

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 30<sup>th</sup> April, 2014

The House met at 2.30 p.m.

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

### PRAYERS

### PETITION

**Hon. Speaker:** Hon. John Mbadi, do you have a petition?

**Hon. Ng'ongo:** Hon. Speaker, I actually wanted to get a clarification because I presented a petition on behalf of a Kenyan. I did as the procedure requires and gave it to the Office of the Clerk. I wanted---

**Hon. Speaker:** To whom did you present it?

**Hon. Ng'ongo:** To the Clerk's Office.

**Hon. Speaker:** When?

**Hon. Ng'ongo:** That was on Monday, hon. Speaker.

**Hon. Speaker:** Then it must be going through the normal processes. Remember you have a sufficiently resourced Parliament. We have the Legal Department and the Legislative Department. Those are two separate departments which have to analyze all these, so that some of the issues--- You see, not everything that is presented may fit the billing. It does not matter which---

**Hon. Ng'ongo:** Hon. Speaker, I thought my interaction with the Clerk actually sorted out the issues.

**Hon. Speaker:** Hon. John Mbadi, it has to reach me and then find its way here. I can confirm that it has not reached my desk; if it had it would be here.

**Hon. Ng'ongo:** Thank you, hon. Speaker, but I wonder why the Leader of Majority Party is talking as if he is aware of my petition. He seems to be very interested.

**Hon. Speaker:** Because we have a lot of business, let us first of all--- I can assure you that the moment it reaches my desk, it surely shall find its way to the plenary.

**Hon. A.B. Duale:** Hon. Speaker, I have a lot of interest in that petition and I also wanted to know when it will be responded to.

### PAPERS LAID

Hon. Speaker, Sir, I beg to lay the following Papers on the Table of the House today, Wednesday, 30<sup>th</sup> April, 2014:-

The Report of the Auditor-General on the Financial Statements of the Kenya School of Government for the year ending 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General thereon.

The Report of the Auditor-General on the Financial Statements of the Office of the Director of Public Prosecutions for the year ended 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General thereon.

The Report of the Auditor-General on the Financial Statements of Orange Democratic Movement (ODM) for the year ended 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General thereon.

The Report of the Auditor-General on the Financial Statements of the Kenya Rural Roads Authority for the year ended 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General thereon.

The 4<sup>th</sup> March, 2013 General Election Data from the Independent Electoral and Boundaries Commission (IEBC).

The Estimates of the Recurrent Expenditure and Development Expenditure of the National Government for the year ending 30<sup>th</sup> June, 2015.

Hon. Speaker, we are yet to receive the Estimates of the Judicial Service Commission. If at all they will comply with today's deadline before the House ends its session, then we will table them. As of now, Parliament has not received the Estimates of the Judicial Service Commission.

**Hon. Speaker:** Perhaps, they are waiting to make court orders or go to some witchdoctor to get the Budget appropriations. This is because the Accounting Officer for the Judiciary is required by the Constitution to submit the Estimates two months to the end of the financial year. Two months to the end of the financial year is 30<sup>th</sup> April, which is today. We hope that nobody is intending to issue court orders directing Parliament or this Assembly to consider things that will come after 30<sup>th</sup> April, which will be outside the constitutional deadline.

**Hon. A.B. Duale:** Yes, hon. Speaker, but Kenyans do not go to appear before judges--- There is a contempt of court order they have issued and I am sure there are a number of Members of Parliament who have contempt of court orders against them for appearing late in court for, say, two or three hours.

I want to tell the Judiciary from where I sit that they have no choice. They must comply with the 30<sup>th</sup> April deadline. Let us give them a few hours and see whether they will bring the Estimates. I am sure the Office of the Clerk is engaging them.

**Hon. Speaker:** Hon. John Mbadi, do you want to submit on their behalf?

*(Laughter)*

**Hon. Ng'ongo:** Hon. Speaker, I was just wondering now that you have given that very strong warning--- I have two issues; one is on this and the other one is closely related. In the event that we are not going to receive these Estimates, and this is a matter that is constitutional, how then do we deal with it? The Constitution does not provide any room for delay. It says, "shall". I am, therefore, just wondering that in the event we do not receive these Estimates by the rise of the House today, what we are going to do.

Finally, I wanted to ask the Speaker to direct the Leader of Majority Party to heed the following next time; Article 153(4)(b) of the Constitution provides that Cabinet Secretaries shall provide Parliament with full and regular reports concerning matters under their control. It is now over one year since the Cabinet was formed and I have not seen any regular report as required by the Constitution presented to this House from all the 18 Ministries by the Leader of Majority Party. He, therefore, needs to indicate to us what is happening because this is a constitutional requirement.

**Hon. Speaker:** Well, I do know that the Leader of Majority Party has information relating to that.

**Hon. A.B. Duale:** Hon. Speaker, I agree that Article 153 is very specific. The Cabinet Secretary for Communication and Information has submitted his report and I have already tabled it. They cannot run away from it. In the next session when we open, I undertake that in the first two weeks of June the reports will be availed.

However, for the Judiciary, the day is still young. We have just started. We will get an answer; supposing they do not comply, when we reach the last hour of today's sitting. Having said that, whether they are consulting witchdoctors or whether they have a lot of work, it is upon the Accounting Officer of the Judiciary to have prepared for this day just like the Executive and the Parliamentary Service Commission did.

**Hon. Speaker:** Hon. Mutava Musyimi, you want to say something on this matter?

**Hon. Musyimi:** Thank you, hon. Speaker. We sat this morning as the Budget and Appropriations Committee. We sat to come up with a programme that we shall be using to roll out the Budget scrutiny process between now and when we come back on 3<sup>rd</sup> June, 2014. It is very sad to hear that as we sit here we have not got the report from Judiciary. I would like to hope that you will give us guidance soon enough because once we go on recess then we do not know how we shall engage with the information from the Judiciary. We require your guidance on this matter.

**Hon. Speaker:** It is a constitutional requirement which everybody, including those who claim to have exclusive right to interpret the Constitution, have to abide by. If they do not, we will deal with the matter as the National Assembly. Indeed, you as the National Assembly will be the ones to make the decision about what to do with the Judiciary. Suffice to say that if and when their report comes, it is fair for everybody to know that it will be referred to the appropriate committees of the House to deal with; one of those committees is the Departmental Committee on Justice and Legal Affairs. That way, I do not think anybody will start raising other side issues about issues of oversight.

We just hope that they are still on their way bringing their report.

**Hon. Keynan:** Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 30<sup>th</sup> April, 2014:-

The Public Investments Committee (PIC) Special Report on the Procurement and Financing of the National Social Security Fund (NSSF) Tassia II Infrastructure Development.

**Hon. Speaker:** I thought you had two reports to lay on the Table.

**Hon. Keynan:** Hon. Speaker, with regard to the second one, I seek your indulgence. We are making photocopies, and so I plead with you to give me an hour after which I will table the second report.

**Hon. Speaker:** Very well. It is evident that your Committee is doing a commendable job. You have tabled very many reports between yesterday and today. We will, therefore, allow you to table that one when it is ready.

The Report that is of the 4<sup>th</sup> March, 2013 General Election Data from the IEBC is hereby referred to the Departmental Committee on Justice and Legal Affairs. Members should refer to the parliamentary website for an electronic copy as the document. It is too voluminous to photocopy; it has 773 pages.

Hon. Rachel Nyamai.

**Hon. (Dr.) Nyamai:** Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 30<sup>th</sup> April, 2014:-

Report on the Consideration of the Counselors, Psychologists and Psychotherapists Bill, 2014.

### NOTICE OF MOTION

#### ADOPTION OF SPECIAL REPORT ON PROCUREMENT OF TASSIA II INFRASTRUCTURE DEVELOPMENT

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

THAT, this House adopts the Public Investments Committee (PIC) Special Report on the Procurement of the National Social Security Fund (NSSF) Tassia II Infrastructure Development.

**Hon. Speaker:** Hon. Keynan, there is a document you have tabled titled, "Tassia II".

*(Hon. S.S. Ahmed walked into the Chamber)*

*(Loud consultations)*

**Hon. Speaker:** Hon. Gumbo, this is the House of the National Assembly. I do not understand what is exciting you. It was only yesterday when the National Heroes Bill became law. So, you should be happy to see some heroes and others come into the Chamber.

*(Laughter)*

What is your point of order, hon. Duale?

**Hon. A.B. Duale:** On a point of order. Hon. Speaker, I agree with you. I was with you when the National Heroes Bill was signed. However, if my memory serves me well, hon. Shakeel Shabir is very far from any of the heroes of this country. Is he properly dressed?

*(Loud consultations)*

Hon. Speaker, the definition of a hero in that Bill, which was assented to---

*(Loud consultations)*

My point of order is that you give guidance on whether or not he is properly dressed.

**Hon. Speaker:** Hon. Members, I do not see what is there to excite us. There is nothing to excite us. Hon. Shakeel Shabir, could you be upstanding? Hon. Members, surely, you can see that hon. Shakeel Shabir is very elegantly dressed, with some head gear that is just similar to the head gear that our ladies and Muslim brethren wear on their heads. It is only that his is going round his thorax.

*(Laughter)*

Yes, this is very elegant. There is nothing to clarify. We have more important business to transact

*(Loud consultations)*

**Hon. Speaker:** Hon. Mutava Musyimi

**Hon. Musyimi:** Thank you, hon. Speaker---

**Hon. Speaker:** We have not reached there, is it a Statement? Are you making a Statement?

**Hon. Musyimi:** Thank you, hon. Speaker for this opportunity. Pursuant to the provisions of Standing Order No.51, and having consulted colleagues, not least of all my co-chair, hon. Benjamin Langat, I wish to withdrawal the Motion appearing as Order No.14 on the Supplementary Order Paper.

*(Applause)*

We need more comprehensive consultations to be undertaken before engaging further on this matter.

**Hon. Members:** No! No!

**Hon. Musyimi:** With you indulgence---

**Hon. Speaker:** Order Members! Order Members! Hon. Mutava Musyimi will be heard; you can say what you have when you are given a chance to contribute; the House must have decorum.

Hon. Mutava, proceed.

**Hon. Musyimi:** May I repeat, hon. Speaker. I thank you for this opportunity.

Pursuant to the provisions of Standing Order No.51, and having consulted my colleagues, not least of all my co-chair, hon. Benjamin Langat, I wish to withdraw the Motion appearing as Order No.14 on the Supplementary Order Paper. With your indulgence, I therefore seek to withdraw this Motion.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. John Mbadi.

**Hon. Ng'ongo:** Thank you, hon. Speaker. I support the whole principle of withdrawal of this very serious Motion, which would have ended up fleecing the people

of Kenya in broad daylight, and would have made this House look very bad. Actually this House was candidate; all of us were going to be candidates for a recall very soon if we passed---

**Hon. Speaker:** I discontinue you, because there is nothing to debate. Hon. Members, you must acquaint yourselves with the Standing Orders. I will just discontinue you, if I find you becoming irrelevant. Hon. Mutava Musyimi does not require your intervention, or even the intervention of any other Member.

*(Applause)*

So, whatever you are addressing is a non-issue; there is nothing before the House. The Member has sought leave to withdraw and he is the one who gave notice and has a right to do so; all I can do is to allow him to withdraw. No points of order; all of you resume your sits. Even you, hon. Ababu Namwamba, there is nothing out of order.

Standing Order No.51 allows the Member who gave notice of the Motion to withdraw it and that is what he has done. You must deal with the business that is here. Do not open your mouths trying to smile at me; it will not help. Hon. Members, we cannot begin to debate an application made by the Mover to withdraw; it is not meant for you. The Member could even write to the Speaker, seeking to withdraw. So, stay put; leave is granted to withdraw.

*(Motion under Order No.14 withdrawn)*

### REQUESTS FOR STATEMENTS

Hon. Fatuma Ibrahim, is she here? I cannot see her anywhere; has she placed her card? Are you the one raising your hand?

**Hon. (Ms.) Ibren:** Thank you, hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order, Members! Order, Members! Hon. Fatuma Ibrahim, must be heard.

#### AIR TRAVEL FROM WAJIR AIRPORT TO JKIA

**Hon. (Ms.) Ibren:** Thank you, hon. Speaker. This is my Statement request. Pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing, regarding air travel from Wajir Airport to Jomo Kenyatta International Airport in Nairobi.

**Hon. Speaker:** Hon. Fatuma Ibrahim, the House Business Committee has taken a decision on how this kind of business will be transacted. You will say you are rising to seek a Statement from the said committee regarding travel from Wajir Airport to Jomo

Kenyatta International Airport in Nairobi as per the Order Paper. These other stories we now have to cut off in the interest of time.

The Chairperson, Departmental Committee on Transport, Public Works and Housing or the Vice-Chair? Both the Chairperson and the Vice-Chair are not present? We will come back to it.

Hon. Fatuma Ibrahim, we have taken that decision in the interest of time to allow Members to do proper business. There is even nobody like the Chairperson or the Vice-Chair who is present.

Hon. Members, it is important that you listen to this. In the interest of time, we will not allow Members to read stories which are not necessary; we will be reading what is on the heading as per the Order Paper, because even the Chairpersons and their deputies have the Order Paper. This is because, this practice of Members reading is taking too much of valuable parliamentary time. This is not with regard to hon. Fatuma Ibrahim only.

The next one is hon. Njoroge Baiya; is he present?

Hon. Rachael Shebesh.

GOVERNMENT POLICY ON STATE OFFICERS  
HOLDING OTHER FULL TIME EMPLOYMENT

**Hon. (Ms.) Shebesh:** Thank you, hon. Speaker. I would like to seek a Statement from the Leader of Majority Party regarding Government policy on State officers holding other full time employment.

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

**Hon. A.B. Duale:** I will look at it and tell the Attorney-General to prepare a Statement for hon. Rachel Shebesh regarding Government policy on State officers holding other full time employment. I will do it in two weeks and bring an answer.

