have to tell you what to do? I did that at the commencement of this Session.

Hon. Murungi: Thank you, hon. Speaker. This afternoon I read a petition on behalf of the good people South Imenti and Kenya by extension, but we did not give an indication through the Chair up to when maybe these petitioners should still continue to pray. No undertaking was given.

Hon. Speaker: There is nothing out of order. The petition was referred appropriately to the Committee and it was directed how to proceed. I thought you were listening attentively, but you may have not, the way you wear spectacles.

Hon. Kombe: But hon. Speaker, the Chair did not respond.

Hon. Speaker: He is not required to say anything. They will be seized of the matter and they will deal with it. The matter is before the Committee and you can pursue it there. It is not like these statements.

Hon. Kombe: Thank you, hon. Speaker.

POLICY ON EMPLOYMENT/PROMOTION OF CHIEFS

Hon. (Maj-Gen.) Nkaissery: Thank you very much, hon. Speaker. On 13th February, 2014, I sought a statement from the Chairperson of the Departmental Committee on Administration and National Security and he did promise to give a

statement last Thursday. On 20th this month, I alerted the Chair and he again promised to deliver it today. The HANSARD will bear me out because you actually gave direction.

Hon. Speaker, this was a very straightforward statement and even on 20th February, 2014, I said that it is a straightforward matter. There could be something this Ministry could be hiding, and you actually asked me what I was going to do if there was nothing hidden. A straightforward thing is now taking four weeks.

Hon. Speaker, this is a right for my people and that is why we are representatives of the people here. We must demand---

Hon. Speaker: Can we hear a response from the Committee because you are debating and we have not heard and response? All you needed to do was to remind the Chair that you had sought a response so that we hear what the Chair of that Committee has to say. But it looks like you have information which you are debating. Can I allow you to debate and then we move to the next Order? You are debating something which is not before me.

Hon. (Maj-Gen.) Nkaisery: Hon. Speaker, that is important.

Hon. Speaker: It has nothing important! You should have just said, so that we hear what the Chairman has to say. Hon. Nkaisery, you are an experienced Member of the House.

Hon. (Maj-Gen.) Nkaisery: I know.

(Laughter)

Hon. Abongotum: Thank you, hon. Speaker.

First of all, I want to agree with your earlier suggestion that it is high time we had strangers addressing this House, especially on sensitive matters like the one of national security. I agree with you on that, and when the time comes, I will support it.

On the issue of hon. (Maj-Gen.) Nkaisery, I even shared with him that I have been pursuing this matter with the Cabinet Secretary for the last few days. So, they have just told me that they are waiting for information from the County Commissioner in charge of Kajiado. As of today, that information is not with them and they have humbly requested this august House to give them one extra week; so that they can give it by Tuesday next week. If that statement will not have come by next week, I will hand over the matter to the Leader of Majority Party to pursue it to its logical conclusion.

That is my humble request and I have shared it with the hon. Member.

Hon. Speaker: Hon. Abongotum, when is your Committee meeting this week?

Hon. Abongotum: On Thursday, hon. Speaker.

Hon. Speaker: Are you saying Thursday of this week?

Hon. Abongotum: Yes, hon. Speaker.

Hon. Speaker: Hon. Nkaisery, I do not need any assistance. This is a straightforward matter. It is now directed from the Chair that the Cabinet Secretary for Interior and Coordination of National Government, whoever it is, is directed and ordered from here that he appears before your Committee on Thursday, at 10.00 a.m. to give you that information. This House cannot be held to ransom by Cabinet Secretaries. He cannot say that he is waiting for information from Kajiado which is so near Nairobi. Information

about employment of chiefs, sub-chiefs or assistant chiefs is supposed to come from County Commissioner, in Kajiado.

Surely, this is the kind of thing that should not happen! I am sure we are on e-mail. Hon. (Maj-Gen.) Nkaisery, you do not even need to belabour the point. Let that Cabinet Secretary appear before the Committee on Thursday. We are not going to mince words, if he does not appear, let it be reported here.

(Applause)

We cannot keep moving in cycles. It is, therefore, directed. The Leader of Majority Party will convey this information to the Cabinet Secretary, whether he has any other engagements or not; he must appear before the Committee to give information that is being sought.

Hon. A.B. Duale: Hon. Speaker, you have done it very well. I want Chairs of Committees to be very tough on the Executive. Where they feel that the Executive is not doing its bit, they raise the matter through your office and my office.

Hon. Speaker, as you have said, the matter before the Chair is a very small matter. As the Chair has directed, the Cabinet Secretary should appear on Thursday. The answer must be delivered on Thursday afternoon by the Chair or by me. This is serious. If the Cabinet Secretary cannot give the answer, I would direct that he appears before the Committee and the answer must be here on Thursday. That is why he serves the people of Kenya. It is a small matter; in fact the one of Mombasa is serious and can lead to discussions. But about a chief who was sacked – if you look at the HANSARD of Thursday last week, which I had copy this morning, you gave a directive that this answer must be brought to the House this afternoon. This House cannot be taken to ransom by a particular Cabinet Secretary

I concur with you and I will take the information to the Executive.

Hon. Speaker: Therefore, the information should be laid on the Table of the House at 2.30 p.m. on Thursday, this week. You make a report on whether he has come to give you information or he has not. It is now a directive from the plenary that he comes.

Next Order!

BILLS

Second Reading

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL

(Hon. Sakaja on 12.2.2014)

(Resumption of Debate interrupted on 19.2.2014)

Hon. Speaker: Hon. Members, the business appearing on Order No.8 is there purposely for putting the Question. I confirm that we have the requisite quorum to put the question.

(Question put and agreed to)

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

COMMUNICATION FROM THE CHAIR

MEMORANDUM FROM H.E. THE PRESIDENT ON INSURANCE (AMENDMENT) BILL

Hon. Speaker: Hon. Members, I wish to make this Communication relating to the Memorandum for refusal to assent to the Insurance (Amendment) Bill, National Assembly Bill No.5 of 2013.

Hon. Members, you will recall that on Wednesday, 12th February, 2014 I promised to give a communication on the procedure to be followed when considering the Memorandum from His Excellency the President on the Insurance (Amendment) Bill, National Assembly Bill No.5 of 2013.

His Excellency the President's Memorandum indicates specific provisions of the Bill which require to be reconsidered by this House. Article 115(4) of the Constitution provides and I quote: "Parliament, after considering the President's reservations, may pass a Bill a second time, without amendment or with amendments that do not fully accommodate the President's reservations, by a vote supported by –

(a) by two-thirds of members of the National Assembly; and

(b) two-thirds of the delegations in the Senate, if it is a Bill that requires the approval of the Senate. "

Also relevant to this process is the provision of Standing Order No.154 which requires the National Assembly to dispose of the Memorandum within 21 days. Therefore, the House has to conclude the reconsideration of the Bill by 4th March, 2014.

Hon. Members, Article 115 of the Constitution gives the House three options. The first one is that the House may approve the President's reservations as contained in the Memorandum. To do this, you require a simple majority. Under the second option, the House may approve the President's reservations with amendment and under the third one, you may refuse to accept the President's reservations and, therefore, approve the Bill in its original form. For the House to take the latter two options, you require resolutions supported by votes of not less than two-thirds of all Members of the National Assembly.

Since the Speaker does not have a vote, two-thirds of 349 Members translates to 233 Members. It is therefore clear that for the House to either defeat or enter any amendment on the President's reservations, you pass a resolution supported by not less than 233 Members.

Hon. Members, as you are aware, in terms of procedure, Standing Order No.138 provides that on recomittal of Bills, the Committee of the whole House considers only

those matters which are specifically referred to it for reconsideration. This procedure also applies to the consideration of the President's reservations on a Bill. This means that only amendments to specific clauses being reconsidered shall be entertained.

In addition, Standing Order No.72 requires the Speaker to direct a division to be taken in every instance where the Constitution lays down that the fixed majority is necessary to decide any question. It, therefore, follows that each amendment will have to be put to an electronic vote for a decision.

Hon. Members, as soon as the Order for Committee, as has been done, is read the House will proceed to the Committee. The Leader of Majority Party will move a Motion for consideration of the Bill as recommitted. The Committee will then consider the specific recommendations by His Excellency the President as indicated on the Order Paper and approve the same with or without amendments. On conclusion of the consideration, the Committee will report to the House by way of a Motion that the House does agree with Committee in the said Report.

In the event that the Committee of the whole House approves the President's reservations without amendments pursuant to provisions of Article 115 of the Constitution, a simple majority will be adequate to pass the amendment as recommended by the President. However, if the Committee rejects the recommendations by the President *in toto* a majority vote of not less than two-thirds will be required as I have already indicated.

Hon. Members, the essence of Article 115 of the Constitution is that in order for the House to reject the recommendations by His Excellency the President it requires a requisite number of 233 Members.

On the reporting procedure, the Bill will not be read a Third Time as this was done when it was passed on 31st October, 2013. It is, therefore, sufficient that the resolution of the House adopting or rejecting the Report of the Committee of the whole House in accordance with Standing Order No.138 read together with Standing Order No.136 which states that the House doth agree with the Committee in the said Report, will satisfy Article 115 of the Constitution and will be in conformity with the rules and procedure on recommittal of Bills as amplified by Standing Order No.138.

