

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th February, 2014

The House met at 2.30 p.m.

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

PRAYERS

WELCOME TO COMMUNICATIONS FROM THE CHAIR

DELEGATION FROM PARLIAMENT OF TANZANIA

Hon. Speaker: Hon. Members, I wish to introduce to you and welcome a delegation of Members of the Parliamentary Committee on Social Services from the Parliament of Tanzania, who are seated on the Speaker's Row. The delegation comprises of the following:-

The Hon. Margareth Simwanza Sitta, MP – Chairperson
The Hon. Steven H. Ngonyani, MP – Vice-Chairperson
The Hon. Riziki Omari Juma, MP
The Hon. Salome Daudi Mwambu, MP
The Hon. Ali Juma Haji, MP
The Hon. Faki Haji Makame, MP
The Hon. Fatuma Abdalla Mikidadi, MP
The Hon. Ezekia Dibogo Wenje, MP
The Hon. Agripina Zaituni Buyonge, MP
The Hon. Juma Sururu Juma, MP
The Hon. Zabein Mhaji Mhita, MP
The Hon. (Dr.) Anton Gervas Mbaso, MP
The Hon. Christowaja Gerson Mtinda, MP
The Hon. Martha Jachi Umbulla, MP
The Hon. (Prof.) Kulikoyela Kanalwanda Kahigi, MP
The Hon. Asnain Muhamed Murji, MP
The Hon. Cecilia Daniel Paresso, MP
Ms. Stella Mlambo – Clerk Assistant

Hon. Members, the delegation is in the country to learn and share with their counterparts of the Labour and Social Welfare Committee of the National Assembly as well as other stakeholders in Kenya's labour and social welfare sector.

Let me, on my own behalf and on behalf of the hon. Members of this House, welcome them to Kenya. May I request that we all accord them the support they require in the few days they will be with us.

Thank you very much.

(Applause)

CONSIDERATION OF *UWEZO* FUND REGULATIONS

Hon. Speaker: Hon. Members, you will recall that on 5th December, 2013, I conveyed a Message from the Senate regarding consideration of the *Uwezo* Fund Regulations. The Senate considered and made amendments to the said Regulations. This was after passage of the same Regulations by the National Assembly. This is, therefore, to remind the Committee on Delegated Legislation to conclude their Report on the Senate's amendments as soon as possible so that the said Regulations can be put on the Order Paper for consideration on Tuesday, 18th February, 2014.

Hon. Members there is further Communication.

PRESIDENTIAL MEMORANDUM ON INSURANCE (AMENDMENT) BILL

You will recall that towards the end of the last Session, the House passed a number of Bills amongst them the Insurance (Amendment) Bill, National Assembly Bill No.5 of 2013. Thereafter, the Bills were presented to His Excellency the President for assent. In particular, the Insurance (Amendment) Bill was presented on 26th November, 2013. However, on 9th December, 2013, I received a Memorandum from His Excellency the President containing his reservations on the Insurance (Amendment) Bill and seeking reconsideration of the Bill by this House. The Memorandum explains in detail the basis on which the reservations have been raised.

Hon. Members, our Standing Order No.154 requires the National Assembly to consider the President's reservations within 21 days. Since the Memorandum was submitted at a time when the House was on recess, time started counting yesterday, that is, 11th February, 2014 being the first day of this Session. In that connection, therefore, I now direct the Departmental Committee on Finance, Planning and Trade to examine the reservations by His Excellency the President with a view to guiding debate when the reservations are considered by this House. I also direct the Clerk to circulate the Memorandum from the President to all Members so that you can familiarize yourselves with its contents.

Hon. Members, just to remind you that Article 115(4) of the Constitution provides and I quote: "Parliament, after considering the President's reservations, may pass a Bill a second time without amendment or with amendments that do not fully accommodate the President's reservations, by a vote supported-

(a) by two-thirds of Members of the National Assembly---

I also want to remind the House and the Committee that all the clauses of the Bill that have reservations will be considered by the House. In this regard, the Committee should table its Report on or before Thursday 20th February, 2014 so that the Bill can be put down for consideration in the Committee of the whole House during the week commencing 25th February, 2014.

I thank you.

MESSAGE FROM H.E. THE PRESIDENT

NOMINATION OF CHAIRPERSON/MEMBERS TO KNCHR

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Hon. Speaker: Hon. Members, I wish to convey a message from the President being Message No.2 of 2014 on the Nomination of the Chairperson and Members of the Kenya National Commission on Human Rights (KNCHR).