**Hon. Speaker:** Hon. Shebesh, two weeks.

Yes, hon. Bernard M. Kitungi, the Member for Mwingi West.

POOR LIVING CONDITIONS OF POLICE OFFICERS  
AT MWINGI POLICE STATION

**Hon. Kitungi:** Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security concerning the poor housing facilities and living conditions of police officers based at Mwingi Police Station in Mwingi West Constituency.

Thank you, hon. Speaker.

**Hon. Speaker:** The Chairperson of the Departmental Committee on Administration and National Security, hon. Kamama.

**Hon. Abongotum:** Hon. Speaker, we will give the Statement in the next two weeks.

**Hon. Speaker:** Are you okay, hon. Kitungi?

**Hon. Kitungi:** It is accepted.

**Hon. Speaker:** Okay; hon. Rachel Nyamai.

#### ALLEGED EXISTENCE OF ALIENS IN SOUTH KITUI

**Hon. (Dr.) Nyamai:** Hon. Speaker, I hereby request a Statement from the Chairperson of the Departmental Committee on Administration and National Security concerning the alleged existence of aliens as per the Order Paper, Statement No.122.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Kamama.

**Hon. Abongotum:** Hon. Speaker, due to the sensitivity of this matter on which I have shared with the hon. Member, we will give it in ten days.

**Hon. Speaker:** Is that okay, hon. Nyamai?

**Hon. (Dr.) Nyamai:** Yes, that is very agreeable, hon. Speaker. Thank you.

**Hon. Speaker:** Hon. Gideon Ochanda, Member for Bondo.

#### STATUS OF STALLED HEALTH FACILITIES UNDER ESP

**Hon. Ogolla:** Thank you, hon. Speaker. I rise to request a Statement from the Chairperson of the Departmental Committee on Health regarding the status of stalled health facilities and staffing of the health facilities which were constructed under the Economic Stimulus Programme.

Thank you, hon. Speaker.

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

**Hon. (Dr.) Nyamai:** Ten days, hon. Speaker.

**Hon. Speaker:** Is that okay, hon. Ochanda?

**Hon. Ogolla:** It is okay.

**Hon. Speaker:** Hon. George Oner Ogalo.

#### STATUS OF OUTSTANDING VAT REFUNDS

**Hon. Ogalo:** Hon. Speaker, I would like to request Statement No.123 from the Chairperson of the Departmental Committee on Finance, Planning and Trade on the status of the outstanding Value Added Tax (VAT) refunds payable to corporate and individual taxpayers by the Kenya Revenue Authority (KRA) as per the Order Paper.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Langat or the Vice-Chair, hon. Gaichuhie.

**Hon. Gaichuhie:** Thank you, hon. Speaker. We will be able to reply to this Statement on 3<sup>rd</sup> June because it is something on which we do not require the Cabinet Secretary to come to Parliament. We can just get a written Statement.

**Hon. Speaker:** What did you say?

**Hon. Gaichuhie:** I am saying that without anticipating debate we are going to answer this Statement on 3<sup>rd</sup> June, because it is a Statement that we can get from the Cabinet Secretary without asking him to come to Parliament.

**Hon. Speaker:** Very well. Hon. Oner, is that okay?

**Hon. Ogalo:** That is okay, hon. Speaker.



**Hon. Speaker:** Very well. For the Second Time, the Chairperson of the Departmental Committee on Transport, Public Works and Housing, the hon. Maina Kamanda, who has always claimed that he, or his able deputy, are always on time---. The two of them are conspicuously absent.

Hon. Fatuma Ibrahim, you know it is not just an opportunity. The issue is since the Chairperson and the deputy are not present, your request for a Statement will be transmitted through the Office of the Clerk to them with direction that they must be ready with an answer in two weeks' time from today, because they are not here to give an undertaking. So, they can only be compelled. That is the direction.

For the Second Time, hon. Njoroge Baiya.

#### STATE OF UPLANDS-GITHUNGURI-RUIRU ROAD

**Hon. Baiya:** Thank you, hon. Speaker. I beg to apologise for being late the first time this Statement was called.

Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the state of Road C65, Uplands-Githunguri-Ruiru.

**Hon. Speaker:** as per the Order Paper.

**Hon. Baiya:** as per the Order Paper, hon. Speaker.

**Hon. Speaker:** Yes, we have since done away with the rest of the stories. Let that be the basis upon which they are going to respond; since they are not present as we have found out, they are, through the Office of the Clerk, directed to submit to you or to the House a report or a response to your Statement request two weeks from today.

Next Order.

### BILLS

#### *First Readings*

#### THE INSOLVENCY BILL

#### THE COMPANIES BILL

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

**Hon. Speaker:** Hon. Members, it is important that we pay attention to what is happening in the House. I just want to draw your attention to the two Bills which have just been read for the First Time. The Insolvency Bill, a copy of which is before me, will obviously go through the usual process but I wanted to draw your attention to it because I can see that many of you are scholarly enough to begin going through it. Of course, I also wanted to draw your attention to the Companies Bill, so that you can begin working on it.

Hon. Chris Wamalwa and hon. (Eng.) Gumbo, begin working on these Bills. These Bills are very important. I can see that hon. Maanzo is quite happy about the two

Bills. Please, delve into them. Those of you who can access soft copies of the same would best be advised to go that route, but there are sufficient hard copies.

Next Order!

*Second Reading*

THE FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT) BILL

*(Hon. Wakhungu on 2.4.2014)*

*(Resumption of Debate interrupted on 30.4.2014)*

**Hon. Speaker:** Hon. Members, debate on this Bill was concluded. What remains is for me to put the Question. Therefore, I will now 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)*

**Hon. Speaker:** Next Order!

THE COUNSELLORS, PSYCHOLOGISTS  
AND PSYCHOTHERAPISTS BILL

*(Hon. Wamunyinyi on 30.4.2014)*

*(Resumption of Debate interrupted on 30.4.2014)*

Hon. Members, pay attention. Again, this is a Private Member's Bill. Debate on it was concluded this morning. What remains is for me 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)*

**Hon. Speaker:** Hon. Members, in exercise of the powers of the Speaker under Standing Order No.1, I allow the Leader of Majority Party to go back to Order No.5, with regard to Papers.

**PAPER LAID**

**Hon. A.B. Duale:** Hon. Speaker, at least I can now confirm that after carrying out wide consultations, the fears of hon. John Mbadi have now been addressed.

Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Judiciary and Judicial Service Commission Estimates for the period 2014/2015 (Recurrent and Development Expenditure) as presented by the Judiciary.

Hon. Speaker, we now have all the Estimates from the Parliamentary Service Commission, the Executive and the Judiciary.

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

**Hon. A.B. Duale:** Hon. Speaker, I was supposed to move a Procedural Motion but after hon. Mutava Musyimi withdrew his Motion, and after consulting hon. Keynan – who indicated that he was not ready to move debate on all his three Reports, and having indicated yesterday that the Chairperson of the Mediation Committee on the County Governments (Amendment) Bill agreed that we do this when the Senate is in session, I realised that the only Motion that remains for me after the Committee of the whole House is the one appearing on the last page of the Order Paper; the one under the provisions of Standing Order No.28, or the Motion for Adjournment of the House.

So, if hon. Keynan is here, he may indicate on record that he is not ready to move his Motions. The Chairperson of the Medication Committee yesterday suggested that we deal with his Report when the Senate is in session. Therefore, I do not see any reason as to why I should move a Procedural Motion for extension of the sitting of the House. If hon. Keynan is here, he can confirm his position on the HANSARD, I will withdraw.

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

**Hon. Keynan:** Hon. Speaker, indeed, I can confirm that I discussed the matter with the Leader of Majority Party. I have also alerted the Members of my Committee about it. The view is that we have to be fair to the majority of the Members. The Reports were tabled only yesterday and this morning. I am sure that quite a number of hon. Members have not even seen the Report. So, it will be very difficult for them to participate in debate on reports they have not interacted with. Therefore, we felt that we should accord hon. Members an opportunity to go through the reports. *Inshalah*, when we come back in June, every hon. Member will have gone through the Reports and they will contribute to the debate from an informed position. So, I agree with what the Leader of Majority Party has said.

**Hon. Speaker:** Hon. Keynan, for record, is it therefore your desire to withdraw on the strength of Standing Order No. 51(1), the business appearing as No. 15, 16 and 17? Can you confirm that?

**Hon. Keynan:** Thank you, hon. Speaker. Indeed it is my desire to withdraw the Orders appearing under Motion Nos. 15, 16 and 17.

*(Order Nos.15, 16 and 17 withdrawn)*

**Hon. Speaker:** Very well. Hon. Members, these were not special Motions. That is why those of you who wanted to address me on them need to look at 51(2). It is only a special Motion which will require the leave of the House. So hon. Keynan, as the Mover, is entitled, without Question put, to withdraw under Standing Order No. 51(1).

Yes, hon. Gumbo.

**Hon. (Eng.) Gumbo:** Hon. Speaker, while I would not want to go back to the Leader of Majority Party's decision to withdraw the Order appearing at No.12, Procedural Motion, yesterday morning we were to debate the Report on San Marco Project in Malindi. This Report is a carryover from the last Parliament. The reason it is urgent is that the Report has matters which impact on the people of Kilifi County, the people of Kenya and, indeed, on our country as a whole. It would have been our wish, as you had directed earlier that, that Report be brought here. I even talked with the Leader of Majority Party yesterday, and he gave an undertaking that either today morning or in the afternoon we would have a chance to debate that Report. We have a feeling, as those who participated in preparing that Report, that this country would benefit a great deal from a discussion and adoption of the Report by this House.

**Hon. Speaker:** That is the Report on San Marco?

**Hon. (Eng.) Gumbo:** That is the Report on San Marco Satellite Station. It is also important if you look at what that station is doing and what our country stands to gain by adoption of that Report. I really wish this Report could be fast-tracked, even if it is not possible to do it today; we request to be given priority when we resume, so that we can discuss and adopt it.

Thank you, hon. Speaker.

**Hon. Speaker:** There you are absolutely correct because the existing agreement expires on 30<sup>th</sup> June. I think it is only fair that the House gets to express itself on that Report. Those of us who have had the advantage of reading it, agree with you that it is a fairly comprehensive Report that the House should actually be seized of by way of people expressing themselves on it. The Leader of Majority Party can confirm that, indeed, it was the intention of the House Business Committee to have it debated. The Leader of Majority Party, do you wish to say something? You can comment on that, as well as make a formal application.

**Hon. A.B. Duale:** Yes, hon. Speaker. Remember last night in the House Business Committee we discussed that, in the first week of June, if the House goes on recess, the first Report we will bring is this on San Marco, to give the new hon. Members time to read it. We have confirmed that the agreement is coming to an end on 30<sup>th</sup> June. So, we will deal with it in the first week following our recess. On that basis, I withdraw my Procedural Motion, knowing that the essence of that Procedural Motion was anticipation of the heavy agenda in form of the Committee reports, the budget, the public investment and the mediation.

**Hon. Speaker:** Well. Hon. Members, the business shown on the Order Paper as Motion Nos. 12 and No. 18 are withdrawn by the Leader of Majority Party.

*(Order Nos. 12 and 18 withdrawn)*

*(Hon. Members withdrew from the Chamber)*

Those withdrawing, please pay attention. You cannot be withdrawing and then you stand by the gangways chatting. It is important that hon. Members get to know that business appearing as Order No. 13 is Committee of the whole House. When you conclude deliberating this Order, then you will move straight to what is on the last page.

The Motion by the Leader of Majority Party relates to adjournment of the House. That is the only business that is appearing on the Order Paper.

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*(The Speaker (Hon. Muturi) left the Chair)*

### IN THE COMMITTEE

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): Order! Hon. Members withdrawing, please do so quietly. Order! There is too much consultation. Can the hon. Members clear the gangway? Order, hon. Member for Kisumu! Can the Serjeant-at-Arms ensure that there is order in the Chamber? Hon. Members, you must know that the business of the House is continuing, and those of you who, for some reason are leaving the Chamber, must do so with integrity. I, therefore, ask that you come back to order and continue with the business of the House.

### THE NATIONAL POLICE SERVICE (AMENDMENT)

This is the Committee of the whole House convened to consider further the National Police Service (Amendment) Bill, National Assembly Bill No. 18 of 2013. We had gone up to Clause No. 12. We will now proceed from there.

We now proceed.

*(Clause 13 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hon. Member for Ndhiwa.

**Hon. Oyugi:** I thank you very much, Temporary Deputy Chairman. I think what you have just done is very un-procedural. Yesterday we had gone past Clause 13. In my understanding--- The records of this House bear me witness. I really wonder why someone else is misguiding the House yet Clause 13 was defeated. We were in the House and we opposed it. I do not understand why we should then go back and start from Clause 13 again. The Question was put and the records of the House have it. Hon. A.B. Duale knows that we defeated Clause 13. I am happy to proceed from Clause 14.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Did you do clause 14? Hon. Oyugi, can you approach the Chair? I want to hear the gist of the hon. Member's discussion.

**Hon. Ogalo:** Hon. Temporary Deputy Chairman, I was in the House yesterday when we were in the Committee of the whole House on this Bill and we cleared Clause

13. We were supposed to start with Clause 14. I do not think it is procedural to try to maneuver getting back. If we want to recommit it, we can understand that and there is a procedure for that.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, you will have your opportunity to discuss and nothing will be put to question. There is nothing that anybody is interested in putting under the table. I see a Member whom I have not heard from.

**An hon. Member:** He is the Chairman!

**The Temporary Deputy Chairman** (Hon. Kajwang’): What is your response to that?

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I wonder whether we are patriotic in this House; we have not recommitted this clause and what it is talking about is the replacement of the Deputy Inspector-General. Why must we recommit it?