I thank you. The House may proceed to Committee.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Speaker left the Chair]

IN THE COMMITTEE

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

MEMORANDUM FROM H.E. THE PRESIDENT ON RESERVATIONS TO THE INSURANCE (AMENDMENT) BILL

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The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Members! Those wishing to retreat from the Chamber you have a minute to do so. Please, retreat silently.
Hon. Members, I have been guided appropriately by the substantive Speaker.

Clause 6

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move:-
THAT, Clause 6 of the Bill be amended by deleting paragraph (b).

(Question of the amendment proposed)

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

(Clause 6 as amended agreed to)

Clause 11

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 11 be deleted.

(Question of the amendment proposed)

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

(Clause 11 deleted)

New Clause 13A

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move:-
THAT the following new clause be inserted immediately after Clause 13 as follows:-

Authority to
Carry out
assessment

13A. That principal Act is amended by repealing section 68A and replacing it with the following new section-

68A. (1) Notwithstanding any other provision of this Act, the Authority shall, from time to time, carry out an assessment of the suitability of the person managing, controlling or having a significant ownership or significant beneficial interest in a person, licensed under this Act.

(2) An assessment under subsection (1) shall be in accordance with such criteria as may be prescribed in regulations.

(3) Where, upon an assessment under this section, the Authority is satisfied as to the suitability of the person managing, controlling or having a significant ownership or significant beneficial interest in a person licensed under this Act, it shall so certify in writing.

(4) A person who, upon an assessment under this section, is not certified by the Authority as suitable to manage or control a person licensed under this Act, shall be deemed to be disqualified from holding such office.

(Question of the new clause proposed)

(New clause read the First Time)

*(Question, that the new clause be read
a Second Time, proposed)*

Hon. Sakaja: Hon. Temporary Deputy Chairman, I would like to mention something with respect to this clause with the full knowledge that there are no numbers to amend it. However, if you look at what this clause does, it provides that the Authority, as it is looking to license players in the industry, shall from time to time carry out an assessment of the suitability of the person managing, controlling or having significant ownership and will allow that person, only when it is satisfied. I think this clause could have been worded in a different manner because the danger is that it can create a situation where we have cartels in the industry where there are no clear criteria on what that suitability means or where there are no clear criteria on what elements or factors are being looked at. It is actually a bit dangerous but I think in the future once we are able to look at this again, we will be able to amend it accordingly.

So for now, I support.

Hon. Limo: Hon. Temporary Deputy Chairman, I want to say that this new clause is very important because when you look at the management of the insurance industry, it is important to have an Authority to assess and look at the suitability of persons controlling, managing or having significant interest in it. I must commend that this is a very important clause and I congratulate the President for bringing in this new clause. I also want to say that from the way I see the amendments being brought, the President is working with experts and we must support this amendment. I support.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to
the Bill, put and agreed to)*

Clause 20

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 20 be amended by deleting paragraph (b).

We have also distributed the Presidential Memorandum with all the justifications for Members to see.

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

(Clause 20 as amended agreed to)

Clause 22

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 22 be deleted.

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

(Clause 22 deleted)

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Memorandum from His Excellency the President on Reservations to the Insurance (Amendment) Bill, National Assembly No.5 of 2013 and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon.) (Ms.) Mbalu in the Chair]*

REPORT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I will now ask the Chairperson to report.

Hon. Cheboi: Hon. Temporary Deputy Speaker, I now report to the House that the Committee of the whole House has considered the Memorandum from His Excellency the President on Reservations to the Insurance (Amendment) Bill, National Assembly Bill No.5 of 2013, and approved the same without amendments.

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

(Question proposed)

Hon. Limo: Hon. Temporary Deputy Speaker, I want to make few remarks; that I thank the House for supporting the President's Memorandum because basically what he was doing was to remove some loopholes which were inherent in the Bill as it was. The way the Insurance (Amendment) Bill will now be is that it is going to regulate the insurance industry very well and, therefore, we need to support it.

Hon. Murungi: Hon. Temporary Deputy Speaker, I will take the opportunity also to congratulate the President for giving us the Memorandum and also to congratulate hon. Members for passing these amendments. Now the insurance industry will be well regulated to take care of our Kenyans.

Hon. Njagagua: Hon. Temporary Deputy Speaker, it is only that the Leader of Majority Party was trying to pull me down when I was trying to speak. I am in support of the President's Memorandum on this Insurance (Amendment) Bill. I believe that it is now going to regularize the issue on the Constitution.

Hon. Waititu: Hon. Temporary Deputy Speaker, having listened to my colleagues and the contributions, I also support this Bill.

Hon. Melly: Hon. Temporary Deputy Speaker, having listened to the Memorandum of the President, more so, the idea that he has opened the insurance industry to the East African region partner states, the President has taken the step of bringing integration into the insurance industry and making Kenya a leader in partnership in East Africa. So, I support.

Hon. (Ms.) Kanyua: Hon. Temporary Deputy Speaker, I want to support the amendments and to support also the process. The insurance industry continues to be very important in our country. I support.

Hon. (Ms.) Wanyama: Hon. Temporary Deputy Speaker, I also rise to support the amendments and to thank His Excellency the President for the Memorandum.

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, I want to confirm to this House that our Committee, the Departmental Committee on Finance, Planning and Trade went through this Memorandum and we concurred, as a Committee, that these amendments are worthwhile. The only dissenting view was on that clause that hon. Sakaja commented on because we felt that when we leave it like anybody can stop somebody from running an insurance company without set parameters, it will be a problem. But we agreed that it would be difficult for us to raise the required number. So we agreed, as a Committee, that we let the Memorandum just go as it is. I just want to confirm on behalf of the Committee that we went through the Memorandum.

(Question put and agreed to)

MOTION

APPOINTMENT OF DR. A.I. ALI/MRS. L. MUMELO TO PSC

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): We will now have the Chairperson of the Parliamentary Service Commission (PSC) move the Motion.

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Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Speaker, on behalf of the Chairperson of the PSC I beg to move the following Motion:-

THAT, pursuant to the provisions of Article 127(1)(d) of the Constitution, this House approves the appointment of Hon. (Dr.) Abdullahi Ibrahim Ali and Mrs. Lonah Mumelo to be Members of the Parliamentary Service Commission.

I will move this Motion very briefly because a Motion of a similar nature had already come before this House in the last Session. This basically is a follow up and a response to the mood of the House and the sentiments of hon. Members regarding the Motion that we earlier brought to the Floor of this House. Taking into account sentiments of hon. Members on one of the nominees that was brought to the Floor of the House, Madam Jennifer Barassa and also taking into account the general mood of the House when this list was previously presented, this new Motion brings in amendments by introducing in the place of Ms. Jennifer Barassa, Mrs. Lonah Mumelo, HSC (Head of State Commendation), PhD candidate, MA and B.Ed(hons). Looking at the requirements for this job as stated in the Constitution, Mrs. Mumelo fits the view that is required for members to join the PSC. Mrs. Mumelo has been in the Public Service for the last 23 years. She is currently the Dean of Students at Shanzu Teachers College. Before that, for a long time, she was the principal at Sheyewe Secondary School. Looking at her and how she has risen through the ranks within her profession, it gives you the picture of a hardworking woman. She also has a lot of regional and international exposure. She was the secretary to the Kenya Secondary Schools Heads Association.

She is also the Secretary-General of the African Confederation of Principals. Hon. Deputy Speaker, such an organization exists. She was also the African representative at the International Confederation of Principals. As you can see, she actually does have a lot of not just national, but international exposure as well. She has stated in her application that she is a believer in parliamentary democracy. Members do realize that one of the key roles of the Parliamentary Service Commission, in addition to looking out for the wellbeing of Members of this House and the Senate, if you look at Article 127(6)(d), one of the key roles of the Commission is to promote ideals of parliamentary democracy. Being a believer in parliamentary democracy is truly an advantage. If you look at Madam Lonah and the person that she comes in to replace from the former list, the regional balancing has been well taken care of.

The second candidate is hon. (Dr.) Abdulahi Ibrahim Ali. He needs no introduction to this House because he was very well canvassed when this Motion was moved previously. Hon. (Dr) Abdulahi Ibrahim Ali was one of the founding Members of the Parliamentary Service Commission. He was a member from the year 2000 to 2008. For us who are coming late into Parliament, I think it will be important to understand that really, before the formation of the Parliamentary Service Commission, the terms and conditions of Members were very low. The other thing I have understood after being in this House is that PSC did not just happen because the people were willing. They had to fight. It was almost like a fight for freedom to release Parliament from the bondage of the Executive. That really took courage. If one of the founding Members now wants to come and sit in the commission, then there is no better candidate in comparison.

As I conclude, I would like to say that the approval of these two members by the House will complete the constitution of the Parliamentary Service Commission, which really is long overdue.

With those many remarks, I would like to urge Members of the House to support this Motion. I beg to move and now call upon hon. Jimmy Angwenyi to second.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Angwenyi.

Hon. Angwenyi: Thank you, hon. Temporary Deputy Speaker---Put me on!