Pursuant to Standing Order No.42, I wish to convey the following Message from His Excellency the President. The Message was submitted by way of a letter addressed to my Office for submission to the House. In the Message, His Excellency the President conveys that in exercise of powers conferred to him by Section 11(6) of the Kenya National Commission on Human Rights Act, 2011 he nominates the following:-

- (1) Kagwiria Mbogori – Chairperson
- (2) Susan Shatikha Sivusia – Member
- (3) George Morara Monyocho – Member
- (4) Vincent Suiyanka Lempaa - Member
- (5) Jedida Wakonyo Waruhiu - Member

His Excellency the President, therefore, seeks the approval of the House on the nominees for appointment to the aforementioned positions.

Hon. Members, Standing Order No.45 requires that, upon receipt of notification of nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee of the House for consideration. Pursuant to the provisions of the same Standing Order and paragraph 3 of Standing Order No.42, I hereby refer the Message from His Excellency the President to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval or hearings.

Hon. Members, Section 11(7) of the KNCHR Act, 2011, requires the National Assembly to either approve or reject the nominees to the respective positions within 21 days. In this regard, I wish to guide the Committee and the House as follows:-

The Committee should notify the nominees and the general public on the time and place for holding the approval hearings in good time. Notification should therefore be made on Friday 14th February, 2014.

The Committee may thereafter commence the necessary approval hearings from 20th February, 2014 and submit their Report to this House on or before 27th February, 2014.

I thank you.

*(The President's Message was referred
to the relevant Department Committee)*

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers was laid on the Table:-

Supplementary Estimates for 2013/2014 Financial Year, Development Expenditure.
Supplementary Estimates for 2013/2014 Financial Year, Recurrent Expenditure.

COMMUNICATION FROM THE CHAIR

SUPPLEMENTARY ESTIMATES - 2013/2014

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Hon. Speaker: Hon. Members, I wish to make this brief Communication following the tabling of the Supplementary Estimates for the Financial Year, 2013/2014.

The Supplementary Estimates for 2013/2014 have just been laid on the Table in accordance with Standing Order No.243. The said Estimates now stand committed to the Budget and Appropriations Committee. The Committee is expected to prioritize the consideration of the Estimates to allow the House to debate the Estimates as soon as possible.

Thank you, hon. Members.

(The Supplementary Estimates were committed to the relevant Department Committee)

Hon. Speaker: Next Order. Hon. Chepkonga.

PAPER LAID

Hon. Chepkonga: Hon. Speaker, I beg to lay the following Papers was laid on the Table:-

Report of the Departmental Committee on Justice and Legal Affairs on the Marriage Bill, 2013.

(By hon. Chepkonga)

Hon. Speaker: Any other Paper to be laid?
Next Order!

BILL

Second reading

THE NATIONAL POLICE SERVICE (AMENDMENT) BILL

Hon. Abongotum: Hon. Speaker, the Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions---

Hon. Speaker: In whose name is the Bill? Is it in the name of the Leader of the Majority Party? Hon. Abongotum, perhaps, you have a Report of your Committee. Is that correct?

Hon. Abongotum: Yes, hon. Speaker

Hon. Speaker: But the owner of the Bill must move it!

Hon. A. B. Duale: Thank you, hon. Speaker. The Chair was very kind because this Bill has stayed in this House for too long, but I beg to move that the National Police Service (Amendment) Bill be read a Second Time.

I will be very brief so that I can give more Members time to speak as per our discussions this morning.

This is an amendment to the principal Act of the National Police Service. As per the Constitution of Kenya, 2010, which established the National Police Service, and then provided

for an independent command through the Office of the Inspector-General of Police as stipulated in Article 245 (b), Section 10 of the National Police Service Act, gives the Inspector-General of Police the powers to determine the distribution and the deployment of officers in that particular Service and to organize the Service at both the national level and its various formations, units and components. The Act further provides that the Inspector-General shall provide the command structure and systems for the National Police Service, in order to get an efficient administration of that service. Of course, under the new Constitution of 2010, the framers of the Constitution found it wise that the National Police Service - our men and women in uniform - should be transformed and be an efficient force. At the same time, Article 246 of the Constitution establishes the National Police Service Commission which has a mandate that includes recruitment and appointment of persons to hold or act in offices in the Service. They have the mandate of the confirmation of appointments and the determination of promotions and transfers within the National Police Service. The Commission is also mandated to exercise disciplinary control of its members. When these two Acts are read together, that is 246 and 245 there is a clear evidence of conflict in several sections of that Act. That is what this Bill intends to cure.