**The Temporary Deputy Chairman** (Hon. Kajwang’): I do not remember that we recommitted anything.

**Hon. Abongotum:** If you remove the entire clause, you are paralyzing everything.

**Hon. Gikaria:** Hon. Temporary Deputy Chairman, I want to agree with the Chairman. This is about replacing the Deputy Inspector General in Police Service Commission Act. So when you say---

**The Temporary Deputy Chairman** (Hon. Kajwang’): We are discussing the procedure. Hon. Oyugi and hon. Oner have made a point. Can you respond to it?

**Hon. Gikaria:** Then I agree that you allow the Chairman to recommit.

**The Temporary Deputy Chairman** (Hon. Kajwang’): We are not going for recommital. I will order this because the Chairman has to be very clear how we dealt with Clause 13, I order that the HANSARD extract on this issue be brought to the table right now. As we do that, we will, therefore, recommit it. We will consider it at the end. Meanwhile, I have ordered that the extract of the HANSARD be availed right now at the table, and from it we will know how we dealt with this matter. Is that all right?

**Hon. Members:** Yes!

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let us go to the next clause.

#### *Clause 14*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Is Hon. Waiganjo in the Chamber?

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Chairman. Hon. Waiganjo was in communication with me and requested that I move the amendment on his behalf.

**The Temporary Deputy Chairman** (Hon. Kajwang’): That is all right but I will request that we see a written letter delegating that authority to you.

**Hon. Oyugi:** Absolutely!

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can we have that instantly here?

**Hon. Oyugi:** I have to go to my office. Hon. Waiganjo undertook that he would send a letter to my office and I am praying that I go and get it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): There is no point of order here; this is very easy to dispose of. Hon. Waiganjo, though desiring to speak is not in the Chamber and, therefore, that amendment is dropped.

*(Proposed amendment by hon. Waiganjo dropped)*

Is hon. Bowen in the Chamber?

**Hon. Bowen:** Yes, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): You realize that your amendment will be dropped in case hon. Abongotum’s amendment is sustained or accepted or agreed to. You understand that?

**Hon. Bowen:** Yes, hon. Temporary Deputy Chairman.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I want to drop this amendment and support the one brought by hon. Bowen, if you allow me to do that.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Are you on record or were you speaking on somebody else’s microphone?

**Hon. Abongotum:** I am saying that on Clause 14, I want to drop the amendment that we have and the one by hon. Bowen should be adopted by the House.

**The Temporary Deputy Chairman** (Hon. Kajwang’): No! Order! Make my work easy; do not speak for other hon. Members; speak for yourself. Can you go back to the microphone and speak about the amendment that you have? If you want to drop it, speak to the microphone and drop it and then we deal with the other one accordingly.

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

THAT, clause 14 be deleted and replaced with the following new clause—

Amendment of  
section 15 of No. 11  
of 2011.

14. Section 15 of the principal Act is amended—

(a) in subsection (2), by deleting the word “Commission” and substituting therefor the words “Independent Policing Oversight Authority”;

(b) by deleting subsection (3) and substituting therefor the following new subsection—

“(3) The Independent Policing Oversight Authority shall, within fourteen days of receipt of a petition under subsection (2), consider the petition and, if at least two thirds of the members present and voting agree that it discloses a ground under subsection (1), the Independent Policing Oversight Authority shall recommend to the President the removal of the Inspector-General”;

(c) by deleting subsection (4);

(d) by deleting subsection (5) and substituting therefor the following new subsection—

“(5) On receiving a petition under subsection (3), the President—

(a) shall, within fourteen days of receipt of the petition, appoint a tribunal in accordance with subsection (6); and

(b) may suspend the Inspector General, as the case may be pending the outcome of the petition”;

(e) by deleting subsection (7) and substituting therefor the following new subsections—

“(7) The tribunal shall, within fourteen days, investigate the matter, report on the facts and make a recommendation to the President.

(7A) The President shall consider the recommendation of the tribunal and, if necessary, recommend to Parliament the removal of the Inspector-General”

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order, I will still be patient with you. You have spoken of two things and both of them are contrasting; one, that you want to withdraw and another that a deletion be done. Pick one of them and stick to it.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I want to drop the entire amendment from 14 up to the last part of it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So it is your desire to withdraw the amendment proposed to Clause 14 by the Committee? Is that all right?

**Hon. Abongotum:** Yes, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): That allows us to discuss hon. Bowen’s amendment.

*(Proposed amendment by hon. Abongotum withdrawn)*

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

THAT the Bill be amended by deleting Clause 14 and substituting therefor a new clause as follows-

14. Section 15 of the principal Act is amended-

(a) by deleting subsections (2) and substituting therefor the following new subsections-

(2) A person desiring the removal of the Inspector-General on any ground specified in subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground.

(b) by deleting subsection (3).

This clause seeks removal of the Inspector General and the principal Act states that a person desiring to remove the Inspector General may petition to the Commission. You will realize that in the National Service Police Commission (NPSC) the Inspector General sits there with his two deputies. If you say you are petitioning the Commission, it is like you are petitioning the Inspector General and his two deputies. So, I am saying that a person desiring to remove the Inspector General must petition Parliament. If you look at Section 15, the NPSC is like any other commission; if you read the Constitution at Article



251 it talks about removal of commissioners, and the removal of the Inspector General should follow the same procedure.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): What is it hon. Musimba? You are on intervention or is it a slip of the thump?

**Hon. Musimba:** Hon. Temporary Deputy Chairman, no, it was not. I was bringing to your attention that the WIFI is not working in the House and so it is very hard to cross-refer.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The hon. Member is on a point of order that the WIFI--- I know that many hon. Members do not know that there is WIFI in the Chamber, but the young budding Member is saying that the WIFI is not working. I will order the ICT people to bring it back instantly.

**Hon. Gichigi:** Thank you, hon. Temporary Deputy Chairman, I support---

**The Temporary Deputy Chairman** (Hon. Kajwang’): No! No! You are on intervention and that is why I have selected you.

**Hon. Gichigi:** I do not have a point of order.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Leader of Majority Party.

**Hon. A.B. Duale:** I am happy that the Chair has withdrawn his amendment. I support the amendment by hon. Bowen. If you look at Article 51 of the Constitution, it is Parliament where petitions are brought, of all the ten commissions. The Independent Policing Oversight Authority (IPOA) has a different role. So, I totally support that the Commission sends the petitions or any Kenyan for that matter can come to Parliament and Parliament can institute investigation. So, I was very uncomfortable with the Chair’s amendment but now that he has withdrawn, I support hon. Bowen as per the Constitution in Article 251.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Alright, Member for Kipipiri

**Hon. Gichigi:** Thank you hon. Temporary Deputy Chairman, I support the proposed amendment by hon. Bowen. It is good to have similar law for similar situations. Ordinarily, when we want to remove public officers, in other laws, members of public or petitioners will come to their representatives in this House before they go to the President. I think it is only fair that we align this law in respect of the Inspector General with what is in existence. I do support this amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Alright, let me just recognize any Member who will be in objection because all the support has been explained very well. Member for Kitutu Chache North, you are opposing.

**Hon. Angwenyi:** Thank you hon. Temporary Deputy Chairman, for giving me a chance to contribute to this very important Bill. I support the withdrawal of that amendment. We do not want to subject our professionals in the police force to people who do not know anything about the profession. I support the amendment proposed by the MP for Marakwet so that we have a body that makes decisions for the police force. I am sure, if we implement this provision, our police force will be much more effective and some of the problems we have seen today, we will not see them again. I support.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. I do not know who is opposing or supporting but let me test just to know whether there is any other person. Member for Ndhiwa, are you in support of this, or you are opposing?

**Hon. Oyugi:** I am supporting. Thank you hon. Temporary Deputy Chairman---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I put this to question?

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

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

*(Clause 14 as amended agreed to)*

*(Clauses 15 and 16 agreed to)*

*Clause 17*

**Hon. Abongotum:** Thank you, hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 17 be amended by deleting subsection (1) of the proposed new section 21 and substituting therefor the following new subsection-

(i) There is established a Service Board which shall consist of the Inspector-General, the two Deputy Inspectors-General, the Director of Criminal Investigation Department and the head of human resource of the Service.

We proposed this so that the establishment of the Service Board and the inclusion of the head of human resource shall ensure efficiency of the board in discharging its duties and mandate.

*(Question of the amendment proposed)*

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

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman. I stand to support this amendment as proposed by the Chair. This Service Board will be able to foresee the functions of--- This is basically a service board which is able to exchange views as commanders of various forces within the Department.

I support.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Nakuru Town East. That was a slip, Member for Kipkelion East.

**Hon. Limo:** Hon. Temporary Deputy Chairman, I stand to support this amendment because it is actually an expansion of the existing board which gives a wide view. I support.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Ugenya, what seems to be the problem?

**Hon. Ochieng:** I do not have a problem, I just want to oppose.

**The Temporary Deputy Chairman** (Hon. Kajwang’): You are opposing, but give me a minute; you were on intervention button. So, can you request? Member for Bomachoge Borabu, proceed.

**Hon. Omagwa:** Hon. Temporary Deputy Chairman, I wish to support this amendment as we did in the first one where we agreed that Parliament has to be involved. I think that is the right way to do it, unless we have professionals to check whether they have violated the law or not. So, I want to be counted as those that support this amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Suba, do you have a contrary view or are you supporting?

**Hon. Ng’ongo:** The hon. Temporary Deputy Chairman, I strongly oppose this amendment. My reasons are as follows---

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order, can you reduce consultations?

**Hon. Ng’ongo:** We gave responsibility to the Police Service Commission and I see an attempt to create bodies to take over powers and responsibilities of the National Police Service Commission. Once you create this board, functions of human resource are likely now to be handled by it and that is contrary to the Constitution. If the commissioners have power within the law to create any other office through internal procedures, why should we legislate to create another board that has the intention of taking over the responsibility of the Police Service Commission?

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you, Member for Ugenya.

**Hon. Ochieng:** Thank you so much, hon. Temporary Deputy Chairman. The issue that we are dealing with is very important. You cannot purport to want to transfer powers of a constitutional commission to something called a board; a mere board that has no tail or head. This one we cannot allow. The work of the National Police Service Commission is being interfered with in broad daylight as we see. We cannot allow it.

Thank you.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The Member for Homa Bay, what is out of order? I can see you have an intervention.

**Hon. (Ms.) Nyasuna:** Hon. Temporary Deputy Chairman, I thought I was in the contribution mode. Mine is not an intervention. I just want to contribute to this amendment and say that during the Second Reading we raised the issue of the service boards. It is on record that the Chair rose and said that many of these things had already been sorted out. However, to move the human resource functions that are expressly given to the Commission and bring them to something you are calling a service board is even unconstitutional.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Let me engage with you. Can you look at the principal Act and find out if functions have been spelt out? This is because you may be saying so without putting your mind to---

**Hon. (Ms.) Nyasuna:** Hon. Temporary Deputy Chairman, I engaged myself with this Bill thoroughly in the Second Reading. Therefore, to tell me to refer back--- These are contributions that I have made and are on record.

**Hon. Nuh:** Thank you, hon. Temporary Deputy Chairman, for giving me this chance. This matter is very important to this country. So, let us look at it diligently.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Well, you have the microphone.

**Hon. Nuh:** We are only listening to the Leader of Majority Party, hon. Temporary Deputy Chairman.

**Hon. Ogallo:** Thank you, hon. Temporary Deputy Chairman. I would like to get direction from you in light of Article 246(3). The letter and spirit of this Constitution says that the Commission shall recruit and appoint persons to hold or act in offices in the service, confirm appointments and determine promotions--- How do you see the board carrying out the functions being given in the new Section 21 in light of these express provisions of the Constitution?

**Hon. Ng’ongo:** What is the purpose of this service board?

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, could you protect me from hon. Mbadi? I am not one of his voters because I come from Garissa.

I want to make it very clear that before a Bill is brought to this House, before it is printed and the Speaker approves it, it goes through the hands of able institutions.

**Hon. Members:** No! No!

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, protect me. I am a son of a sheikh and I was brought up in a cool environment and not in a rowdy area where people throw stones.

*(Laughter)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! It is in my knowledge that Members of Parliament are not rowdy. Can you resume your seat? Look at Section 21 of the Bill. You will see what is proposed to be the duty or functions of this service board. Those of you who were asking that, need to be arguing from that position.

**Hon. Ababu:** Hon. Temporary Deputy Chairman, this is a House of records. We must be careful what we allow on record unchallenged. The hon. Leader of Majority Party is a man that enjoys my utmost respect and he has said that unconstitutional matters do not make their way to this House. That is not true because several times, we have raised matters of constitutionality. We have rulings by past Speakers where the Chair has pronounced itself on a matter that has been found unconstitutional. That is why Standing Order No.47 envisages a situation where a matter that is not constitutional can make its way to this House and therefore, provides a route for this House---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. We have heard you. Unfortunately, hon. Members, we will not subject this to debate. I want to remind you. Your recollection may fail you but you remember that the Speaker made a

Communication in respect of these Bills. It was quite a lengthy one which decided amongst others the constitutionality of these issues. At this stage, we are unable to re-open the question of constitutionality except if it turns out that you are passing an unconstitutional Bill. There are other arms of this Government that may decide to declare something to be unconstitutional or may decide not to interpret it or not to use it at all.

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

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

*(Clause 17 as amended agreed to)*

*(Clauses 18, 19, 20 and 21 agreed to)*

#### *Clause 22*

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

THAT, Clause 22 be amended by deleting paragraph (b).

This is basically to ensure that some Members are not actually locked out during interviews by the mere fact that they have no education in the area of intelligence. I propose that we delete this Clause.

*(Question of the amendment proposed)*

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

*(Clause 22 as amended agreed to)*

*(Clauses 23, 24, 25, 26, 27, 28,  
29, 30, 31, 32 and 33 agreed to)*

#### *Clause 34*

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

THAT, clause 34 be amended—

(a) in the proposed new section 80A (1), by deleting the words “the Cabinet Secretary in consultation with the Inspector-General” and substituting therefor the words “the Commission”;

(b) in the proposed new section 80A (3), by deleting the words “Cabinet Secretary” and substituting therefor the word “Commission”.