(Laughter)

Thank you, hon. Temporary Deputy Speaker. This is a great day for me because we are going to admit one of the founding Members of Parliamentary Service Commission, hon. (Dr.) Abdulahi Ibrahim Ali. I will give a short history on how we came up with Parliamentary Service Commission. I remember we used to meet at the Japanese and German Embassies for two years without the Government knowing. Otherwise, they could have clobbered them. At that time, I was an Assistant Minister in the Office of the President and the President did not know that I was participating, together with hon. (Dr.) Ali and others, in efforts to form the Parliamentary Service Commission. Once we formed it, hon. (Dr.) Ali was the one of the founding commissioners of the Parliamentary Service Commission. We then embarked on our work. That man - and I can see him over there - when he is determined to get something, he will get it before he leaves. I remember going to *Mzee* hon. Nyachae's office, when he was the Minister for Finance and said: "We cannot leave here until we increase our salary from Kshs73,000 to Kshs218,000." We said: "We cannot move!" This man said he was going to die there and *Mzee* hon. Nyachae had to accede to our demands. So, by him coming back to what he created partly shows that he has the appreciation. It also encourages us to create things; to bring Bills here which would empower Parliament and the citizens of Kenya.

On the second nominee, Ms. Lonah Mumelo, she is a great girl. I met her twice - not privately - but in public.

(Laughter)

She is a great girl. I am sure, after I talked to her, she will perform the work of a Commissioner of the Parliamentary Service Commission to the benefit of the Members of this Parliament. That is what we want. She respects people; she respects Members of Parliament and she is not like some of the Commissioners who have no regard for this Parliament. Really, I should not say much. We should have appointed these people like yesterday. In fact, if we were meeting on Monday, we should have appointed them on Monday. Mine is just to urge and persuade you to approve the appointment of these two great Kenyans.

I beg to second.

(Question proposed)

Hon. Francis Nyenze.

Hon. Nyenze: Thank you, hon. Temporary Deputy Speaker. I just want to support this Motion because those two are great Kenyans. As hon. Angwenyi has said, if this gentleman, Dr. Abdullahi Ibrahim Ali worked that hard for a long time, there is no reason why we cannot approve his appointment to the Parliamentary Service Commission, together with the honourable Lady whose vast experience has been shared with us by hon. (Ms.) Wanga. What I would like to say in support of the appointment is that they should join the rest. I urge Members who are in the Parliamentary Service Commission to make sure they are not compromised. They should look into the welfare of Members and not look back. I know hon. Angwenyi has vast experience. I have worked with him in the previous Governments and he is very hard-working. What he has said is true. If we can have Members who are committed to the welfare of Members of both Parliaments, that would be very good.

In support of the appointment of these two great Kenyans, it is always good to look at the face of Kenya and try to balance regional interest and gender. Now that Ms. Lonah Mumelo comes from the region where the other would-be member of Parliamentary Service Commission comes from, we will be filling that vacuum, instead of leaving it the way it is. So, because they have exhibited leadership and they have the qualification that is required by the positions that they hold, they have a historical background of working for the welfare of Kenyans, I have no reservations in supporting their appointments.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Nyenze. Hon. Moses Cheboi, Member for Kuresoi North.

Hon. Cheboi: Yes, I can use this one, hon. Temporary Deputy Speaker. Thank you for recognizing me. I want to say from the outset that I support this Motion. I do not know this lady; I do not know her personally, but my gut tells me that she must be a good one. That is because she is a product of consultations. This is something that should be encouraged all the time whenever we make appointments. There should be deep consultations. This is something that should be encouraged; that all the time whenever we make appointments there should be deep consultation.

Hon. Temporary Deputy Speaker, I want to speak on the one I know and that is hon. (Dr.) Ali. I had the privilege of serving with him in the Ninth Parliament before I was given a brief break but I am now back. I can speak with a lot of confidence that, that gentleman known as Dr. Ali will deliver. He will deliver in terms of the welfare of Members. When I talk about welfare, I am not talking about emoluments but I am talking about the good working environment that we, as Members of Parliament, will be able to enjoy with good leadership at the Parliamentary Service Commission (PSC).

Since the name that has been brought here is that of Dr. Ali and this lady, Mumelo, I also want to speak to other Members who contributed a great deal to this institution that we now have. There was a man called Oloo Aringo, there was a man who was a Member of Parliament for Mosop known as John Sambu and there was a man called Jimmy Nuru Angwenyi. Is he still here?

Hon. Members: Yes!

Hon. Cheboi: Hon. Temporary Deputy Speaker, there were very many Commissioners who were appointed at that time. The others were not as good as these

but I can tell you without fear of any contradiction that the four that I have just mentioned, all that we are enjoying now, in terms of the working environment because I do not want to go to the issues of emoluments and others--- Probably, we would have got those ones. However, I am speaking in terms of the good working condition that we have as Members of Parliament so that we can be able to legislate comfortably. That can be attributed to them.

Hon. Temporary Deputy Speaker, now that we are going to have, if this House approves and I beg that it does, Dr. Ali among the Commissioners and knowing very well that hon. Jimmy Angwenyi is here for some time and another lady called Wanga, I can guarantee you that we will have a good Commission.

With those few remarks, I beg to support.

Hon. Murungi: Thank you very much, hon. Temporary Deputy Speaker. I rise to support this Motion. I have no doubt in my mind that hon. Jimmy's assessment of this lady is with no doubt good and therefore, I support her nomination to this Commission.

Hon. Temporary Deputy Speaker, I want to address the problems that our staff, especially in the constituencies is undergoing. I think previously the members of staff who worked for us from the constituencies were paid three months in advance to run the offices. I support these two nominees. After constituting the PSC fully, these two brains will be able to address the problems that our staff is facing especially those who are working for us. I have no doubt that the last time members of staff were paid their salaries was in December and we are now coming to the end of February. I do not know how these guys are surviving.

The PSC should really look into those issues including overtime for our drivers and security personnel because sometimes we go for meetings late at night - let this be on record hon. Jimmy; these people are really suffering.

Hon. Angwenyi: Hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Jimmy Angwenyi, allow the hon. Member to make his contribution. I appreciate that today you are---

Hon. Murungi: Hon. Temporary Deputy Speaker, to be sincere, I am not putting hon. Jimmy down because he is one of the Commissioners amongst many and I understand that he is one of the best. Therefore, he should use his prowess to make these things move faster. I am saying that these guys are really suffering. Three months for a young man to go without salary--- I think after we constitute this Commission fully the first assignment should be to look into these issues.

Thank you, hon. Temporary Deputy Speaker. I support this Motion.

Hon. (Ms.) Kajuju: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion before the Floor of the House. I appreciate the leadership of CORD in the sense that they have been able to bring us a very able lady going by the standards that have been read to us by hon. Gladys Wanga.

I feel proud as a Kenyan when a lady is said to have the qualities that hon. Jimmy Angwenyi has expressed in this House. With that kind of a lady joining the Commission, and looking at the ladies that we have in the Commission and so far what they have been able to do for us, I feel proud and appreciate this lady and say that we should approve the names of the two individuals who have been brought before us.

I believe that we came to the Eleventh Parliament when there were very many challenges that came on board with an expanded Parliament. Therefore, if we are able to constitute the PSC and have everybody on board so that they are able to attend to the issues that affect our Members, then so be it.

Hon. Temporary Deputy Speaker, I know that there is a reason as to why Article 248(2)(d) that talks about the setup of the PSC was enacted in the Constitution. Among other commissions, we know that as legislators this is a very important Commission because it takes care of issues concerning the membership of this Parliament.

I, therefore, and without hesitation request hon. Members to stand up and appreciate these individuals and approve their names so that the PSC can move on as a full house.

Hon. Mulu: Thank you, hon. Temporary Deputy Speaker. I also rise to support the appointment of hon. (Dr.) Abdullahi Ibrahim Ali and Mrs. Lonah Mumelo. These two positions are provided for in the way the Commission is set up. I think that it is important that we get these two officers into the Commission so that it becomes complete in terms of the number of people who are expected to be in the Commission.

One of the things I like about these appointments is that they are also gender sensitive. You can see that we have picked a man and a lady. This is good for the Commission. However, even as I support these appointments, there are two or three things that need to be noted by this honourable House. In the past, this House has appointed hon. ladies and gentlemen to these positions. When they seek to be appointed, they behave the way we politicians behave when we are soliciting for votes. You can promise anything but once you get to your position, you forget that there is somebody who has assisted you to get to that position.

We have seen people who have really treated this House in a very unfair manner when they are summoned by the House despite the fact that they were actually appointed by this House. I want to say that our Commissioners are doing a good job but I think there are some areas where they must pull up their socks. For instance, if you look at the issue of offices, you will find that hon. Members have been talking about offices for the last one year. We are now lucky that almost all Members have offices but I believe strongly that in a situation where an hon. Member stays for a whole year without an office, automatically, the performance of that Member cannot meet Kenyans expectations.

The other area in which we are not doing very well is on the issue of staff in our constituencies. Many times hon. Members have complained about the unnecessary delays in paying salaries to the staff. I think we are all Kenyans and we know the way we have committed our salaries. We know we want this money to pay fees and do other things. It is important that even as these two individuals join the Commission, the payment of salaries to our staff is addressed urgently.