An example to demonstrate this fact is Section 10 (4) which gives the Commission the power to monitor the operations of the Service in order to ensure efficiency and effectiveness of the Service and the quality and the standards of the Service. Article 246 of the Constitution clearly assigns the Commission a human resource function. The mandate under that department is the preserve of the Commission under Article 246 and it leaves out operational matters. This is clearly operational matters as pertains to Inspector-General of Police. The spirit behind these amendments is not to take away any power assigned by the Constitution to the Commission, but to make an alignment of the Act towards the Constitution by providing a mechanism that will facilitate both co-operation and consultations between the Inspector-General of police as an independent office and the National Police Service Commission as another body that is a creature of the Constitution. The spirit behind this is not to take any power of any of the institutions, either the office of the Inspector-General or the National Police Service but to align it. Some of the other amendments - and I am sure the Committee tabled its Report in our last Session - are editorial. They are about alignment.

I wish to point out that the proposed amendments have been subjected again to give the House the benefit that these amendments did not just come from the blues. These amendments of the principal Act have been subjected to several key stakeholders, including the National Police Service Commission itself, the National Police Service as an institution, the Law Reform Commission, the Attorney General of the Republic of Kenya, the Commission for the Implementation of the Constitution as an independent body that has been created to make sure that implementation of the Constitution is achieved and the relevant ministry. The Departmental Committee on Administration and National Security, chaired by hon. Abongotum, has also interrogated this Bill before and tabled a Report

I will, therefore, welcome Members to freely debate this Bill with the sole objective of improving it for the interest of our country; for the interest of the security of our nation. Security is an evolving challenge, not only in our country. but globally. I am sure these amendments are coming at a very crucial time when the challenge of terrorism is well seen in our region and our country. So, I will ask my colleagues that, when we reach the Third Reading of this Bill, specific proposals for amendments and justifications will be made. I will take this opportunity to ask my colleague, hon. Katoo, to second this Bill.

Hon. Katoo: Thank you, hon. Speaker. In seconding this Bill, I want to echo the sentiments of the Mover, that actually it is meant to streamline the operations within the National Police Service and also bring clear separation of roles especially when it comes to the independence of the command of the National Police Service as stipulated in the law. Those who were in the last Parliament will agree with me that we had a lot of pressure trying to meet constitutional deadlines. As much as what was stipulated in the National Accord at that time brought the framework of the Grand Coalition, some of the Acts that were passed really need to be relooked into because we might have passed some Acts that are in conflict with others. One of them is this one which is the National Police Service Act of 2011.

Hon. Speaker, very briefly one of the clauses that are proposed for amendment is Clause 8. If you look at Clause 8 of the principal Act, the clear mandate of the Inspector-General (IG) is not very clear. The amendment being brought here is envisioning giving the IG independent command in relation to Article 245(2) and also Section 8, for the IG to be fully responsible for all matters relating to command and discipline of the service subject disciplinary control of the Commission. Surely, if you have an IG, as it is now, who cannot take full responsibility of the force that he is heading in terms of discipline, deployment and operation of the police he will not be held accountable. What will be held accountable is the Commission which comprises of nine people and it may be very difficult to have that Commission taking full responsibility. Due to the high level of insecurity that we are experiencing right now, we need to have an office that will take full responsibility and that office is the office of the IG.

Hon. Speaker, it may interest Members to note that in the recent past we have seen police officers taking the IG to court just because they have been transferred from this station to the other and then the court has always been ruling and yet that is the work of the Commission. Surely, for you to handle security matters in an urgent matter and then you have to wait for a commission meeting that may come once in three months, it will not bring about streamlining of the operations.

Hon. Speaker, another issue is the appointment of the IG. As it is now in the parent Act that is proposed for amendment; you have to form a selection panel. It is a very long process. This panel comprises of the Office of the President, Office of the Prime Minister, which is no longer there, the Judicial Service Commission (JSC), Ethics and Anti-Corruption Commission (EACC), the Kenya National Human Rights Commission (KNHRC) and so on. These are very many offices and then this selection panel interviews people, brings the names to Parliament and then they are forwarded to the President for appointment.