This is basically to ensure that the Commission has the requisite independence and is not micro-managed by the Cabinet Secretary. Therefore, we want to retain the independence of the Commission.

*(Question of the amendment proposed)*

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

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

*(Clause 34 as amended agreed to)*

*(Clauses 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53 agreed to)*

*Clause 54*

**Hon. Abongotum:** I beg to move:-

THAT, Clause 54 be amended in the proposed new subparagraph (c) by inserting the words “through justifiable use of force” immediately after the word “property”.

This is done basically to ensure that the police do not use this provision to apply force arbitrarily or create a situation where excessive use of firearms may lead to extra-judicial killings. Therefore, that is my amendment.

*(Question of the amendment proposed)*

**Hon. Ng’ongo:** Thank you, hon. Temporary Deputy Chairman. That is a good amendment especially given that the provision of using force is already in the Bill. I also wished that the Committee even removed the word “property”. This is because when you use such kind of force to protect property, it is likely to be abused. The amendment that the Chair of the Committee, hon. Abongotum, is proposing is better than what was in the original Bill.

Therefore, I support.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman. If it were up to me, I would rather the original amendment was not passed, but this is definitely a much better option than the first one. I would want to agree with hon. Ng’ongo that we need to remove the issue of property. The reason why I am saying that this is much better is because if the police have to use force, it should be justified.

I would have even preferred that they are not given any discretion because it tends to be abused in most cases. They will still use extra-judicial killings and then say that it was justified.

**Hon. (Ms.) A.W. Ng'ang'a:** Thank you, hon. Temporary Deputy Chairman. I rise to support the amendment. The reason we are having a lot of problems in administration is simply because we are still running this Government as if we are doing *nusu mkate*. We are trying to divide the work between these commissions, instead of consolidating all the work under one particular arm. The Police Service is command-driven and one that does not require separation of powers in order for them to operate properly.

I, therefore, support all amendments.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Since many hon. Members are rising in support, shall I put the Question?

**Hon. Members:** Yes.

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us hear from hon. Waiganjo. Is hon. Waiganjo in the Chamber?

**Hon. Member:** He is away.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Okay, hon. Waiganjo is not in the Chamber, but desiring to speak. The amendment is hereby dropped.

*(Proposed amendment by hon. Waiganjo dropped)*

*(Clause 54 as amended agreed to)*

*(Clause 55 agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hon. Members, we are through with the substantive clauses and we are now dealing with the new clauses. May I remind you again, for the benefit of those of us who are still catching up with the Standing Orders, that we begin with substantive clauses then we come to the new clauses that hon. Members are proposing. After that we deal with Clauses 2 and 1 and finish with the title in that order. Therefore, do not be worried as I have seen some hon. Members do. Now we are there. Let us hear from the hon. Member for Homa Bay Town.

*New Clause 6A*

**Hon. Kaluma:** I beg to move:-

THAT, the following new clause be inserted immediately after clause 6-

Amendment of  
Section 7 of 11A  
of 2011.

6A (I) THAT Section 7 of the principal Act is amended-  
(a) by deleting subsection (2);  
(b) by deleting subsection (3);

I am proposing the deletion of Sub-sections (2) and (3) of Section 7 of the National Police Service Act. Essentially, those sections are the provisions of law under which the ongoing police vetting is being undertaken. Therefore, to be clear colleagues, I am proposing that we stop the ongoing vetting in the manner it is proceeding until we have a proper legislative framework under which that vetting process can be undertaken.

There is a good reason as to why I am making this legislative proposal. I have watched the vetting being undertaken and it is proceeding in public---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Homa Bay Town, so that you carry along the Members to understand where you are coming from, this is a new clause. So, you are proposing to delete the principal Act. In a very brief way, tell them what is in the principal Act and, therefore, what you are deleting, so that they understand the impact of what you are saying.

**Hon. Kaluma:** That is what I was explaining, hon. Temporary Deputy Chairman. I was saying that the ongoing public vetting of the members of the National Police Service is in law grounded in these subsections (2) and (3) of Section 7 of the Act. Section 7(1) merely says that those who were serving in the National Police Force before the promulgation of the Constitution will, of course, continue to serve in the National Police Service. Subsection (2) then says that all those persons notwithstanding continuing to serve in the National Police Service will now be vetted. Of course, (3) confirms that in the vetting process anybody can be removed. The repeal that I am proposing is to stop the ongoing vetting process. I am not saying that, that vetting process should be stopped completely, but I am saying that the manner in which it is being proceeded with is not right.

I was drawn to this thinking when I watched particularly, the vetting of the police officer heading the Police Airwing. I would request the Leader of Majority Party to listen. It has happened in public, contrary to court martial that we have it in private. I remember the good gentleman was being asked: “How many choppers do we have in the country, in the police force?” and he said there in public, that all our choppers in the force are grounded and they hire when they need them. Essentially, you have told our enemies that we are not ready to fight them if they were to come in a manner that would not enable hiring. Colleagues, you also noted one day that a member of the force was saying: “If you remove me from the force, I will die.” I can tell you that, that officer was just being lenient. He was saying: “If you remove me from the force, I am going to be killed.” Essentially, that is what he was saying.

I wanted to end by saying that we must approach police vetting in a manner that is sensitive to the fact that this is a security issue. I can tell you, hon. colleagues, that even in terms of court martials, you cannot go there just as a walk in lawyer. The police already know the thugs. They know the strategies the thugs use. They also know the strategies the thugs use to counter them. When you proceed with vetting *en mass* and in public in the manner in which we are proceeding, you are going to entrench insecurity in this country in a manner we will not believe.

I was proposing that later, we may think of a law like the Judges and Magistrates Vetting Board and not this casual and cursory way of approaching a sensitive issue.

*(Question of the new clause proposed)*



*(New clause read the First Time)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. We now seem to understand where you are coming from. Member for Suna East, you are always on a point of order. Rise now to contribute and not on a point of order.

**Hon. Nuh:** Hon. Temporary Deputy Chairman, I stand to oppose this amendment as proposed by hon. Kaluma. It is better if he could declare his interest. He needs to tell us the officer he is holding brief for here, who is undergoing vetting.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Order, Member for Suna East! The Standing Order is very clear that you will not impute improper motive on a Member unless you can show substantively. Two, there is a very elaborate manner in which conflict of interest is dealt with in the House. So, do not speak things haphazardly because they go to the HANSARD and you cannot take them out of the HANSARD. Can you rise and speak to the microphone, Member for Suna East?

**Hon. Nuh:** Hon. Temporary Deputy Chairman, I withdraw and apologise, but---

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, no. That is okay, you have withdrawn. Thank you very much.

**Hon. Nuh:** Hon. Temporary Deputy Chairman, the issue hon. Kaluma is raising has been taken care of by Section 7(4) which says:

“The Commission shall, in consultation with the Cabinet Secretary, develop criteria and regulations to guide the exercise of vetting of the officers under subsection (1).”

These new legislations that we are making now, the National Police Service and the National Police Service Commission were brought because of the new Constitution. The letter and the spirit of the Constitution envisaged that many officers in Government organizations will be vetted, including the Police Service and the Judiciary. If we exempt them from vetting, then the rot in the police service will continue.

**The Temporary Deputy Chairman** (Hon. Kajwang’): That is now a very sober and substantive discussion on the amendment. Nominated Member and I have missed your voice for quite some time. I see you here and I recognize you for your seniority. You have the microphone.

**Hon. (Dr.) Oginga:** Hon. Temporary Deputy Chairman, I stand to oppose this amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Leader of Majority Party, there is something called pecking order, which is a Commonwealth doctrine and you find it in presidential systems.

Thank you.

**Hon. (Dr.) Oginga:** Hon. Temporary Deputy Chairman, I am happy that for the first time, this Parliament is recognizing seniority. It has never before. I stand to oppose this amendment because there can be no lacuna. The Constitution was very carefully crafted to ensure that the police force does not go back to the old order where promotions and demotions were done arbitrarily. This process of vetting has been going on very well.

Asking people to declare their properties and whether they know about helicopters and so on is very fair. So, I would like to oppose it and ask hon. Kaluma to withdraw it, if he can.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Narok West, we will have you last one this.

**Hon. ole Ntutu:** Hon. Temporary Deputy Chairman, I want to oppose the amendment by my colleague because the ongoing vetting process has unearthed a lot of rogue officers in the police service. So, we should oppose it in the strongest terms possible.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Why are you turning this into debate time? Leader of Majority Party! Hon. Kaluma, you will have a second bite of the cherry; those are the rules of the game.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, hon. Kaluma is just sitting in front of the Acting Party Leader and I have to support his amendment now. I served in the last Parliament and I participated in bringing the clause on vetting, but my problem is the way it is being done in public. The officers are subjected to humiliation in front of their families and friends. They are told that they must bring the accounts of their wives. In the end, we might sack so many officers and create a serious security risk. I want to support that even the Kenya Wildlife Service officers should be vetted because of the poaching problem. I am opposing the amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The Leader of Majority Party is opposing. Member for Homa Bay Town, proceed.

**Hon. Kaluma:** Thank you, hon. Temporary Deputy Chairman. I am not removing the power of the Commission to recruit, promote, appoint and discipline. In fact, to assuage hon. Oburu Odinga, that is a constitutional power and we cannot interfere with it. But let me end by saying that, Members take what the Leader of Majority Party has said as the last statement very seriously. We are risking creating a parallel force, which our regular forces may not be able to deal with. Two, we are risking the lives of those police officers whom we are asking those questions publicly. If you may pardon me a few seconds, I saw a police officer being asked: “Why did you shoot the gentleman on the head instead of the thigh?” You have told the thugs who shot them! Even court martial is done in private. I beg you support me.

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

*New Clause 15A*

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

**Hon. Bowen:** Thank you, hon. Temporary Deputy Chairman. I beg to move:-

THAT the Bill be amended by inserting a new Clause immediately after clause 15 as follows-

15A. That the principal Act be amended by deleting section 17 and substituting therefor the following new section-

17 (1) Deputy Inspector-General may be removed from office only for-

(a) serious violation of the Constitution or any other law, including a contravention of Chapter Six of the Constitution;

(b) gross misconduct, whether in the performance of the functions of the office or otherwise;

(c) physical or mental incapacity to perform the functions of the office;

(d) incompetence;

(e) bankruptcy; or

(f) any other just cause.

(2) A person desiring the removal of the Deputy Inspector-General on any ground specified in subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground.

(4) The National Assembly shall consider the petition and, if it is satisfied that it discloses a valid ground under subsection (1), forward the petition to the President.

(5) On receiving a petition under subsection (4), the President-

(a) shall appoint a tribunal in accordance with subsection (6); and

(b) may suspend the Deputy Inspector General, as the case may be pending the outcome of the petition.

(6) The tribunal shall consist of-

(a) a person who holds or has held office as a judge of a superior court, who shall be the chairperson;

(b) three persons who are qualified to be appointed as judges of the High Court; and

(c) one other member who is qualified to assess the facts in respect of the particular ground for removal.

(7) The tribunal shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the President, who shall act in accordance with the recommendation within seven days.

(8) A person suspended under this section shall be entitled to continue to receive one-half of the remuneration and benefits of the office while suspended

This is just the same case I had argued that any person who petitions the removal of the Deputy Inspector-General must petition Parliament and not the Commission. This is because even the Deputy Inspector-General is part of the Commission, so petitions should come to Parliament.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

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

*(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)*

*New Clause 42A*

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

**Hon. Lentoimaga:** Thank you, hon. Temporary Deputy Chairman. I beg to move:-

THAT, the following new clause be inserted immediately after clause 42-

Amendment of

Section 110 of No.

11A of 2011

42A. The principal Act is amended in section 110, by inserting the following new subsection immediately after Subsection (3)-

“(3A) The Reserve police officers shall-

(a) be provided with proper uniform and weapons;

(b) be deployed in specific areas, with defined

command and supervision structures;

(c) undergo training before deployment”.

I want to move this amendment to assist, so that KPR---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Member, let us help each other. Move it in terms; “That I now wish to move that New Clause 42A now be read a Second Time” and then you can prosecute and get into it.

**Hon. Lentoimaga:** I now wish to move that New Clause 42A, be part of the Bill and read a Second Time.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay, go further and prosecute by saying something about it, so that we understand.

**Hon. Lentoimaga:** The Kenya Police Reservists (KPR) have been there for a long time in our communities and they are the first defence if there are any attacks from criminals or raiders. They are the first victims of any incident that occurs within our communities. The problem is that they have no command system or uniform and they are not paid anything. They are just martyrs and heroes, for the work which they do and are not assisted at all by the Kenya Police Service.

This amendment will assist them to be part of the National Police Service and to be supervised and structured, so that they can assist in providing security in our areas.

Thank you, hon. Temporary Deputy Chairman.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

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

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

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman, for allowing me to contribute. The KPR play a very key role, if we remember areas that are prone to cattle rustling like Endeless, Kwanza and even the Suguta Valley. You remember we lost many of them in the Suguta Valley as a result. If they are coordinated and equipped properly, then we know that in those areas where we do not have enough police officers, these men and women can provide security to Kenyans.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you, very much. Member for Bomachoge Borabu.

**Hon. Omagwa:** Thank you, hon. Temporary Deputy Chairman. Hon. Angwenyi should not be complaining. I want to support this amendment and add that we have seen young people who are carrying G3s and they are not in uniform, but they are accepted within communities where they are carrying out this exercise. We need to make this official and give them uniform, train them on the usage of these weapons and have a command structure, so that then we can do it in a proper way. I support, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you, very much. Member for Turkana South.

**Hon. Ekomwa:** Hon. Temporary Deputy Chairman, I stand to support this amendment---

**The Temporary Deputy Chairman** (Hon. Kajwang’): The next time you request to speak, just allow yourself, because there is an order here of requests. So, do not feel so frustrated when you are waiting patiently to speak, but proceed.