Hon. Temporary Deputy Speaker, the last issue which I think the Commission also needs to consider concerns our car loans and mortgage.

These are tied to a specific timeframe in terms of the time we are going to be in this House. The more you delay in terms of making these facilities available to the Members, the more the repayment period becomes shorter and the more the rate in terms of what we are supposed to pay per month increases making it impossible for the

Members to access these facilities. These are areas that I would wish that when these two appointments are done, these Commissioners can take up these matters and sort them as soon as possible.

With those remarks, I support the appointment of these two members to the Commission.

(Some hon. Members raised their hands)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Members let us be advised; we do not raise hands in this House. We have a procedure to catch the Speaker's eye and we will all speak.

Hon. (Ms.) F.I. Ali: Hon. Temporary Deputy Speaker, I stand to support the Motion. The Mover of this Motion has eloquently put the resumes of the two nominees. I know Dr. Abdullahi and I was impressed today that he is the champion of the Parliamentary Service Commission. He has a memory of this Commission and has lived with it. He knows the whole agitation for establishing and strengthening the Parliamentary Service Commission.

Whoever nominated Dr. Abdullahi knew that he is an asset to the PSC. It was sad that these nominees were brought to this House and their names were returned. I urge the Members to seriously consider these great members who have been nominated to the PSC. One of them has a history in terms of the agitation and establishment of the PSC and ensuring that the Commission is working. He has been part of that history and has the memory of the whole movement. I strongly support. I know that hon. Dr. Abdullahi Ibrahim Ali is a very capable, committed and focused.

When you do not have the full house of the PSC, Members are challenged even in terms of securing quorum. Sometimes they are even forced not to go to their constituencies because there are pressing issues of the Members of Parliament. They cannot transact business because the full house is not there. These nominations have overstayed and we all appreciate the efforts of Dr. Abdullahi Ali in the establishment of the PSC. We need to fast-track these appointments, so that the two Commissioners are on board as soon as possible, so that the current Commissioners who have been overstretched by sitting long hours and foregoing visiting their constituencies and counties, get time to do that.

I support the Motion. As hon. Wangari, a Commissioner of the PSC, has said, Mrs. Lonah, one of the nominees, seems to be extremely experienced and qualified. She will add value to the Commission. The whole purpose of bringing members of the public to the PSC is to bring external voices into the Commission. These are the external members and their voices have not been entrenched into the PSC deliberations and work. We need them because sometimes the citizens think that Parliamentarians are rewarding and pampering themselves, but when a civilian is part of the PSC, that can be demystified and Kenyans will understand the issues through the non-Members. It is important because one of the requirements of the PSC is to include non-sitting Members of Parliament in the PSC to bring new insights as opposed to the Members of Parliament who are only seen as agitating for their interests. These voices have not been catered for and we need to bring them in.

The Members of Parliament, namely, the Senate and the National Assembly have serious problems. This is not where to ventilate those kinds of concerns, but there is need to fast-track these two nominees, so that they can quickly be ushered into the PSC to execute the work of the PSC. The Members have serious concerns and the effectiveness of the PSC can be hindered because of two nominees not being part of it. I strongly support the appointment of the two nominees.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Sakaja, and today you are sitting at a very strategic place.

Hon. Sakaja: Thank you, hon. Temporary Deputy Speaker for noticing my request to speak. I rise to support this Motion. As many Members have said, the two nominees are outstanding in, not only their character, but also in their professional service and experience. Doctor Ali is well known to me. I have worked with him. He has been, and I am not sure if he still is, a strong Member of the National Alliance Party. He was instrumental in the formation of the party and a lot of the activities we did. I can attest to his skills with respect to strategy, creativity and wide thinking. Mrs. Lonah Mumelo, as hon. Wanga has said, has had a prolific career. She is very well schooled. These are people who will, indeed, add substance to the PSC.

Even as I support, I just like to urge the Members of the Commission who are here, I can see hon. Jimmy Angwenyi and hon. Gladys Wanga and of course, at the gallery, hoping that we will approve the nominees, hon. Ali, that indeed, the PSC can do more with respect to its mandate. They have done more, but I would like to urge them to make use of the different skills that the Members have; whether it is in formation of certain sub-Committees to address certain issues or whether it is even just consulting individual Members of Parliament. We have 349 Members from different professional backgrounds, who can add value to the PSC. Some of the issues that are being raised, for instance, the Public Relations of Parliament have been lacking. Our communication function has failed because Parliament has not been getting good coverage. We have not been seen in the best light by the members of the public. This is one thing that the PSC needs to, not just pull up its socks, but I am sure they can take certain approaches to make sure that the image of Parliament is maintained. Many times, the problem is that Parliament is not getting its side of the story heard in the media.

I note that the only youth in the PSC is hon. Gladys Wanga. There is some value going forward if we have more young people. Hon. Angwenyi says that he is young. I know he is young at heart. When I say youth I mean young, not just at heart, but your hands and everywhere. You need to be fully young. The Parliamentary Service Commission (PSC) experienced many challenges when it assumed office. I do realize that in the last budget estimates we did, this House actually slashed the budget of Parliament itself. Some of the challenges that we are now facing are as a direct result of that. As we get into this Budget cycle, I would request that Members be aware that this Commission needs a lot of backing and support even with respect to budgetary allocations.

I would also like to urge them to do a little bit more. The Parliament website is a bit analogue. This Commission can work with the Clerk's Office and do more. That way, we can increase public participation with respect to the Bills and Motions that go through this House. Members of the Public have not had meaningful participation.

Sometimes, when the Committees go to the ground to interact with members of the public, the issues that are raised do not elicit the responses you get from the people. They want to deal with their local issues. If this Commission is creative, it can find different ways through which we can get submissions from members of the public online. That way, we will get the involvement of Kenyans. Majority of young people are extremely techno-savvy and are online throughout the day.

With that, I would like to wish the new members, Dr. Ali and urge him not to stop being a member of TNA Party, unless, of course, the position does not allow or, maybe, he had resigned, but I am not aware of that. I wish him and Mrs. Mumelo the best in their service. It was for a good reason that in constituting PSC, it was said that there shall be two members of the public, who can come and give a different perspective with respect to the functioning of this House and PSC.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Sakaja. The next on the request list is hon. Member for Kiminini, the Deputy Minority Whip.

Hon. Wakhungu: Thank you, hon. Temporary Deputy Speaker, for giving me this chance. I rise to support. I remember the last time we were here, when the name of one Jennifer Barassa was presented, I was on the Floor of this House supporting. She had all the qualities and qualifications but, hon. Abass, who is my very good friend, came and said that her attitude was wrong and that is why her name was dropped.

We agreed principally in this House that the next replacement should be somebody from the region where Jennifer Barassa comes from. I stand here today to congratulate PSC for coming up with this lady, Lonah Mumelo. So much has been said about Dr. Abdullahi and, of course, his name had already been passed. But the person whom he was nominated with did not qualify.

Personally, I know Mrs. Mumelo because I went to a local village school called Friends School, Kamusinga, and she was the Principal of a neighbouring school. In those good days, I could see the kind of leadership she was offering in that school, the way she was nurturing the students and has produced great minds in this county. I have no doubt when it comes to her leadership qualities. This is a lady who believes in family values. In terms of leadership, family values are very critical. Even to us who are Christians, we really value our families.

The lady Lonah Mumelo, when you look at her academic credentials, it goes without saying that being a Doctor of Philosophy (PhD) candidate, tomorrow or the day after, we are going to give her the prefix of a (Dr.) and academically, Lonah Mumelo really qualifies. She has risen through the ranks after completing her university education. She was employed as a teacher and through her performance she became a deputy principal, a principal, a senior principal and chief principal. She has even been awarded a Head of State Commendation (HSC). The lady, at the moment, is among the top leaders in Shanzu Teachers College. Her qualities also qualify.

When you look at Article 127 of the Constitution, the Commissioners are supposed to be there to take care of the welfare of parliamentarians, so that they can be able to do their work effectively and efficiently. One of the critical roles of parliamentarians is that of oversight as outlined in Article 95 and 96 of the Constitution. We can only oversee properly if we have people at the strategic level who are concerned

about our welfare. Somebody who has been a principal must be concerned about the welfare of the people. I have no doubt that those two people, when they come in, are going to add a lot of value as far as PSC is concerned.

Many Members have complained. Some do not even have offices or house mortgages. I am sure that when those people from the Public Service come on board, we are going to see a big change. We are not saying that Commissioner hon. Angwenyi or Commissioner hon. Wanga have not done a good job. But when we get some injection of blood from the public sector, who understand the culture of the Public Service, indeed, we are going to see the results.

As hon. Sakaja was talking about TNA, Lonah Mumelo, actually, was proposed by the CORD leadership and our Parliamentary Group (PG). We actually discussed about this issue and all the Members agreed that, that is one of our own and let her go ahead. I am speaking as a leader from the CORD side. We have no problem at all and looking at the mood of the House, you can as well put the Question.

Thank you, hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon (Ms.) Mbalu): Hon. Members, let me put the Question because I can see we have many Members waiting to contribute. Let me give a chance to hon. Ibrahim Saney.