Hon. Speaker, what this amendment, which is Clause 12, is proposing here is to have the IG of the Service being appointed by the President and then he forwards the names to Parliament for approval. If Parliament approves, then the President goes on to appoint. One of the important things about that is, if you have an IG who is recruited by a commission and then he goes and sits on that Commission as its member, he will be loyal to the Commission that recruited him. So, for reporting purposes each has to be independent, that is the IG and the Commission as well.

Hon. Speaker, another proposed amendment is on Clause 14 of the principal Act and this has to do with the removal of the IG. As it is now, anybody who has issues with the IG just files them to the Commission and if the Commission finds that he has a case to answer, they request Parliament for his removal. The IG is a member of the Commission. So, how will that Commission, in a very independent and non-partial way, really determine that? So, the proposal for amendment on Clause 14 of the parent Act is to have any Kenyan who thinks he has grounds

for the removal of the IG to petition the President directly and if the President finds that there are grounds for his removal, he recommends to Parliament for the removal of the IG, just the same way it is done when one wants to remove the Chief Justice.

Hon. Speaker, finally because of time, Clause 17 of the principal Act that requires to be amended in the proposed amendment has been overtaken by events because it has something to deal with what is called the Service Board. This Board that comprises of the IG and his deputies will have the functions to receive and act on reports submitted to the Service by any Kenyan. This has to do with facilitation and co-ordination of the police operations, issues to do with recommendation to the Service on recruitment, promotion, transfers and discipline. This Service, as it is in the parent Act, even comprises the Office of the Prime Minister which is no longer in existence.

So, hon. Speaker, surely if Parliament approves this Bill, it will go a long way in strengthening the Commission and have all the members serve on a full time basis. So, we may even need to have some amendments in the Third Reading and have only the IG and his deputies serve on a fulltime basis and maybe the Chairman and the rest can serve on a part time basis.

So, hon. Speaker, I really want to urge Members to read very carefully the proposed amendments because the level of insecurity in this country has been so high. Without forgetting, there is also the proposal to amend the principal Act to bring clarity on ranking. If you look at the way it is now, we have Service Commanders at the county level. One is heading the Administration Police (AP) wing and the other one is heading the Police Wing and they are both at the same level at the county level, even at the district level. So, you find that, that chain of command is not there. You find the commander in charge of AP giving different directions and the one in charge of the Police going the other way. This Bill is there to streamline that. It is important to have proper chain of command so that one office is in charge at the district level and another at the national level. By doing that, it is my hope that we are going to reduce or minimise levels of insecurity in this country.

I beg to second.

Hon. Speaker: Hon. Members; the Members bending there, just follow the proceedings so that you know when to come and do what you are doing! Hon. Eseli and hon. Wangamati, just follow the proceedings in the House so that we do not get lost! This is a simple process!

Hon. Members, I wish to propose the Question.

(Question proposed)

I know there was some issue in the morning about something called “ranking” but as you know, I am a traditionalist. So, the first shot goes to hon. Jakoyo Midiwo.

Hon. Midiwo: Thank you, hon. Speaker.

An hon. Member: Simba Arati!

Hon. Speaker: Hon. Members, hon. Simba Arati has never assumed any such high position.

(Laughter)

I will give this chance to hon. Jakoyo Midiwo.

Hon. Midiwo: Thank you, hon. Speaker. I rise to contribute to this Bill. As you know, issues have been raised about this Bill in the past. I want to say from the outset that all of us wish to have a secure country. However, all of us must understand the genesis of the provisions of the Constitution.

Hon. Speaker, let me say that I rise to oppose this Bill. This Bill amounts to changing the Constitution of this country through the backdoor. Only a few days ago, including yesterday, we were saying how we want to correct the things which we think are wrong in the Constitution; that is the 20 per cent.

We have engaged our colleagues. In fact, at some point in the House Business Committee, we managed to convince the Majority Leader to see our point. The Inspector-General of Police is the Secretary to the Commission. Even his deputies have opposed this Bill. I have spoken and I have received several phone calls from police officers who are saying that they want a departure from the past. Which departure do they want? They want a departure where if you have issues, a commission sits to listen to your case and not one person who goes against the Constitution.