**Hon. Ekomwa:** I was struggling to catch the eye of the Chair.

**The Temporary Deputy Chairman** (Hon. Kajwang’): You have now, proceed.

**Hon. Ekomwa:** I support the amendment. The KPR are the most efficient officers we have in Kenya now. These are the officers who have actually obeyed the principal of devolution. For you to confirm that police services have been devolved, you can only confirm by use of KPR who are right in the heart of the village, 24 hours. They do not need orders, they are always there and anytime problems happen in the community, they will always act and it is not just giving them weapons, they should be given automatic weapons.

I have had experience, what has been happening in these areas is that bandits have G3s and AK47 rifles and the police officers also have the same. So, what is the difference between these automatic weapons? We expect the police force and KPR to be given automatic weapons to differentiate them from the bandits who have the same weapons.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Alright, thank you, very much. Hon. Member for Kwanza, I see you are on intervention.

**Hon. F. K. Wanyonyi:** In supporting this amendment, I want to take this opportunity first of all to make further amendments, given the importance of this particular force.

**The Temporary Deputy Chairman** (Hon. Kajwang’): What is the text of your further amendment?

**Hon. F. K. Wanyonyi:** My further amendments are for New Clause 42(A) to read:- That the proposed New Clause 42A be amended by –

(i) inserting the words “a service identity card” immediately after the word “unifom” in the proposed paragraph (a) and

(ii) inserting the words “vetting and” immediately before the word “training” in paragraph (c)

This, of course, will differentiate them from the others, like the Member has just mentioned, so that we identify them as a unit. You know we just pick these people from the bush---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just read the text of the amendment.

**Hon. F.K. Wanyonyi:** I want to insert, after the word “undergo” the word “vetting”. To read:- “undergo vetting and training before deployment.” That is what I want to do.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you, very much. Let us clean it first hon. Wanyonyi, just resume your seat.

I propose the question that New Clause 42A be further amended in paragraphs (3A) to read as follows:-

“(3A) The Reserve police officers shall—

(a) be provided with proper uniform, service identity cards and weapons;

(c) undergo vetting and training before deployment.”

Having proposed that, we will proceed paragraph by paragraph so that we can dispose of them. We will start with the first paragraph which has been further amended by including the issue of service identity card.

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Chairman, I think by inserting the words “service identity card”, you know these are people who are not actually identified. The best way to identify them is to go round with the card so that in case somebody doubts the security agents, they can flash their cards. This is because if you go out there like in Turkana as the Member for Endebess has mentioned where there is cattle rustling you will find that some of them may not be identified. However, if they are identified as security agents I think it can be done by them being given service cards.

*(Question of further amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang): Member for Pokot South.

**Hon. Losiakou:** Thank you, hon. Temporary Deputy Chairman for giving me this opportunity. I support the further amendment of the service identity cards. The reason why I am saying that is because where we come from, which are pastoralist communities and constituencies, the Kenya Police Reservists (KPRs) are very important. If you look at

the last election the people who were offering security in the whole of the pastoralist constituencies were the KPRs and they were not paid. When we asked why they were not paid the answer was that they were not on the payroll. Therefore, we are supporting this amendment because it will now take the KPRs to the payrolls and they will be paid for any engagement they undertake in future. I support it.

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

**The Temporary Deputy Chairman** (Hon. Kajwang): We will move to the second paragraph.

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Chairman, the reason why we are saying that they be vetted is because sometimes out there you will find crooks and these are people who have worked as ex-policemen or they are just people in the village. So, this vetting will be done by the area assistant chief, the chief, the District Officer (DO) and the Officer Commanding Police Division (OCPD). So, that helps to identify the right person who has a good character to be hired as a police reservist.

*(Question of further amendment proposed)*

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

*(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)*

*New Clause 47(A)*

**Hon. Lentoimaga:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, the following new clause be inserted immediately after  
clause 47-

Amendment of  
Section 115 of No.  
11A of 2011

47A. The principal Act is amended in Section 115, by deleting subsection (1) and substituting therefore the following new subsection—

“(1) Without prejudice to subsection (2), a Reserve police officer shall be paid such remuneration and allowances as the Commission shall, in consultation with the Salaries and Remuneration Commission, determine”.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

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

*(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)*

**Hon. Losiakou:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, the following new clause be inserted immediately after Clause 47-

Amendment of  
Section 116 of 11A  
of 2011.

47B (I) That Section 116 of the principal Act is amended in subsection 1 by inserting the following new sub-section immediately after sub-section (1)-

“(1A) The Inspector General of the National Police Service shall be the accounting officer of the National Police Service.

The reason I am raising this is to cure a problem in the principal Act, Sections 116(1) and 116(2). The principal Act says that the National Assembly shall allocate adequate funds to enable the Service to perform its functions and the budget for the Service shall be a separate Vote.

Hon. Temporary Deputy Chairman, as seen from the Order Paper, my proposal seeks to answer the question: “If it is separate, then who manages the Vote?” That is why I am very specific that the Inspector-General should manage that Vote, which is already independent. Sub-section (2) of the principle Act says the Inspector-General shall ensure that every police station, post, outpost, unit, base and county authorities is allocated sufficient funding---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Member, we are all aware of those sections. Can you just explain why you want us to do the amendment? We are trying to cut time. So, do not repeat what we already know.

**Hon. Losiakou:** Hon. Temporary Deputy Chairman, my proposal in new Clause 47B is that the Inspector-General of the National Police Service shall be the Accounting Officer of the National Police Service.

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

*(Question of the new clause proposed)*



*(New clause read the First Time)*

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

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

**Hon. Kisang:** Thank you, hon. Temporary Deputy Chairman. I rise to support the amendment brought by hon. Pkosing because in order for the Inspector-General to be independent, as discussed earlier, it is good for him to have the funds rather than having to go to the Principal Secretary for the Interior to source for funds for police operations.

So, I beg to 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 2 agreed to)*

*(Clause 1 agreed to)*

*(Title agreed to)*

### COMMUNICATION FROM THE CHAIR

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Member for Ndhiwa stood up and contributed to the fact that Members in the previous day had considered, in the Committee of the whole House, Clause 13 of this Bill. I ordered that the HANSARD be brought before the Table for me to confirm those contributions. I have now been made aware that the HANSARD for yesterday afternoon is not ready because they are preparing the HANSARD for the day before. If you look at Standing Order No.248, you will see that the HANSARD is supposed to be published within 48 hours, unless the Speaker is satisfied that this is rendered impossible by some emergency. So, I am informed by the staff that the HANSARD is not ready; I take it to be true as a fair statement of fact. Therefore, I am unable to determine that, indeed, Clause (13) was dealt with either way.

Standing Order 248(3) says that where there is doubt as to the content of the verbatim record of the House, the Speaker shall make a determination. So, I have discretion, under paragraph (3) of the Standing Order No.248 to make a determination.

*(Hon. Ogalo stood up)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order, hon. Oner! You do not rise on a point of order when the Chair is making a decision!

Hon. Members, because I am in doubt on how we proceeded on Clause 13, I ask that the clause be re-committed for fresh re-consideration.

*(Clause 13 was recommitted)*

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the National Police Service (Amendment) Bill (National Assembly Bill No.18 of 2013) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*(Hon. Deputy Speaker in the Chair)*

### **REPORT, CONSIDERATION OF REPORT AND THIRD READING**

**Hon. Deputy Speaker:** Order, hon. Members! Can we, please, hear the Chairperson of the Committee of the whole House?

**Hon. Kajwang’:** Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the National Police Service (Amendment) Bill (National Assembly Bill No.18 of 2013) and approved the same with amendments.

**Hon. Deputy Speaker:** Yes, Mover of the Bill!

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

**Hon. (Ms.) Shebesh** seconded.

*(Question proposed)*

**Hon. Abongotum:** Hon. Deputy Speaker, I propose the Question that the notice be amended by inserting the words “subject to recommital”. So, I am saying that Section 13 of the main clause be retained because if it is not retained, then we will have no mechanism of replacing a Deputy Inspector-General in case a vacancy arises. It will mess up the entire law and so we want to make sure that the entire section is retained.

**Hon. Bowen:** Hon. Deputy Speaker, this section talks about the replacement of the Deputy Inspector-General and there is no way you can have replacement of the Inspector-General if it is not there. I second the Chairman of the Committee.

*(Question put and negatived)*

**Hon. Members:** Division! Division!

**Hon. Deputy Speaker:** I order the Division Bell to be rung for ten minutes!

*(The Division Bell was rung)*

Hon. Members, we are going to use electronic voting and you know the rules. You will remove all your cards. You are not doing it now. You will be given 90 seconds to log in and then after that you will be given 60 seconds to vote. The Question that we are voting on is the recommittal of Clause 13 of the Bill. Members, now you start logging in. Those whose cards are working please vote now.

Order, hon. Members! What are you doing when the Deputy Speaker is upstanding? There are only four members who have not voted, therefore, they should record with the clerk. The tally reads as follow:-

### DIVISION

*(Question put and the House divided)*

*(Question carried by 55 votes to 39)*

**AYES:** Messrs. Wanjohi, Konchella, Ms. Kipchoim, Ms. Kiptui, Messrs. ole Kenta, Rop, Ekomwa, J.K. Bett, Murgor, Kangara, Angwenyi, Omagwa, Serut, J.N. Chege, Ganya, Maj-Gen. Nkaissery, Messrs. Limo, Manje, Dido, Njomo, Melly, Ms. A.W. Ng'ang'a, Messrs. Abongotum, Wambugu, Bitok, Sang, Serem, Lentoimaga, Gikaria, Bowen, Karithi, ole Sakuda, Pkosing, Waweru, Ngunjiri, ole Ntutu, Mwadime, Ms. Tobiko, Kinyua, Rotino, Ms. Shebesh, Ms. Muia, Mr. Kimaru, Dr. Pukose, Messrs. Gichigi, Moindi, J.K. Chege, A.O. Ahmed, Karani, Waititu, A.B. Duale, Cheptumo, Kisang, Langat and Cheruiyot.

**NOES:** Messrs. Ababu, Wandayi, Oyugi, Simba, Andayi, Mulu, Geni, Wakhungu, Iringo, Mohamed Diriye, Ms. Kedogo, Ms. Ibren, Messrs. F.K. Wanyonyi, Ogalo, Kajwang', G.W. Omondi, Chea, Prof. Nyikal, Messrs. Waluke, Magwanga, Nuh, Okoth, Muluvi, Ng'ongo, Kiso, Ms. Odhiambo-Mabona, Ms. Khamisi, Ms. Nyasuna, Eng. Gumbo, Dr. Oginga, Messrs. Wangamati, Makenga, Arama, S.S. Ahmed, Anami, Bosire, Wetangula and Ms. Chidzuga.

**Hon. Deputy Speaker:** Hon. Members, I order the Bar and the doors to be opened. Therefore, Clause 13 is to be recommitted.

*[The Deputy Speaker (Dr) Laboso  
left the Chair]*

### IN THE COMMITTEE

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

## THE NATIONAL POLICE SERVICE (AMENDMENT) BILL

*(Resumption of consideration interrupted in Committee today)*

*Clause 13 recommitted*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! The Committee of the whole House is reconstituted to consider Clause 13 of the Bill. Could you move the Clause?

*(Several Members withdrew from the Chamber)*

Order! The Member for Kibwezi, you are standing in front of the Chair. We will start with the clause that was recommitted.

*(Clause 13 agreed to)*

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of The National Police Service (Amendment) Bill, National Assembly Bill No.18 of 2013 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*(Hon. Deputy Speaker in the Chair)*

**REPORT, CONSIDERATION  
OF REPORT AND THIRD READING**

## THE NATIONAL POLICE SERVICE (AMENDMENT) BILL

**Hon. Kajwang’:** Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the National Police Service (Amendment) Bill, National Assembly Bill No.18 of 2013, and approved the same with amendments.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request hon. Rachael Shebesh, the Nairobi County Women Representative, to second.

**Hon. (Ms.) Shebesh** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move that the National Police Service (Amendment) Bill, National Assembly Bill No.18 of 2013, be now read the Third Time. I also request hon. Chair of the CIOC to second.

**Hon. (Ms.) Tuya** seconded.

*(Question proposed)*

**Hon. Deputy Speaker:** I have confirmed that we have quorum in the House for the purpose of putting the Question.

*(Question put and agreed to)*

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

Next Order.

### MOTION FOR ADJOURNMENT

#### ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

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

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until Tuesday, 3<sup>rd</sup> June, 2014 in accordance with the Calendar of the Assembly (Regular Sessions).

*(An hon. Member whistled)*

Hon. Deputy Speaker, if you hear those noises, they are coming from none other than hon. John Mbadi Ng'ongo.

The Second Session resumed on 11<sup>th</sup> February, 2014 after our December recess and we went down to serious legislative agenda. It is the practice of the House that the short two months sessions that we had were used to consider the various Bills which are at different stages. We have five Bills which have been passed and assented to by the President. They are the Insurance (Amendment) Bill, 2013; the Marriage Bill, 2013; the Kenya Heroes Bill, 2013 and the Supplementary Appropriation Bill, 2014.

Hon. Deputy Speaker, three Bills were passed and are waiting Presidential assent. They are the National Flags, Emblems and Names (Amendment) Bill, 2013, Value Added Tax (Amendment) Bill and the Public Finance Management (Amendment) Bill, 2014.

Awaiting the Committee of the whole House was the National Police Service (Amendment) No.18, 2013, which we have just concluded.

Hon. Deputy Speaker, 30 more Bills, both private and public, are awaiting the Second Reading. Close to 140 Motions have been submitted in the Eleventh Parliament, of which close to 95 Motions have been debated. There are eight petitions, including the famous ones that was submitted and which is here to be approved by the Speaker on Monday. This was submitted by hon. Ng'ongo and his friends. It is one of the petitions.