Hon. Saney: Thank you, Temporary Deputy Speaker. I rise to support the Motion. I am privileged to represent one of the nominees in Parliament, hon. (Dr.) Abdullahi Ali. So many good things have been said about Dr. Abdullahi, especially by his contemporaries and seniors like hon. Agwenyi and others. If I may delve on the person of Dr. Abdullahi, he is a pioneer Member of Parliament for Wajir North who served for two consecutive terms. He was my worthy opponent in the last general elections. He is such a person who can still inculcate wisdom in me despite being his opponent who threw him out of the seat. He is a person who can mentor me and allow me to settle down to my work as a Member of Parliament.

He is a person who does not begrudge anybody and is full of wisdom. He has a vision and focus to serve Kenyans and does not look at what has happened in the past. More so, Dr. Abdullahi has been a parent to me as a Member of Parliament. He paid my college fees when I was in university at a time when there was no Constituencies Development Fund (CDF) or bursary. He could pay my college fees through his salary. Dr. Abdullahi outside politics is such a humane person, a wonderful person who does not have to politic with issues but see the larger picture.

His colleague, Ms. Lonah Mumelo, has an impressive career progression; no doubt she measures to the task. My request to the Parliamentary Service Commission is that most of the Commissioners have so much in their hands. They are sitting Members of Parliament and I am sure they have not had ample time to serve the welfare of Member of Parliament. These two members of PSC will bring in the required time to make sure that the welfare of Members of Parliament is taken care of. I am sure their focus should be on public relations as suggested by hon. Sakaja. I hope they will serve Members well.

With those few remarks, I beg to support. Thank you.

The Temporary Deputy Speaker (Hon (Ms.) Mbalu): Thank you, hon. Saney, we now know the details. The hon. Member for Bungoma, hon. (Ms.) Wanyonyi. Is she in? Hon. (Ms.) Wanyonyi!

Hon. (Ms.) R.N. Wanyonyi: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. A lot has been said about Dr. Abdullahi Ibrahim Ali. I want to stand here specifically to talk about Ms. Lonah Mumelo. I am proud that her name is appearing here. I have known her during my high school days. She was my schoolmate. I stand here to testify about a lady of substance who is coming to join Parliamentary Service Commission (PSC).

Hon. Temporary Deputy Speaker, Lonah Mumelo has headed several educational institutions and has exhibited a lot of understanding. She has strengthened institutions and systems in various institutions she has worked in. She is one of the key women leaders in Western Kenya and she has actually demonstrated leadership in the region. Her coming to PSC is a big advantage to us.

I want to say that even as we face and talk about issues affecting hon. Members, this is one person whose input and contribution to PSC will, for sure, add value. Therefore, I stand to support these two people to join PSC. I believe they will deal with issues that touch on hon. Members when they go to attend meeting outside Parliament, and the support staff who are not catered for. I want to believe that even as we put together PSC, these issues will be considered. I have no doubt Ms. Lonah Mumelo will stand out to add great value to PSC.

With those remarks, I support.

Hon. Abbas Ahmed: Thank you, Temporary Deputy Speaker. Going by the mood of the House, will I be in order to request that the Chair puts the Question. The mood is all supportive.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I have to get it from the House because I have 22 requests from hon. Members of this House who are ready and able to contribute.

Hon. Members, as per the request by hon. Ibrahim Ahmed Abbas ---

Hon. Member: Give us one minute each.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You want us to do one minute each?

Hon. Members: Yes! One minute.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Are we in agreement?

Hon. Members: Yes.

Hon. Abbas Ahmed: Thank you, hon. Temporary Deputy Speaker. I want to thank the Chair for reading the mood of the House. I also want to thank the CORD leadership for realizing the need not to push for somebody who was not pushable!

I support the Motion.

Hon. Kipyegon: Thank you, hon. Temporary Deputy Speaker. I would like to correct the pronunciation of my name. I am Johana Ng'eno Kipyegon and not Kipyon. Anyway, thank you.

I would like to say that I stand to support this Motion so that we can have a working PSC. Although we have hon. Members already in the Commission, we need those two persons to be there also.

Hon. Temporary Deputy Speaker, I only want to make one request to the Commission. As you all know, we have one channel that is serving both the Senate and the National Assembly. My request to the Commission is to create two channels so that

we have channel one and two. That way, whoever wants to watch what is going on in the Senate or the National Assembly can do so at his or her own pleasure.

Otherwise, I would like to say that those two people have been—

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your one minute is over, hon. Kipyegon.

Hon. Njagagua: Thank you, hon. Temporary Deputy Speaker. I stand to support this Motion; that we have Dr. Abdullahi Ibrahim Ali and Lonah Mumelo appointed to serve in PSC.

However, before my one minute is over, I would wish that, once these members are appointed, let them do service to hon. Members. As we speak, some of us do not have offices and car loans. Even those who have offices are complaining that they are not habitable. So, what are we doing as hon. Members? What are the Commissioners doing? They have very beautiful offices fitted with five-inch thick carpets, while hon. Members of Parliament have no offices. Please, consider your colleagues as hon. Members of Parliament.

Thank you.

Hon. Makenga: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. The two personalities who have been nominated to these positions at PSC are distinguished personalities in our country.

Contributors before me have spoken very well about hon. (Dr.) Abdullahi Ibrahim Ali. He happens to have been one of the pioneer persons who established PSC and now that he is coming back as a Commissioner, he will add value to---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Please, let us budget our one minute so that we can put our issues together.

Hon. (Ms.) Ngetich: Thank you very much, hon. Temporary Deputy Speaker, for giving me this opportunity. I stand to also echo the sentiments of my colleagues and support the appointments of the two persons to PSC. When I look at the two, they have met the regional and gender balance. A lot has been said about their academic credentials, experience and, of course, no doubt, they have had a lot of experience in public administration.

I want to say that I have had the privilege of working with Lonah Mumelo. I was once a principal of a school and we knew each other so well. I know her administrative skills. All I have to say is that, I wish them the best and let them serve us better.

Thank you.

Hon. Rop: Thank you, hon. Temporary Deputy Speaker, for giving the opportunity to contribute to this Motion.

I also want to join my colleagues in congratulating the people who have been nominated for appointment to serve in PSC. Having listened to them, I have realized that Dr. Ali and Mrs. Mumelo have a lot of expertise in terms of management and that is what we require in PSC.

They will inject new blood in the Commission. I want to urge the Commission that having servants of Members working without salaries for several months--- For sure, they are really suffering. The employees who are serving us go for several months without pay. That pinches our pockets all the time. They should also be very keen in their budgetary issues.

I have seen the budget proposals from the PSC being slashed all the time by the Budget and Appropriations Committee. I think that has contributed to the issue of---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your one minute is over. Thank you.

Hon. Dido: Thank you, hon. Temporary Deputy Speaker. I also wish to add my voice to the appointment of hon. (Dr.) Ali. He is somebody who is very well known to me and very well qualified for this appointment.

Based on what hon. Wanga has contributed in this House this afternoon, having Ms. Lonah Mumelo will be very good for PSC.

But what I want to say is this: We call upon the PSC to wake up because, as new legislators, we have not had good services from PSC and we cannot hide our heads in the sand. Without offices and without the welfare of our staff across the board down to the constituencies being catered for, I think they have not been doing a good job and the addition of those two might—

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Anami, you have the Floor.

Hon. Anami: Thank you, hon. Temporary Deputy Speaker. I have had the privilege of working and knowing the two appointees very well. I want to say with confidence that those people will bring a mix of expertise and talent to PSC. Therefore, I support their appointment.

Nevertheless, even as I thank the PSC for bringing up those appointees and presenting them very effectively, I would like to emphasize the fact that the face of PSC is exhibited by officers who work for us in the constituencies. What needs to be prioritized is payment of salaries to our employees and caring for their welfare. Thank you.

Hon. Farah: Thank you, hon. Temporary Deputy Speaker. I want to also add my voice to this issue of nominees. What I heard from hon. Wanga is that Mrs. Mumelo is an outstanding character in this country. I take that as it is, but I want to tell the House that I also know Dr. Abdullahi Ali on a personal level, a friend and a schoolmate. I think the Parliamentary Service Commission is in the right hands with the external Commissioners. Dr. Abdullahi is a positive thinking gentleman, a politician, a manager and a friend with a very good heart. I stayed with him for one year in a class of Executive Master of Business Administration and I know he is a wonderful gentleman.

I do support the Motion.

Hon. Wekesa: Ahsante sana Bi. Naibu Spika wa Muda kwa kunipa nafasi hii ili nami niunge mkono Hoja hii. Ni wazi kwamba kulingana na kumbukumbu, hawa watu wawili ni watenda kazi na sina wasiwasi kwamba watachapa kazi yao. Mbali na mheshimiwa Dkt. Ali kuwa mwanzilishi wa Tume ya Huduma ya Bunge, nilibahatika kuwa mwajiriwa wake. Niliwasiliana naye kwa mambo mengi. Najua kwamba yeye ni mtu mnyenyekevu na msikivu na najua ataangalia maslahi ya waheshimiwa Wabunge.