I wish to thank the House for approving the sending of extra 310 Kenyan Defence Forces to join the 690 KENBATT 22 for the purpose of regional peace and stability in South Sudan. South Sudan is very important to us because Kenya Commercial Bank is the leading bank in that region and it was looted in Malakal other places. The problems with our brothers in South Sudan, ranging from the security situation, food insecurity, small arms and the quality of life of the people, affects the Kenyan nation.

Hon. Deputy Speaker, today, the Cabinet Secretary has submitted the Budget Estimates and I also hope that this will give the Committees and hon. Members time to meet and scrutinize in their sector Committees. This will also give hon. Members time to be with their constituents and reflect on matters of security.

As you all know, I am the hon. Member for Garissa Town in addition to being the Leader of Majority Party. I am planning to use this break to handle the biggest security issue of this country. I am committed to work with my Muslim brothers and the Somali community to solve the problem, regardless of my status.

Hon. Deputy Speaker, the Division of Revenue Bill was forwarded to the Senate and as we go on recess, in the event a need arises for hon. Members to be re-called for a Special Sitting, which is in accordance with the provision of Standing Order 29 (1), to re-look at that Bill, we will call them.

We promised to amend the Standing Orders so that we can cater for a way in which we can engage, as a House, with the Cabinet Secretaries. This has not been done, but we hope that during this recess, the Committee that was tasked to do that work will finish.

Hon. Deputy Speaker, I would urge that when we come back, the priority business will be the presentation of the Budget highlights by the Cabinet Secretary, followed by the approval of the Budget Estimates. Another very important agenda is the Motion on the Adoption of the Report on the status of San Macro Space Application Centre. I hope my good friend and colleague in the last Parliament, the good Member for Rarieda, hon. Eng. Gumbo, who is one of the very few highly respected engineers in Kenya, will help us in that. That San Macro Space Application Centre Report will come before the House.

Hon. Deputy Speaker, we have about eight Bills which have constitutional deadlines of August 27, 2014. I request the Commission for the Implementation of the Constitution to ensure that those Bills are published to avoid the usual constitutional rush.

Finally, I want to appreciate and thank the Majority Chief Whip, the Leader of the Minority Party, his Deputy, the Chairs of various Committees and all hon. Members for their participation; not forgetting the Parliamentary Service Commission (PSC) which has appointed new officers to assist Committees in their work.

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

**Hon. Deputy Speaker:** Hon. Millie Odhiambo-Mabona, what is not in order and what Standing Order are you rising on?

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Deputy Speaker. I am standing under Standing Orders. I want to say that these systems are not working. I had already pressed the button, but it goes off and comes back. So, I will be going back when probably I was the first person to press. It is not fair. In fact, my colleague has left because she has moved from every place trying and it is not working. So, I am here. I just want to notify the Chair that there is a fault with our system.

**Hon. Deputy Speaker:** That has been noted because it is also happening on our screen here. It is being addressed by the technical people.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I did not want to go on recess without picking a bone with hon. Millie Odhiambo-Mabona. I am so happy that she has raised a totally different matter. I want to go home when I am a very good friend of hon. Millie Odhiambo-Mabona and many other hon. Members. That is why today, I am urging each and every one of us, please, we want to build cohesion and unity. We need to respect our leaders. We need to go to each other's constituencies regardless of the political affiliation.

We need to support and ask our colleagues to do elections and elect hon. Ababu Namwamba. That is because hon. Ababu Namwamba is a serious leader in our country. Make sure that he is elected because we want him. We wish him all the best. I want all my colleagues to go back and build our---

**Hon. Deputy Speaker:** Leader of Majority Party, you have three minutes and I can see you digressing.

**Hon. A.B. Duale:** I am not digressing. In an Adjournment Motion, you can discuss as many issues as you can. Before both of us joined the Orange Democratic Movement (ODM), he was my lawyer. He used to have a very nice office along State House Road. He used to represent the poor people of this country. I wish a serious election could take place in our party. The "Men in Black" will be nowhere to be seen. We pray to God that they do not appear on the day of the elections. We pray to God and I ask hon. Dennis Waweru, Member for Dagoretti, to second the Motion.

**Hon. Waweru:** Thank you, hon. Deputy Speaker. In seconding my senior in this Motion, I would like to take this opportunity, when we are going for recess, in the spirit of building fences, to invite hon. John Mbadi Ng'ongo to my constituency and we have a piece of meat together.

That is because we have been having quite a number of challenges in the country - including security issues. We need to go to the constituencies and help in rolling out some the Government policies like the *Nyumba Kumi* initiative. We also feel that if we go on recess, we can also finish most of our pending CDF projects. If there is one of us who has not finished issuing the bursaries, he or she can do so.

I would like to take this opportunity to thank this august House for a job well done. We have passed five Bills and I am sure some people might be happy. We have also passed the National Police Service (Amendment) Bill.

With those few remarks, I would like to second the Motion for Adjournment.

*(Question proposed)*

**Hon. Nuh:** It is now time for the Acting Leader of the Minority Party.

**Hon. Deputy Speaker:** Order, hon. Nuh! I have given the microphone to hon. Bowen. I have not received any letter indicating that there is an acting Leader of Minority Party.

**Hon. Bowen:** Thank you, hon. Deputy Speaker. I would like to support the Motion for Adjournment.

While supporting the Motion, I thought the Chairman of CDF could be around here so that, as we go home for the one-month recess, we could have the CDF money. That is because we have had only 50 per cent of the money and there are some projects that we have initiated. Some have already stalled because we need the second allocation of the money.

This is the time the Members should get closer to their electorates, have a small chat and go round checking on the projects that they have initiated. I want to support this Motion. Even as we go home, I wish the Chairman of the CDF Committee will, by next week, credit our accounts, so that we can complete our projects by the time we come back.

**Hon. Ng'ongo:** Thank you, hon. Deputy Speaker. I also want to support this Motion. I just want to say a few things. I agree with the Leader of Majority Party that, truly, this is the time that we need to reflect on the future of this country, look at it critically and even build the bond even at times when we have differences. We had differences when we were passing the National Police Service Bill, but we can still forge ahead as colleagues. Hon. Mbadi should visit the constituency of hon. Waweru. I am going to do so very soon. I also invite him to Suba. That way, people will know that we have a place where we can converge.

I also want to echo what hon. Kangogo has said. I think we need to talk to the Chair of the CDF Committee. That Committee is not doing a good job as it should. We have just two months left to the end of the financial year and most constituencies have not received, if not all, half of the CDF funds. Therefore, this is not only slowing down development in the constituencies, but it is also slowing economic growth. That is because the economic growth of a country is pegged on expenditure and the more you keep money without spending, the more you affect the economy adversely.

I want to conclude my contribution by thanking those Members of the Jubilee Coalition - the few Members I know - who stood firm in the Parliamentary Group of Jubilee to say no to Anglo-fleecing. I know the majority had the appetite of paying that money. Maybe, some people had already budgeted on how to take advantage of that money. But I am happy there are some who did not think about themselves as members of Jubilee and, therefore, supported any legislation. They went to that PG and corrected the mess that we would have corrected on the Floor of this House as CORD. As CORD, we were united. But we thank Jubilee for being divided. The tyranny of numbers failed. That led to the withdrawal of the Motion.

I thank God for working in your brains to make sure that, that very bad Motion, which would have ended up making us lose the taxpayers' money, was reversed. I hope that this is not a tactical retreat. I hope that the Government is serious and the Jubilee Members of Parliament---

**Hon. Deputy Speaker:** Order, hon. Mbadi. The Member for Endebess!



**Hon. Ng'ongo:** How can hon. (Dr.) Pukose, who just came in March, 2013---

**Hon. Deputy Speaker:** Order, hon. Mbadi! Do not look down on any Member! We are all equal in this House.

**Hon. (Dr.) Pukose:** On a point of order, hon. Deputy Speaker. Thank you for protecting me. Is the Member in order to mislead the House? He is a Member of the Committee on Budget and Appropriations and he had approved the payment of Anglo-fleeing. He is misleading the House that he did not approve.

**Hon. Ng'ongo:** Hon. Deputy Speaker, I saw it coming. I know hon. (Dr.) Pukose is new. If you look at that Report, if you have it, you will find that I was not even present in the meeting that passed those payments. I cannot attend meetings that are going to ratify useless things. I make good use of my time. I cannot devote my morning on useless things. I said as much. I did not attend that meeting and I will never attend a meeting that is going to rubber stamp or ask this Parliament--- As a matter of fact, there was no need of attending that meeting. The moment I knew the agenda, I could not even attend it. Why should I waste my time? So, it is not accurate that I endorsed that Report, unless hon. (Dr.) Pukose has his own report. I was absent.

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

**Hon. Ng'ongo:** Point of order on what? I have just clarified that I did not attend. Go and read the Report.

**Hon. Langat:** On a point of order, hon. Deputy Speaker. The Member is using unparliamentary language that there was "a useless meeting". There is no useless meeting. In fact, he is confirming to us that he cannot even stand to make a decision against the people who sent him. Why was he not present to say no like the many other Members who said no? There are only three options in voting; you can say no, yes, or abstain, but not to be absent.

**Hon. Ng'ongo:** Hon. Deputy Speaker, he has even confirmed that the meeting was useless because we have withdrawn the product of that meeting. That just shows that the meeting was useless. You wasted time that you should have used to do something concrete. You brought the Report to the Floor of the House and withdrew it.

**Hon. Deputy Speaker:** That agenda was withdrawn from the Order Paper. Can we not spend the rest of the afternoon speaking on an agenda which is not there? You have made your point.

**Hon. Ng'ongo:** Thank you, hon. Deputy Speaker, for bringing me back to what I was talking about. Actually, it is hon. (Dr.) Pukose who took us to that Report. I was thanking the Members of Jubilee - the level-headed Members of Jubilee. We must thank them when they do something positive. They deserve that. Otherwise, they will be demotivated.

**Hon. Deputy Speaker:** Your time is up, hon. Mbadi.

**Hon. (Ms.) Wahome:** Thank you, hon. Deputy Speaker. I had an intervention for hon. Mbadi, but he has been saved by time. I want to support the adjournment Motion moved by the Leader of Majority Party. I must say that there are sins of commission and omission. I think omission is worse. It is wrong for the Member to stand here when he had an opportunity to express himself in that Committee and failed to do so. But now he is trying to hoodwink the House and the nation that he was against that Committee.

It is time we went on recess. Many of us have several cheques that are waiting to be given to the constituents. It is time to go and bond with our constituents and, of course, with other Members. I wish to inform hon. Mbadi that I am available to visit Suba. He could invite me because we have agreed that we need to work together. It is time to renew our good spirits after having had very serious engagements on the Floor of the House. I am happy that this afternoon, we have also engaged on the National Police Service (Amendment) Bill. We hope that the security in the country will improve and that we will work and serve our people in an environment that allows space, time and security. We have seen that the Members of this House have recently also been a target. We have had cases of attacks on Members of this House. So, we also need to be mindful of our security even as we move in our constituencies.

May I call upon the nation, at this stage in time, to support the Jubilee Government. I, particularly, appeal to the CORD Coalition. We have yet to hear their agenda of development. This will give the CORD Members of Parliament time to renew their thoughts so that, when we come back, they can engage positively. This recess will allow sufficient time to CORD legislators to renew their commitment to the nation and not commitment to our parties. The development agenda from the Jubilee Government should be the development agenda for this country and it should be supported by all of us.

With those remarks, I support.

**Hon. Deputy Speaker:** Hon. Chris Wamalwa.

**Hon. Wakhungu:** Thank you, hon. Deputy Speaker. I rise to support. It is, indeed, the right time that we should go home and be with our constituents. As we go for this recess, I am calling upon Treasury to release the money to the Constituencies Development Fund (CDF) Board so that the remaining balance of the CDF allocations can be given. The money for the bursaries should be released because, as we know, the second term is just around the corner. It will be nice if that money is released. As we get back to our constituencies, we can finalise the vetting and if possible, give the money to the right pupils who require it to go to school.

Hon. Deputy Speaker, as we move on, tomorrow we are going for the Labour Day celebrations. I hope that we will not have any chaos and I am calling upon hon. Atwoli to take charge so that the Central Organisation of Trade Unions (COTU) can be recognized. The other busy bodies can wait a bit and we are going to be there. We are not going to fear and we hope we are going to celebrate Labour Day.

Hon. Deputy Speaker, as we do this, we know that the wage bill is high. We call upon the Government to do something so that the poor *wananchi* down there can get some increment. Where I come from right now, we have planted. We thank the Jubilee Government for providing subsidised fertiliser. I know DAP has been provided and, as we go there, we are supposed to do top-dressing. I am calling upon the Cabinet Secretary for Agriculture, wherever he is, to put in more efforts so that the Calcium Ammonium Nitrate (CAN) fertiliser can be availed to our farmers so that they can top-dress their maize. That way, we can have food security in this country.

For example, in Trans Nzoia County, we had a problem. That cheap fertiliser is not available. We only have the fertiliser that the Governor is selling at an extra price of

Kshs100. I am sure if that fertilizer can go there, it will save the farmers of Trans Nzoia County, which is the bread basket of this country.

Hon. Deputy Speaker, as we move on, I want to call upon hon. Members to continue working as a team. I am happy today because the issue of Anglo Leasing was withdrawn. Really, we cannot continue to pay money to people who we do not know. Again, when you read Article 95 of the Constitution, it is very clear. It talks about our role of legislation, representing our people and oversight. It is not a House of clearance and we are no longer going to allow this Parliament to be a rubber-stamp.

Hon. Deputy Speaker, as we move on, I want to call for teamwork. This House has done so much and, indeed, it is the Upper House. If you go as per the number of Bills that this House has passed, it goes without saying that we are the Upper House. What we are trying to put across is about security. Security is not just an issue of the police and the chiefs alone, but even the common *wananchi*. It is good we embrace this thing of knowing who your neighbour is so that, in case of a problem of security, it will add value as far as security is concerned.