Hon. Osman: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion. Dr. Ali is somebody who is known to me. I think Dr. Ali has been tested as a medical doctor, politician and also as a parent. Saney has already said that he is the one who educated him but, unfortunately, I do not know why he contested against him.

The same goes for Madam Lonah. We have heard so many good things about her. We have looked at her CV and seen that she recognizes high standards and I think they will serve the Commission and Members of this House.

I support.

Hon. (Ms.) Kanyua: Thank you, Temporary Deputy Speaker. I am also happy to stand in support of the nominees to the Parliamentary Service Commission. I support them at this time when we are about to vote in the Supplementary Budget, that is, Kshs5 billion. We are now hoping that with the fully constituted Parliamentary Service Commission, funding services will be availed. Those of us who are serving as Chairpersons and Vice-Chairpersons are still waiting for offices. More importantly, I also hope that the Commission will take time to hire good lawyers for the litigation that has been driven against the House. I think it is important that the House is properly defended. Some of the orders we are seeing is simply because the Commission does not send lawyers to court. The Senate does not appear; the National Assembly does not appear and the Attorney-General has never been a good lawyer. If we could get the Commission in a fully constituted way to take due action on cases against Parliament and Members, that will be important.

I support this Motion.

Hon. Melly: Thank you Temporary Deputy Speaker. I rise to support this lady and gentleman. As a former principal, I worked with Lonah Mumelo. She is very articulate. She is a lady who can deliver. As a teacher and administrator, she rose through the ranks to become a very senior principal and also a member of the Kenya Secondary Schools Association.

Dr. Abdullahi Ali, being a pioneer of Parliamentary Service Commission, deserves this position to maintain his tracks. I want to point out that the Parliamentary Service Commission needs to look into the welfare of Members of Parliament---

Hon. Sambu: Thank you, hon. Temporary Deputy Speaker. I also rise to support this Motion. I want to thank the Parliamentary Service Commission for coming up with names of Kenyans who are really dedicated to duty. I particularly know Lonah as a very hardworking lady. You can see the manner in which she has grown in her service. She started from a simple teacher to a principal, chief principal and also being commended by the State for an award of HSC. This is, therefore, a woman with substance and a hard-working one for that matter. She is a woman you can trust. I am sure the recommendations given by the Public Service Commission---

Hon. Gikaria: Thank you. Hon. Temporary Deputy Speaker, you know the first time I came to Parliament, I met some employees of Parliament and they told me to try as much as I can so that my party nominates me as a Commissioner. When I asked them why, they told me that if you become a Commissioner in Parliament, you will employ people. I do not know whether that is the position.

I have three things to state. The Commission needs to appreciate that 80 per cent of Members are new. Our constituency office managers are also new. The Commission needs to think of an induction course for them. Whenever we follow up on our constituency funds, they are slashed because the constituency office managers do not know what to do. So, we would like to have some seminars for those officers.

Eng. Manga: Thank you, hon. Temporary Deputy Speaker. I do not know much about that lady but, having heard what my colleagues have said, I am sure that she is able to execute this job. As to my friend Dr. Ali, I happened to have worked with him. I know him as a very hard-working man. He is also a man of integrity. I happened to work with him in KANU. He was our treasurer. I am sure he will be able to execute his job.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Joyce Akai, the Member for Turkana.

Hon. (Ms.) Emanikor: Thank you, hon. Temporary Deputy Speaker. I stand to support the Motion and before I say anything, I would like to inform the Deputy Minority Whip, the TNA Party Chair and KANU men here that these two are not appointed because of their affiliation to any of the coalitions or any political party, but because of the competencies and experiences they have to execute their duties. The need for a multi-sectoral experience and diversity is fundamental for the efficiency of this honourable House.

I support the Motion because gender and regional considerations were met. Qualifications and achievements were considered and I am also in support because I realise that we have come out of those days when people were---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Let us seize our one minute. Hon. Anthony Kimaru.

Hon. Kimaru: Thank you, hon. Temporary Deputy Speaker. Whereas I may not know the nominees personally, but from the resumes that we have had, those are people who are highly qualified, conscientious and motivated and, for that reason, I support them. I think out of this process, there is one lesson to be learnt that Parliament cannot be taken for granted. Parliament has its role to play and whenever any nominees are brought before this House, they have to be properly qualified and they must have the right ethos, so to speak, for them to pass through Parliament. So, Parliament cannot be taken for granted and any public officer coming through Parliament would have to meet that very high threshold. We saw the other time names being thrown out but, this time, almost everybody is in agreement that this is a good list and it should be passed.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next on the request list is hon. Janet Wanyama.

Hon. (Ms.) Wanyama: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. Of the two nominees, I know Lonah Mumelo because I used to work with her husband at Telkom Kenya. Having heard from my colleagues about what Dr. Ali has done for this Parliament, I think these are the best nominees to work as Commissioners of Parliamentary Service Commission (PSC). From what I have heard from my sister, hon. Gladys Wanga, and the way she has expressed it, I think these are the best people.

So, I rise to support and thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Shaaban Isaack.

Hon. Isaack: Thank you, hon. Temporary Deputy Speaker. I also join my colleagues in congratulating those eminent Kenyans who have all the necessary working experience and skills to steer PSC. I know Dr. Ali. We have worked for a long time together as Members of Parliament. He is one of the pioneers in the forefront of the

creation of PSC. The PSC was formed in order to give Parliament the supremacy and independence that it requires.

Having said that, I hope they will add value to the existing PSC so that Members' welfare and their working conditions can be improved so that they can serve Kenyans wherever they are.

Thank you and I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Hon. Members, I have six requests before I call upon hon. Wanga to reply. Hon. Beatrice Nyaga.

Hon. (Ms.) B.N. Nyaga: Thank you, hon. Temporary Deputy Speaker. I also stand to support this Motion simply because it is gender balanced. The other thing is that those two candidates have worked perfectly in their previous positions and I am sure that, when they join PSC, they are going to bring a lot of experience. PSC is going to be effective in delivering services.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. George Muchai, the hon. Member for Kabete.

Hon. Muchai: Thank you, hon. Temporary Deputy Speaker. I also join hands with my colleagues in supporting the two. I believe this support is a great source of encouragement for the two nominees who will, no doubt, dedicate their inner-most spirit to the service of PSC. As such, I also add my voice and record my support for the two nominees.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you very much. This is one Motion that has really been supported. Hon. Members, since hon. Wanga is about to reply, it is important we hold on and give her our ears. Hon. Kamama.

Hon. Abongotum: Thank you, hon. Temporary Deputy Speaker for giving me the chance to support the approval of the two names; that is, Dr. Ali, who I served with in the Ninth Parliament, and the lady, Madam Mumelo. I think I will not speak so much about Mumelo because I do not know her. I will give her the benefit of the doubt. We hope she will do a good job when she is approved by this Parliament. But I want to inform the House that Dr. Ali is one of the architects of PSC and, without people like him, we would not be where we are at the moment. So, he really fought for us in the Ninth Parliament when MPs never used to have offices. They used to meet their constituents in their cars or along the corridors.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Kamama. Hon. Jared Opiyo, the Member of Parliament for Awendo.

Hon. Opiyo: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion not that I have any personal knowledge or the backgrounds of those individuals, but because we need a fully constituted PSC. As of now, Members of Parliament and, indeed, the institution of Parliament is facing several challenges and I feel it is time that we have a fully constituted Commission to ensure that Members, as well as the larger Kenyan nation, get services.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Shidiye, if you do not have your card, come to the Dispatch Box very fast before your one minute is over.

Hon. Shidiye: Hon. Temporary Deputy Speaker, I rise to support this Motion. I know those two prominent Kenyans will really introduce changes in PSC. I know Dr. Ali for sure because we have been with him in Parliament and I am sure he is going to deliver. It is hon. Leshore and I who really fought for PSC. Before that, Parliament used to be part and parcel of the Office of the President. We were just an extension. We never used to have PSC and the conditions were very bad. Let me tell you that what we are enjoying today is as a result of hard work, thinking outside the box and the efforts of Members of Parliament who were in this House then, and who said they wanted change. I think Dr. Ali having served two terms as a Member of Parliament is well experienced and well versed with parliamentary rules and I am sure he will add value to the institution.

Thank you, hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next on the request line is hon. Samuel Moroto, Member of Parliament for Kapenguria.

Hon. Chumel: Thank you, hon. Temporary Deputy Speaker, for giving me this chance to add my voice in support of the Motion on the nomination of the two persons. We have known, especially Dr. Ali, for a very long time. As Members have said, Ms. Mumelo is a good lady. I also want to thank the Chair of PSC and the team because they have spread out the nominees. In fact, those two come from hardship and under developed areas of Kenya. We also feel that we are represented. For a long time, only some areas dominated everything; be it job opportunities or representation. But this one is well represented and I support it.

Hon. Mohamed Abass: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity. I also wish to join my colleagues to support the Motion nominating Dr. Ali and Madam Mumelo. As stated earlier, Dr. Ali is one of the previous Members who championed the formation of PSC. He is a very able man from Wajir North; the county where I come from. Therefore, I feel and believe that having Dr. Ali and his counterpart, they will do a good job by joining PSC.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Now I call hon. (Ms.) Wanga, the Mover, to reply.

Hon. (Ms.) Nyasuna: Thank you very much, hon. Temporary Deputy Speaker. In replying, I would like to take this opportunity to really thank hon. Members who have contributed. We have given 100 per cent support to our two colleagues and I would like to thank Members most sincerely for supporting them, and genuinely so. While supporting, hon. Members have raised very pertinent issues and I am sure the two nominees have been following the proceedings. I know Dr. Ali is here and if Madam Lonah is somewhere watching, they are, of course, now very aware of the challenges that face them as they come into the Commission.

I am also happy that some of the Members have acknowledged the challenges that, as a Commission, we have walked into. The size of Parliament has just almost doubled between the period of the last Commission and this Commission. We are just trying immediately to deal with all the issues of offices and so on. This is really not to complain but to say that those challenges were there and we, as a Commission, are working very hard to solve them. We hope that the new members coming in will help us to continue to work hard to resolve them, moving forward.

Hon. Members will note that we have made changes out of the complaints that we have had, including in the finance and many other departments, to ensure that Members' welfare is dealt with. With regard to the constituency offices staff, we are looking at a period where they will be paid directly, rather than waiting for the reimbursement system where they are paid at the end of each month. That way, they can be getting their salaries. I would like hon. Members to know that, as Commissioners, we are your servants and when you speak, we listen. When we listen, we act to the best of our ability. Within a very short period of time and with these new members coming in, you will see major improvements. I am glad hon. Nyokabi has said that the Budget and Appropriations Committee, in this Supplementary Budget, has allocated us some additional Kshs5 billion. Of course, that is less than what we asked for, but we will take it and see how much it can move us forward in terms of sorting out issues that have been raised by Members, including our car loans and mortgage.

I know and it was raised that our Public Relations Department and the whole ICT has been backwards. Under the chairmanship of the Speaker, this is the first Commission that has formed a Committee on ICT and PR. Our move towards paperless offices is not stopping. You can see that now we are doing biometric registration. Very soon, Members will have I pads and we will work and operate in a paperless environment.

I know that a Member also attributed or spoke of the issue of employment. This is going on and it is really merit-based. As a Commission, we are also looking at the issue of regional balancing. All counties need to be represented as we move forward in employment. So, I do not think Members will be seeing a situation where only one area produces staff of this Parliament. That is because this is a national Parliament. Even the representation of the Commissioners shows that this is a national Parliament. The recruitment includes that of many legal staff, so that we can strengthen our litigation abilities. However, what we said here earlier is that we do not want, as a Legislature, actions taken under our various arms to be summoned by courts of law or to be sued for decisions that we have made as an Assembly or Senate. We will be strengthening that, but we must be aware that we do not want to engage in that as we had spoken earlier.

With those many remarks, I move the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Wang. I am sure Members are happy when you say that when they speak, you listen and when you listen, you act. Members, because of obvious reasons, I will not put the question. I direct that the Question will be put as the first thing in the next Sitting.

Next Order!

BILL

Second Reading

THE MARRIAGE BILL

(Hon. Chepkonga on 18.2.2014)

(Resumption of Debate interrupted on 20.2.2014)

Hon. Members, we are on the Marriage Bill, National Assembly Bill No.13 of 2013. On my record, we had hon. Anthony Kimaru, who had five minutes remaining.

Hon. Kimaru: Thank you, hon. Temporary Deputy Speaker. It is my pleasure to continue my contribution regarding this very important Bill. From the outset, I would like to state that I support this Bill as I had earlier stated. One of the main reasons why I support this Bill is because it raises the issue of marriageable age or the age of consent. This is the age at which a young person would be allowed to legally enter into a marriage. The new Bill puts that at 18 years and for good reasons. All those who are below 18 years should be considered as children to enable them to pursue their education and become better persons in future.

With regard to the raising of the marriage age, the proposers of this Bill should even go further and look at the probability of enacting other statutes, especially when it comes to the Sexual Offences Act. That is where we have rape and defilement which, at times, are very difficult to prove. Those weak statutes are used by pests - if I may call them that - to continue practices that are not human and civilized and, many a times, they get away with it. We have also seen - and this is commendable - some of these statutes having punitive sentences which go as high as life sentence. I am sure that with such punitive sentences, people may desist from committing such offences.

We should look at the possibility of enacting statutes which are found in certain jurisdictions such as the Statutory Rape Law. In that law, if any person engages in sexual activity with a minor or a person below the marriageable age, whether that person has consented or not - because below the marriageable age we cannot talk of consent - such a person would have committed a crime of statutory rape. Regardless of whether a minor consented or not, a person would have committed statutory rape on the basis of having engaged a person who is not capable of consenting. I am sure that we will get more convictions and this will be a deterrent.

At times, we are heartbroken to see the thresholds that are set for proving the Sexual Offences Act. I was a witness to one instance where someone argued that rape may probably not have occurred and yet this involved a minor because seemingly the hymen was not recently broken. There cannot be anything more uncivilized than that. So, as we enact the Marriage Bill which has very many interesting and useful clauses even when it comes to incest--- I am sure that, that is well taken care of and it is prohibited and criminalized. People will also desist from doing this. As much as this Bill is very good, I would like to put it on record that marriages may not be micro managed by a statute. It is the parties who are involved in marriage who should make marriage work and not statutes. I do not want people to be scared.

Hon. Temporary Deputy Speaker, the other time we were in Rwanda and the laws there are very tough such that men have no voice. I do not know whether men really need voice. However, I think that whatever statutes we make, we should be sensitive to both gender so that all citizens of this country feel well represented.

This afternoon, while pursuing a mortgage, I was told that there is even a new rule a head of the Bill that says that before you transfer property, you might need the consent of the spouse. I think they are one step ahead and men will be in trouble. The other time we looked at the Matrimonial Property Bill and I do not know whether those who are applying those rules are following any law because as much as I can remember, there was

no place for such consent unless it was matrimonial property which was clearly defined. So, these gray areas need clarity. Enforcers of law should also not be overzealous.

Hon. Temporary Deputy Speaker, I support.

Hon. Anami: Thank you, hon. Temporary Deputy Speaker. I rise to support this amendment Bill on Marriage. Marriage is a very fundamental contract and it creates the basis of the family. As we know, the family is an institution of God. This is having taken over all those functions of Genesis. This is very important. I am happy with this Bill because it seeks to consolidate the African traditional concept of marriage which is very important. The fact that the definition is sensitive about who is involved is very encouraging because with modernity, we have many instances around the world which were threatening the institution of marriage. It is very important for us to be very clear as a country or society to say who is involved in this contract.

This Bill is very clear that marriage will happen between men and women. It is also very clear it will involve adults. So, we will be moving away from child marriage or such practices that have been rather retrogressive.

I support this Bill because it embraces the responsibility to community. Because of socio-economic challenges, we have had people disconnecting with their responsibilities as members of the society. I think this Bill gives us lifeline on which people will reflect. It will not just involve a few individuals hiding somewhere in a den but it is going to involve inclusively members of the society.

I am particularly happy about the affirmation of the administration of dowry which means a lot. This is because some people call it price but we know that it is more than price because there is no business of buying and selling in our marriage processes. The reinstatement of the real essence of dowry will make our society progressive with this Bill.

Hon. Temporary Deputy Speaker, there is the issue of polygamous marriage which is very important. I come from that institution. My study of polygamous marriage is that we are able to take families to another level. There is that integration that happens in families where everyone is involved.

My father was privileged to have six wives and I can tell you that everyone was involved not just at the initiation but the management of that marriage. So, polygamous marriage is very progressive if everyone is involved because there is the element of inclusiveness.

I am happy when I see that this Bill is not hostile to this practice which is important to us. I am happy about the silence on extended family which sometimes people call wife inheritance. Many communities like my community practise extended marriage. You can never call extended marriage wife inheritance because marriage involves families and that extension of marriage where someone serves the purpose of his brother who is deceased is very important because we do not have orphaned children suffering. We also do not have widows suffering. So, I am happy about this but most important is the place of the child in marriage. This is because the child comes into play as a result of marriage and these needs to be safeguarded. The rights of the child need to be safeguarded and this will be done well if the marriage process is properly managed.

So, I want to support this Motion especially on the aspect of compensation. We have many false promises; our people promising and not fulfilling those promises. I like

the idea of appropriate compensation for false promises. People need to be responsible morally. People also need to care for each other. So, I like the aspect of compensation which I would like to support.

Hon. Temporary Deputy Speaker, I want to take this opportunity to faithfully support the principles of this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. There being no any other request from hon. Members, I call upon the Mover, hon. Priscilla Nyokabi, to reply.

Hon. (Ms.) Kanyua: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I also thank very much the Eleventh Parliament for having discussed the Marriage Bill. I am, indeed, very happy that most of the Members who have spoken on the Floor of this House has supported the Bill. Most of the comments are towards improving the Bill. Most of the hon. Members have appreciated the cultural aspects that have been captured in this Bill.