Where I am going, which is Trans Nzoia County, we have many insecurity cases. We have many idlers and squatters and yet, the Government promised that it will settle them. Trans Nzoia is the mother of squatters. I am calling upon the Jubilee Government to move with speed and settle the squatters that we have in Trans Nzoia County.

Thank you, hon. Deputy Speaker. I support.

**Hon. Deputy Speaker:** Joseph Limo.

**Hon. Limo:** Thank you, hon. Deputy Speaker for giving me this chance to contribute to this adjournment Motion. I want to support it and say that it is the right time that we actually take time to participate in national development by leading public participation, especially now that we are in the Budget-making period. I want to encourage that, as we go to our various constituencies and committees, we actually embrace the new Constitution. It actually requires that all the people of Kenya must participate in the various processes, including the Budget process.

I encourage Kenyans to know that they are the ones who make the Budget. It is not Parliament or the Executive. It is the job of the people as required by the Constitution. So, I call upon all Kenyans to turn up in big numbers whenever we call public meetings, so that they can participate in giving their views on where they want to take this country.

Hon. Deputy Speaker, I want also to say that this Parliament has done well because it actually passed the *Uwezo* Fund Regulations very fast. I want to ask the public to really participate in applying for loans and getting ready to use the Fund. I want to encourage the Executive to speed up the process of releasing those funds because we are actually ending the financial year and monies have not been released to the public. It is actually important that they get that money.

I also want to thank this Parliament for one thing which it did during this Session - passing the Public Finance Management (Amendment) Bill, which stipulated very clearly that 30 per cent of the value of all procurements in this country, including both at the national Government and the county governments, should go to the youth, women and people with disabilities. Any country which has empowered its people is a peaceful country. It is also a developed country because the moment we empower the youth and the women, we have empowered our nation and, therefore, it actually helps us, as leaders.

That is because the people who are not empowered are actually a real burden to the leaders and, therefore, when we empower our people, we know that we have empowered ourselves also.

Hon. Deputy Speaker, I want also to thank the Government. It has done very well. Since last year November, we have had fertiliser all through in places where we plant maize. I want to say that it has even improved further by providing the CAN for the period we are doing top-dressing. I want to encourage the Government to continue with the good work.

Hon. Deputy Speaker, I also want to say that our committees have done fairly well. But I want to say something that has disturbed us. We need a lot of tolerance as we participate in various committees. We have had a situation where so many things should have been resolved at the committee level but, unfortunately, the leadership of various committees is not tolerant enough. I want to encourage that going forward, we need to encourage each other. We need to work with each other as a team so that various issues which affect this country can be resolved at the committee level.

I want to also say that when we work together as Members of Parliament, we work as partners. I want to encourage my brother Mbadi. Mbadi has been a very good friend of ours, especially during the Value Added Tax (VAT) Bill but, of late, he has actually gone off and started attacking the membership of the House.

I end by saying I support the Motion. Let us go back and work for the people of Kenya. Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Eng. Nicholas Gumbo.

**Hon. (Eng.) Gumbo:** Hon. Deputy Speaker, I thank you for giving me the opportunity to support the Motion for Adjournment. As we adjourn to go to our various constituencies, I think we need to congratulate each other for the work that we have done on behalf of the people of Kenya.

Hon. Deputy Speaker, but even as we do that, I have observed it before. I think that when we reconvene for the next part of this Session, let us try to concentrate on those Bills and laws which impact directly on the lives of Kenyans. Some of the laws that we have passed in this House, with all due respect to hon. Members, tend to look like ego contests and, in my view, we can avoid that.

Hon. Deputy Speaker, as far as I am concerned, I would not mind if Members of the County Assemblies (MCAs) call themselves “honourable”. After all, some of them, if the truth is to be said, got more votes than some of us in this House.

I am glad that the Leader of Majority Party has spoken about San Marco. I would urge him to bring the regulations governing the Engineers Act, which is close to my heart. I request my colleagues that, as we go out, let us all work collectively to take Kenya back to the goals of the founding fathers of this nation, so that we have a Kenya devoid of tribalism, poverty, ignorance, disease and a Kenya which can provide, to most of us, manageable standards of living.

Hon. Deputy Speaker, let us have a country where every Kenyan can feel proud to call home; a country where a vast majority of our people truly believe and feel they have a stake in its present and future. I appeal to my colleagues that we should all collectively spread love and brotherhood to all parts of Kenya.

Hon. Deputy Speaker, I want to conclude by saying - and I mean this - that all of us should find it in our hearts to say “long live Kenya”, which is a country which, in my view, is the most beautiful place on earth!

Hon. Deputy Speaker, I support.

**Hon. Deputy Speaker:** Yes, Member for Kaloleni!

**Hon. Chea:** Thank you, hon. Deputy Speaker, for giving me the opportunity. I rise to support the Motion for Adjournment.

In supporting the Motion, I wish to say that the recess presents an opportunity for us to interact with the people who elected us to this House. As we are all aware, other than the legislative role that we perform in this House, as Members of Parliament, we also serve as patrons of various committees in our respective constituencies. The adjournment will give us an opportunity to convene and preside over meetings of those committees, so that we can equally deliberate on other issues that affect the common *mwananchi*.

Hon. Deputy Speaker, I also wish to thank the hon. Members of this House, whom we have worked together throughout the period we have been here. I know that this short recess will, again, provide us with an opportunity to discuss many issues, including political ones. It is my urge that as we proceed for this short recess, we take the opportunity to deliberate on issues that affect the common *mwananchi* directly. We should also try our best to “kind of” stabilise the political temperatures in the country, so that we can have issues canvassed and collect views from our constituents. When we come back, we should then give their representation to this House.

With those remarks, I beg to support.

**Hon. Deputy Speaker:** Yes, hon. Benson Mulu!

**Hon. Mulu:** Thank you, hon. Deputy Speaker. I also rise to support the Motion for Adjournment.

First of all, I want to thank hon. Members for the work that we have done in the last two weeks, and for the work that we did earlier for about two months. We have passed a number of Bills and it is quite good for this country. Despite the little differences that we have as a House, we have also demonstrated some traits of being national leaders.

Hon. Deputy Speaker, I hope that during the recess period, hon. Members will have time to interact with their electorate. I am a Member of the Budget and Appropriations Committee. We have scheduled a number of activities to make sure that we have a Budget for next year. So, there are a number of public meetings, and we want Kenyans to participate in making the Budget. We request hon. Members to assist the Budget and Appropriations Committee in mobilising members of the public, so that when we visit the various counties, we can have good attendance and get a feeling of what Kenyans want provided for in the Budget.

At the same time, I would like to appeal to hon. Members to also create time and participate in those meetings. This will be in addition to participating in their individual respective committee meetings. During the recess, we will also be getting reports from the Departmental Committees, in terms of their own analysis of the Budget and what they would want prioritised.

Hon. Deputy Speaker, while the Government has done a bit of work in terms of doing good things for this country, I would urge them to do better in the area of the *Uwezo* Fund. The financial year is almost coming to a close but the funds have not reached our constituencies. One of the challenges that we are going to have when we go to our constituencies is the question of where the *Uwezo* Fund money is. I am sure that we will be asked where the money is. I do not know what we will be telling our people. That is because we have always been telling them that the money will be coming soon. So, I plead with the Government to ensure that the money for *Uwezo* Fund is released, so that our youth and women can access it and start creating employment and generating income for themselves.

I like what the Leader of Majority Party has said in terms of interacting more as Members of Parliament. He encouraged us to visit each other, irrespective of which coalitions we individually belong to, in order to show Kenyans that we are working as a team and that we are actually Members of the National Assembly. We have our colleagues at the county-level who represent Kenyans at that local level. As national leaders, we need to show Kenyans that we are Members of the National Assembly by the way we conduct our business and interact with each other. So, I like what he said.

Hon. Deputy Speaker, at the same time, I would like to urge the Leader of Majority Party that, by virtue of holding that position, he is actually a national leader even though he represents a constituency. So, we want the holder of that position to behave more as a national leader. If he concentrates on local politics, to some extent, Kenyans might start thinking that, that position is also localised. It is, therefore, my appeal that those who are holding national positions like the Leader of Majority Party, the Leader of the Minority Party, the Majority Whip and the Minority Whip should behave in a way that will enable Kenyans to see those positions as national positions.

With those words, I wish hon. Members all the best during the recess.

I beg to support.

**Hon. Deputy Speaker:** Yes, hon. Pukose!

**Hon. (Dr.) Pukose:** Thank you, hon. Deputy Speaker, for giving me the opportunity to contribute to this Motion. I rise to support it.

The adjournment will also give us time to reflect and to be with our constituents. In Trans Nzoia, people are planting. We want to thank the Jubilee Government for the subsidised fertilizers that have been provided. However, as we go into top-dressing, the key issue is provision of top-dressing Urea, CAN and other top-dressing fertilizers at subsidised prices, and making the same available to farmers in the various places.

Hon. Deputy Speaker, recently, my Departmental Committee on Health visited Kisumu and Kakamega counties. We were really impressed by Governor Jack Ranguma of Kisumu, and Governor Wycliffe Oparanya of Kakamega, in their performance. Those are great leaders of this nation. Other governors can also copy the two governors and be able to benchmark from what they are delivering. Those are governors who are able to sit with their colleagues and discuss issues. The visit made my Committee to have a different perspective of how issues can be addressed in this country, whereby people are able to consult and arrive at ways in which issues can be addressed.

We visited Kakamega Provincial General Hospital and Kisumu Jaramogi Oginga Odinga referral facility. One of the issues that really surprised us is that the conditional

grants that are meant for the two facilities have not been given. My plea would be to the Controller of Budget to make sure that the conditional grants, which were ring-fenced by this House, are delivered to those facilities. Most of those facilities are in pathetic conditions. The administration teams of those facilities are working under very difficult circumstances. The amount of money that they raise through cost-sharing is not enough to enable the facilities to provide sufficient services to Kenyans within those areas. It is the responsibility of the Controller of Budget to make sure that those two facilities receive their money, so that they can provide services to deserving Kenyans within that region.

Hon. Deputy Speaker, the other great thing that happened today in this House is the passage of the National Police Service (Amendment) Bill, No.18. In this Bill, more often than not, whenever I go home, the Kenya Police Reservists (KPR) have been asking me: “*Mheshimiwa*, how soon will the Government take responsibility and also give us some uniform and good ammunition, so that we can protect the lives of our people?” Those are Kenyans who have been working under very difficult circumstances, protecting lives without getting anything. This is an important step that this House has made today; to make sure that those gallant women and men can be given ammunition, uniforms and even some remuneration through the Salaries and Remuneration Commission (SRC). The SRC can award them something that can sustain them.

I want to end by saying that by standing on the shoulders of giraffes, we are able to see far. With those few remarks, I support the adjournment.

*(Hon. Ngongo consulted loudly)*

**Hon. Deputy Speaker:** Hon. Ng’ongo, can you allow hon. Namwamba to finish his contribution? You have made yours.

**Hon. Ababu:** Hon. Deputy Speaker, my brother, hon. Ng’ongo is very eager to get to Gwassi. Let me start by saying that we have done very well in this Session, and hardly do we get an opportunity for anybody out there to appreciate the work that we have done. The truth is that the legislative output during this brief period we have been here is commendable. We have done very well. We have enacted quite a good number of Bills. Indeed, if it is not known out there, our primary constitutional responsibility here is to legislate and we have legislated very well. I am happy that during this period, we were able to pass the VAT (Amendment) Bill and I want to thank my brother, hon. Ng’ongo for spearheading that Bill. I hope His Excellency the President will move with haste and append his signature to that Bill, so that we can see the benefits of this Bill the soonest.

Through this Bill, we have been able to correct some of the aberrations; some of the mistakes that were made in the original Bill that was passed in 2013. As we go on recess, of course, I want to also echo the sentiments expressed here that we should take this opportunity to interact and do a few activities together. I want to thank the Leader of Majority Party for his very kind compliments and welcome him to Budalang’i so that he can have an opportunity to also experience that part of the country. I will be more than glad to visit Garissa Town and other parts of the country. While we will be away, we will not have the opportunity to sit in this Chamber on a weekly basis, grapple with the greatest challenge that remains on our national horizon today, the challenge of insecurity.

Security continues to be a major problem. Those of us who sit on the left hand side of the Speaker believe very strongly - and I wish to reiterate this - that the whole approach of fighting terror; the whole approach to improve security in this country as is being waged by the Government is being done on the wrong premise. We believe that to fight terror effectively, you have to invest in intelligence. When you see countries that have managed to effectively address this challenge like the USA or even our neighbor Ethiopia, they have invested heavily in intelligence. I want to urge the Government to invest in intelligence. It is inconceivable that police officers apprehend a vehicle, they drive that vehicle to a police station and it turns into a tragedy. That simply tells you that the intelligence that led to the apprehension of that vehicle was just not right. This is not politics. This is just common sense. The Government has to get its act together when it comes to intelligence as the cornerstone of fighting terror.

Finally, of all the things we have accomplished during this period; of all the things that I would praise this House and my colleagues for, is the decision this afternoon to withdraw the Motion on the Anglo Leasing payments.