The history of the Marriage Bill in this country is not a very interesting one. In 1968, the first Committee on the marriage laws was set up by the First President of the Republic of Kenya, hon. Jomo Kenyatta. It is really instructive that many years after that initiative, we are about to make hon. Uhuru Kenyatta the president that will assent to this law in the way that hon. Members have discussed this Bill. In 1971, the first Marriage Bill was brought to this House but it was defeated because of the fear of affiliation then. Members of Parliament at that time did not want to have affiliation issues legislated into law. That has now come to pass.

Hon. Temporary Deputy Speaker, in 2000, this House passed the Children's Act, which gives protection to children. More important, under our current constitutional framework, children born both in wedlock and out of wedlock are protected. So, matters of affiliation are no longer a subject or question in our laws. The existing laws have settled the questions on children and provide the protection that children need to be accorded. What remains to be sorted out – which is what this Bill is doing – is the question of spouses and the question of a man and a woman who choose to come together in matrimony.

As it has been said here, the marriage laws that we have been using in this country have colonial heritage in them. The African Christian Marriage and Divorce Act as well as the interpretations that have been done by our courts on matters of marriage have been based on colonial laws. At one point in time, we actually had judges dismiss our marriages as “wife purchase”. They said that in a case where a wife was required to give evidence against her husband that particular wife was not a wife for the purposes of law because dowry had been paid for her and she was, therefore, purchased. Therefore, she was compelled to give evidence against her husband.

Hon. Temporary Deputy Speaker, we have come a long way. Respecting our culture of payment of dowry is in no way wife purchase. The marriage law that we are discussing now will put that matter to rest. We can continue to enjoy culture as we do in payment of dowry. I come from a community where dowry is quite a big story. In the Kikuyu culture, you are not married until such a time as your dowry has been paid and what we call “breaking the shoulder” has been done. It is a good ceremony. We come

together, we dance and enjoy ourselves. We want to keep that in our laws. We want to have those marriages recognised, and this Bill provides for them.

The issue of codification of our marriage laws has been mentioned by many hon. Members. Again, we have had to read the Muslim marriage as provided for in the Mohamedan Act; the Christian marriage as provided for in the Christian Marriages Act. We have also had to read about seven pieces of legislation on matters of marriage. That will no longer be the case. We now have one particular law, in which all the systems of marriages are codified, right from Christian marriages through to Muslim and Hindu marriages as well as civil marriages that take place in the Attorney-General's Chambers. The Committee has even gone into an extent of cleaning up all those processes. We now have a better marriage law. In this country, you can refer to one piece of legislation, which tells you what kind of marriages we want to see in our country.

Hon. Temporary Deputy Speaker, on the question of rights and obligations, again, marriage is not just any union. Marriage is a union where parties acquire rights and obligations. It is very important that we know who is married to whom in this country. We, therefore, found it important to sort out our marriage laws through this Bill. We have had many forms of marriages, including one that in local parlance is called "come-we-stay". It is important that we know who is married to whom because there are rights and obligations that arise in marriage issues.

There is also the institution of the family. Our Constitution sets out the matters around family law, in Article 45. This House has also done well in terms of domestication, implementation and furtherance of the provisions of the Constitution relating to family members. Families in the context of our Constitution are formed by a man and a woman or members of opposite sex. No other marriages are allowed.

Hon. Temporary Deputy Speaker, allow me to celebrate polygamy. Allow me to give a story about the men that I went to class with in Law School. They always used to say that African men have much more love that one woman cannot finish. I do not know if that is true – that African men have a lot more love, and that they want to share that love across not one woman but several women. So, today I am happy for the African men that have a lot of love. The law allows them to share that love and spread it across several women, and acquire rights and obligations under marriage.

You will not be a polygamous man by default. You will be a polygamous man by choice. You will marry one wife and marry another one because you want to do so and because you have a lot of love to give not only to one woman but also to a second woman and a third woman, and you will maintain those families. More importantly for us women, we will get married into polygamous unions not by default; and not by what we have had. I do not want a situation where I hold a certificate in my cupboard, happily married to a man until the day he dies but at the mortuary, I see many other people crying.

Hon. Temporary Deputy Speaker, in one such case, we even thought that the person crying was a colleague and wondered why she was really getting disturbed by the demise of another woman's husband only to later realise that she was actually a wife of the deceased person. We have, in our law of succession that allowance. All the people who are dependants of the estate of a deceased person in his life time are allowed to come out when he dies. This is because of the discordance of the laws that we have had. In his

life time, he is not allowed to have other wives. He lives a monogamous life. In his death, when he is not even there to answer questions and clarify which one was a girl friend, which one was a come-we-stay relationship and which one was a wife; that is the point at which the law chooses to recognise all the other women.

We are not going to have that situation anymore. A man who wants to be polygamous will be polygamous in his life time. He will choose a method of marriage that allows him to be polygamous. For those who are Christians, the Christian faith wants us to be monogamous. He will choose to marry under Christian law and be a monogamous husband and a monogamous wife for the period of the marriage. The Christian faith does not even encourage that we have divorce. We had that discussion in the Committee. What we said is that the law does not just speak to Christians. This is a law for all Kenyans, and not just for Christians. For those who are Christians amongst us, that is provided for.

Hon. Temporary Deputy Speaker, therefore, as we celebrate the Bill, which is going to the Committee Stage, we are really delighted that this particular Marriage Bill has come early in the life of the Eleventh Parliament, in the Second Session. It will streamline a lot of the issues that we have had with our marriages in this country – a lot of the issues that have caused a lot of questions in our courts – and a lot of matters that we had really not sorted out until now.

Even on the question of polygamy, in the earlier laws, only Muslim marriages were allowed to be polygamous. I remember that at one time, the Attorney-General of this country, while at a United Nations meeting, was asked that question. His answer at that time was that polygamy in Kenya was only for Muslim brothers. Those who are of my culture and many other cultures, polygamy in this country is for all brothers. Therefore, all brothers who want to get into polygamy can now actually do so through the law. However, we still emphasise that those who want to get into monogamous marriages, the law remains clear on those matters. So, one can opt to live in a monogamous marriage or a polygamous marriage. This particular Bill seeks to streamline all those matters.

Hon. Temporary Deputy Speaker, allow me to also emphasise the fact that this Bill contains a lot of matters borrowed from different cultures. This is what we call homegrown legislation – a law that responds to Kenyan needs. It is a law that looks at Kenyan families. It is a law that looks at our realities. That is the Bill that has been brought to this House. So, this Bill will cover for men as well as for women. In fact, according to the recommendations that the Committee will bring here, it will be so balanced that neither the men nor the women can say that the law favours either gender. Both men and women are covered.

As we say in the women rights world, “to men their rights and nothing more; to women their rights and nothing less.” That is what this Bill has done. The rich and the poor; the educated and the traditional; the cultural, the pastoralists; the Christians, the Muslims, the Hindu; the old and the young, persons with disabilities, the modern, and everybody else is covered in this law. All kinds of marriages are covered in this Bill. The amendments that the Committee intend to bring will ensure that most of those issues are covered.

Hon. Temporary Deputy Speaker, allow me to talk about my county; Nyeri County.

As I wind up, in Nyeri County we have heard a lot of questions about women battering men and women who perpetrate gender-based violence. As I have said before, I want to say again that that is not the truth. In fact, in my county we have many happy marriages. My parents and many others live together happily. All the colleagues that we know continue to be in real happy marriages. But again, the question of gender-based violence starts being addressed by having a good marriage law. A good marriage law allows parties to live in peace, harmony and with the rights and obligations of both parties. I am also speaking to the people of my county that this particular law is going to help us look at questions of our marriages and our families. If you look at the law in terms of allowing divorce, we got to have reconciliation first; divorce is not the first option.

Hon. Temporary Deputy Speaker, what we have in this Bill is a requirement for reconciliation; bringing other partners, the church, other families and other members who can help arbitrate disputes. We are hoping that with this law, we will actually begin to have marriages that are strong and not the bedrock of gender-based violence, so that we do not have violence in our families. A man and woman should voluntarily come to live together, get children and look for property to build our country. In that perspective, there ought to be no violence. But in the event that marriage is not working, there ought to be an exit clause. Nobody should kill another person because marriage is not working; there should be no loss of life in a marriage set up.

Hon. Temporary Deputy Speaker, this Bill is really celebrated in our country and I really cannot wait for us to finish the Third Reading for us to get this Bill assented by the President in order for us to have a new tone where our family laws are really well set.

I want to tell hon. Members and the House that there is another Bill that is pending to complete the set of family laws. I am sure the former Minister of Gender and Social Welfare knows that we also had the Domestic Violence Bill. That is also going to be part of the Bills the Committee will bring to this House.

In reply, I am really happy that the comments and the views that have been brought by hon. Members will be used to enrich the Bill and the Committee will also look into making sure that this particular Bill, when it is assented to is well implemented; the judges and everybody else interpreting our marriage laws would have an easier time and that we do not have the discordances we have had in the past. Everybody has the right and obligations.

With those remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, again because of the obvious reasons we are aware of in this House, we are not able to put the Question. I direct that the Question be put during the next sitting.

ADJOURNMENT

Hon. Members, if you look at your Order Paper, Order Nos.12 and 13, you are not ready on those two. Therefore, there being no any other business, this House stands adjourned until tomorrow, Wednesday, 26th February, 2014 at 9.00 a.m.

The House rose at 6.30 p.m.