*(Applause)*

I want to praise all of us in this House who saw the sense to resist those payments. Those payments are a multi-headed *medusa*. If we make the mistake of making a single payment over this Anglo Leasing, we will open a *pandora's* box. There will be an avalanche of claims against the Government. It will amount to rewarding impunity and we may just have given a shot in the arm to the serpent of corruption, which we have been busy hunting and seeking to slay. I want to caution the Government that if there is any intention to revisit this matter to pay those Anglo Leasing contracts, do not even try it! We were prepared today; we were so prepared to confront this matter. We were prepared to the hilt but we were not prepared to fight. We were prepared to lay bare the truth about this matter. We were prepared to open the eyes of those blinded by hubris, pride and arrogance. We were prepared to unblock the ears of those deafened by greed because of this matter. And so---

**Hon. Deputy Speaker:** Your time is up! It is five minutes for everybody.

**Hon. Abongotum:** Hon. Deputy Speaker, thank you for granting me the opportunity to support this Motion for Adjournment. I think, as a House, we have done our best by coming up with so many Bills, Motions and even petitions. So, I think the House is now prepared to go and rest, visit our constituents, inspect our Constituencies Development Fund (CDF) projects and also touch base with friends. I just want to say that, as we go out there, especially on matters of security, I will call upon all leaders to preach unity, especially on the issue of terrorism. We want to de-radicalize our youth, especially those regions where issues of radicalization are common like Coast, North Eastern, Nairobi and our major urban centres. Let us make sure that radicalization is dealt with. I agree with hon. Namwamba that for us to deal exhaustively and effectively with terrorism, we need an intelligence-led kind of campaign because it is only through intelligence that terrorism can be dealt with. That is what the Americans did. After the 9/11 terrorist attack, they intensified their security and came up with homeland security strategies and improved their intelligence network. So far, I want to say that American



and Israel have succeeded in dealing with terrorism. When I went to Israel the other day, the security of Members of Parliament was downgraded. There is no need of giving MPs security because their security is quite okay. So, we want to head into that direction. We want to move away from a situation where Members of Parliament are being attacked. This time, we had quite a number of hon. Members being attacked by crooks and we do not want this to be repeated. We want our security agents to really intensify and make sure that security is improved in this country. That is because without it, there is no way you can attract investments and development in this country.

There is looming hunger and famine, especially in pastoral areas. As we speak, those areas have not got rains and so, we want to call upon the Government to ensure that people are fed. People are given enough food so that they can feed their families. We do not want people to die of hunger. This is not the age and time when people die from hunger and famine.

Hon. Deputy Speaker, on disbursement of the CDF, we want that money as we go home. We want hon. Lessonet and his team to disburse that money because our constituents require it as a matter of urgency.

Cattle rustling is not the preserve of pastoral areas. Last time, I dispatched a sub-committee of our Committee under hon. Waluke and our Vice-Chair to Nyakach in Kisumu. They went up to Rongo, Awendo and Oyugis. A place like Nyakach experience cattle rustling incidents. So, we should really make sure that, that is stopped. As a matter of urgency we want the Kenya Police Reservists (KPRs). I am happy that we managed to pass the clause on the KPR in the Bill that we have just passed though quite a number of my friends opposed it. I was wondering how we will manage security in this country without these amendments. This is because there is already a gridlock and things are not moving. I am happy and I want to thank those Members who supported the National Police Service (Amendment) Bill---

**Hon. Deputy Speaker:** Your time is up! Yes, hon. Junet.

**Hon. Nuh:** Thank you, hon. Deputy Speaker, for giving me this opportunity. I rise to support this adjournment Motion. I would like to thank hon. Members of Parliament for the good work they have done for this Session that is ending today. I want to thank them for the good Bills, both at the Committee level and in the plenary. I would like to thank hon. Members for playing their oversight role in a constitutional manner. I hope that when we come back we will do more than we did this Session.

It is high time the Uwezo Fund was disbursed to the constituencies so that the people who were intended to benefit from that money benefit. I would like to remind Members that, that was the money that was meant for the run-off. That is the Kshs6 billion that was meant for the run-off of the last general election. We are almost heading half way to the next election, the run off did not happen and we expect the Uwezo Fund to go down to the constituencies so that it can be used.

Hon. Deputy Speaker, God works in miracles. Today, we had a Motion on the Order Paper by the Budget and Appropriations Committee on the Anglo Leasing matter. I am very happy for the hon. Members who barred this matter from being presented to the House today because this Parliament was almost converted into an agency of paying contractors of this country.

It is not the business of Parliament to pay contractors, but it is the business of the Government to pay its contractors. It is also not the business of Parliament to involve itself in litigation in courts of law between contractors and the people who awarded them those contracts. For those reasons it was an absurdity to expect Parliament to rubberstamp payment of a contractor that was to be done purely by the Treasury.

I would like to thank the Members who stood firm and said that, that would not happen in this House today. This is because as hon. Ababu alluded, we were fully prepared this afternoon. We took enough lunch so that we could come here and tell our colleagues that this is not the right time and place to pay Anglo Leasing money. This is a contract that was never paid during the Moi and Kibaki eras. I do not know why it should be paid now.

Thirdly, when we go back to our homes, let us pray for our country and this Government. Since this Government came into place any major project that it wants to do turns into something else. That is from the building of the standard railway gauge to the provision of laptops to Standard One pupils. I think this is the time to pray for the Government because I do not know what is wrong. This is because the laptop and the standard railway gauge projects have not kicked off. What we are hearing is only about maternity; that our women go to hospital and give birth and increase the population of this country. That is the only thing that we hear the Government has achieved.

So, let us pray for them so that those contracts can be implemented because the intentions of providing laptops to children who are hungry, have no roof over their head and have no teachers in their classes were not good. You want to burden pupils with the carrying of laptops. The intentions were wrong in the first place. I think it is high time the Government looked back and said that money can be converted to other use because we do not need those laptops in our schools, especially in the constituency that I represent at the moment.

Hon. Deputy Speaker, with those few remarks, I would like to wish all hon. Members a good recess. When they come back, they should do their work of the opposition and not to represent the Government in Parliament.

**Hon. Gikaria:** Thank you, hon. Deputy Speaker, for giving me this opportunity to support the adjournment Motion. I want, from the outset, to thank the leadership of this Parliament of course, led by the panel of the Speakers, the Majority Leader and others.

This Parliament is composed of over 80 percent of new Members. Based on the performance of this Parliament, I want to say that as first time Members of Parliament, we have really learnt a lot from our colleagues. They have guided us in the direction for us to reach out and give out the best that we can to pass the many Bills that we have passed in this House. I also urge our colleagues in the Senate to pick up, wake up and start doing something for the sake of this country.

We have passed very many Bills and resolutions. As a Member of the Implementation Committee, it is a little bit worrying the rate at which the Cabinet Secretaries are implementing the resolutions of the House. We have over 35 resolutions and Motions which were approved and passed by this Parliament in the First Session. However, only six Cabinet Secretaries have given us a response after the 60 days. So, I take this opportunity to urge the Cabinet Secretaries to assist the Jubilee Government implement what this Parliament has resolved.

Over 220 statements were requested by individual Members of this House but only 30 per cent were responded to. That shows how our Committees work. Of course, some of the Committees are working day and night to give us responses. These are especially the two main Committees namely Lands and Transport, Public Works and Housing. These Committees have done a good job. We urge the other Committees to wake up and at least respond to the statements requested. This is because these statements are not just sought for the sake of it. They are sought for purposes of assisting individual Members take answers back to the people that they represent in various constituencies.

Hon. Deputy Speaker, we should not forget our brothers and sisters who are at the county governments. That is the Members of the County Assemblies. I had an opportunity to travel to Kericho and Kuria. If you look at the geographical area that the MCAs represent, you will be surprised. Some of them represent areas as big as some constituencies.

Hon. Deputy Speaker, without vehicles and a home, they find it very difficult to work. For example, if you come to Nakuru County, the MCA from Mai Mahiu needs a place to transact business. Therefore, we seek the indulgence of Madam Serem to consider our brothers and sisters so that they can also be effective and give service to the people by availing some means of transport and a place where they can work from. It is very sad because you find an MCA sleeping in a lodging of Kshs150 because they do not have a home. Therefore, we are urging Madam Sarah Serem to consider that.

Lastly, to our colleagues in the CORD Coalition, it was very sad that this afternoon they were against Clause 13 of the National Police Service (Amendment) Bill which gives birth to the position of Deputy Inspector-General. It is important for us to criticize positively. I think that is very irresponsible. We need to look at the Act and know what it stipulates.

With those remarks, I support.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Deputy Speaker. I support the Motion and want to indicate that I agree with the Leader of Majority Party that we need to work towards cohesion. I have said that before and I want to repeat again that this country is extremely divided along ethnic lines. The other day hon. Kalonzo Musyoka said something and people were condemning him for it. I made a comment on it in my Facebook page and many of my Kikuyu friends were offended. I want to repeat that a lot of times, people want to speak the truth. I love people who speak the truth.

Hon. Deputy Speaker, this country is divided along ethnic lines. Unless and until somebody is brave enough to look at ethnicity in the face and deal with it for what it is, we will have worse situations than we have seen in other countries. I am hoping that this time, even as we go on recess, I would like to challenge the Executive to take the bull by the horns and slay ethnicity so that we can move forward as a nation.

I am happy that at this point we are going back to our constituencies and serve our constituents. I am also hoping this time, we will have an opportunity to visit Cabinet Secretaries and be able to share respective issues that are of concern to our constituencies like the Mbita Bridge, where the contractors were withdrawn. It is a worrisome trend that the Government does not seem to be following through the contracts of the former Government. A government is a government, whether the presidency changes or individuals change. It does not matter that it is the previous Government that initiated the

construction of the Mbita Bridge. There is absolutely no reason why a contractor should be removed and the people of Mbita made to suffer. Indeed, if the Government has been forced to withdraw the contractors from Mbita, then, the least they can do is to return the causeway to where it was before, if they are not able to finish it.

I want to thank hon. Members for what we have done this time round. I was in the last Parliament and I am very impressed by the number of Private Members' Bills that have been brought by Members of this House. It means that hon. Members understand their constitutional roles and the increasing role that private Members play in passing Bills. If you look at the number of Bills that are brought by Private Members, they are quite a number.

I know that our Legal Department has been a little bit overwhelmed. Sometimes, from a lawyer's perspective, you can see some of the Bills that do not really meet standards slipping through and reaching the Floor of the House. Therefore, I am hoping that the Legal Department, now that their numbers have been enhanced, will be able to pull through that.

I would like to agree with hon. Members who raised concern about the slow disbursement of the *Uwezo* Fund. In fact, I have just seen the list that has been circulated urging certain administrative action that needs to be taken. One year down the line, the *Uwezo* Fund that was promised has not yet been rolled out. The laptops have not yet been provided. Therefore, I want to urge the Government to live up to the promises it gave to the people of Kenya.

Finally, as soon as we came to this Parliament, a lot of the Members were divided and very excited talking about the issue of tyranny of numbers. I repeated that one day, you will remember that tyranny is a very temporary thing. Indeed, today, it is evident that tyranny is a very temporary thing, whether exercised on the Floor of the House or outside the House. I want to thank those in the Jubilee that used their conscience to refuse to pay Anglo Leasing. Indeed, reports that we are getting is that the money has been paid and I am hoping that we can use our vigilance to find out whether, indeed, that money has been paid. This is because our children and grandchildren cannot be made accountable to money that has been basically taken by thieves. I support the Motion.

**Hon. Manje:** Thank you, hon. Deputy Speaker for giving me this chance to support this Motion. This is a good time that the Members will go back to their constituencies and reflect on our country. Our country is not developed but it is not by design but it is because of the leadership that we have been having in our country.

I have realized a trend in our country where leaders do not respect each other. It is upon us, leaders, to realize that respect is earned and when we respect leaders from the CORD side, they will also respect leaders in the Jubilee side.

When we travel to other countries, we get ashamed to see how they have developed while we keep on making useless political pronouncements that do not help us grow. We have to think critically as leaders and see how we can reduce politics in this country and embrace development. We also have to think how we can reduce corruption. That is what is holding this country back. Why people of a state come together, it is to pool resources together and do common things that individually, they cannot do, for example, building schools and roads. These resources are entrusted to leaders. So, when

leaders turn back and take this money through corruption, it is pure theft. I believe these people should be jailed or killed. We should make corruption very expensive.

We have enacted many laws in this country. We have passed so many Bills, but Kenyans will not remember us by the number of Bills that we have passed in this House. Most likely, they will remember us because of the development that we are going to do in this country. So, it is upon the Government to implement what we have done within this short time.

Lastly, we have to identify the enemies of this country. We have taken our enemies to be the other tribes where, for example, the Luos will see the Kikuyus as their enemies and the Kikuyus will see the Luos as their enemies or any other tribe. But the real enemy of this country is lack of development and poverty. We are unable to remove our poor people in the villages out of this poverty. That is our common enemy. Our next common enemy is that we do not have proper infrastructure. We have to deal with the poor infrastructure that we have in this country. We have to understand that the common enemy of our country is like terrorism that will affect all of us.

With those few remarks, I support the adjournment Motion.

**Hon. (Ms.) Kiptui:** Thank you, hon. Deputy Speaker for the opportunity. I also rise to support the Motion for Adjournment. I wish to congratulate the leadership of Parliament and my colleagues for a job well done in this session. We are hoping that when we go home, we will get re-energized. I also wish to congratulate my colleagues for the passing of the National Police Service (Amendment) Bill that we have just passed. That was a milestone in this country because without security, we cannot even attempt to say that we are developing as a nation.

I would also urge my colleagues that when we go home, we try to impart in our people the spirit of discipline, especially on our roads. We have lost quite a number of people lately because of indiscipline of the drivers and also overloading. On the other hand, lorries have been travelling the whole night while buses and *matatus* have been curtailed from travelling in the night. They travel at night and when we wake up, we find that there have been accidents. I do not know whether they should also not be regulated, so that they also move at certain times.

The other one is the issue of the Marriage Bill. I know that His Excellency the President has signed it into law. As mothers and Members of this Parliament, I am sure we have a lot to go and educate our young girls on because the equation of marriage has now changed from what we were used to and many young people are asking questions. I am sure when we go home we will find time to explain to our constituents what it means. It is being misunderstood to mean that us, in Parliament, have okayed polygamy whereas we only stated that anybody has a choice.

## ADJOURNMENT

**Hon. Deputy Speaker:** Order, Members! The time being 6.30 p.m., this House stands adjourned until Tuesday, 3<sup>rd</sup> June, 2014, at 2.30 p.m.

The House rose at 6.30 p.m.