Hon. Abongotum: On a point of order, hon. Speaker. I really do not want to interrupt my senior and my good friend, but he has just said that he has talked to the deputies of the Inspector-General of Police and that they have issues. I want to confirm---

Hon. Midiwo: Hon. Speaker, I have not said that!

Hon. Abongotum: He said "some of them". I want to confirm that the two deputies are supporting this Bill and have no issues with it.

Hon. Speaker: Hon. Members, it is just this morning when we passed various Procedural Motions. If you have a point that is different from the views expressed by another Member, that does not make you rise on a point of order!

Proceed, hon. Midiwo!

Hon. Midiwo: Thank you, hon. Speaker. I think my colleague did not get me properly because I did not say that. Even to go on record, I have recently tried to call one of them to inform them that they withdrew my security and none of them ever called me back. I am a Kenyan who feels safe. So, I am not worried about that. They wrote to me to that effect.

Hon. Speaker, let me tell you that this country and particularly this Parliament must understand. Why did Justice Kriegler recommend a commission on top of the police force? It was as a result of the events of the post-election violence; the misbehavior of the police. Today, we are grappling with issues of shoddy investigations where even some of our people are at The Hague. These are things which the police could have got right but because we had a political police force, we sought to get an independent police force which will never again lead us to where people are being accused with false evidence and such things. That is how we got here.

So, all I am saying is---

Hon. Speaker: May I understand from the Member who has put in an intervention? That is John Nakara from Turkana Central.

Hon. Nakara: On a point of order, hon. Speaker. Is my fellow learned friend, hon. Midiwo---

(Laughter)

Is he right to consult officers outside this Parliament on this Bill? Is that not compromising on the authority of this House?

Hon. Speaker: Hon. Member, you are at liberty to consult even your constituents because you discuss matters of concern to the people whom you represent. Most likely, the Deputy Leader of the Minority Party represents those people and these are matters of concern to them. So, there is nothing out of order.

Proceed, hon. Midiwo!

Hon. Midiwo: Hon. Speaker, having said that I oppose this Bill, I want to delve into an area which I think this Parliament needs to deal with. I am addressing the Departmental Committee on Administration and National Security.

As we speak today, those of us who have switched on phone lines that listen to the DCs, Chiefs and police officers know that there is an issue of security. They are saying that the Administration Police (APs) used to report to the DC but today the APs have refused to respond to the central command. So, you have a scenario in the country where the APs are now even on the road collecting money from *matatus* because nobody is controlling them and somebody is saying that one Inspector-General is supposed to send that command. However, they are only responding to command from the Deputy Inspector-General of Police who has no powers to command any more under the current structure. This is an issue that requires proper dialogue so that we can restore security.

Right now, if hon. Members call their DCs and ask them about stock theft and robbery, the DCs will tell them that they have no power and the Members should ask the police. I want to commend hon. ole Lenku, the Cabinet Secretary for even attempting outside the Constitution to make the APs respond to chiefs. However, there is no law. That is the law that this House needs to deal with. We need to help the thinking of ole Lenku so that the APs can be utilized properly because we do not have enough police officers and as a result, are not available everywhere like the APs.

I want to tell this House that despite what you want to do and despite the desire not to depart from the past, where police officers or the top police take instructions from politicians, there is a real issue. The issue of insecurity is as a result of the mix-up between the APs and the regular police. I have spoken to many senior officers who have said that unless we sort out this mess, there will be a problem.

Lastly, let me say that we passed the Constitution and a subsidiary law which says that we must vet police officers. However, just like in the Judiciary, we have seen the vetting to mean victimization. Let me tell you something which scares me and scares many Kenyans, as you go out there to vet regular police corporals, suppose you put 20,000 or 2,000 on the streets because you do not think they are fit for the job, what will happen in this country in terms of security? Suppose you kick them out of their duties and they are the ones who are misbehaving out there, what will happen? What we needed to do is to recommend retraining of the police force and not victimization of police officers. Let us retrain even the senior police officers. We passed a new Constitution as a country to have a new beginning and not to victimize one another. It is some of those things that we have been pleading that let us, as a country, create national dialogue. Let us do away with the bad parts of this Constitution. Many people are feeling victimized but I can tell you that if you put 5,000 ordinary police officers on the street, nobody will walk in the streets.

I want to plead with you, Chairman of Administration and National Security Committee; through hon. Speaker to engage the police service, and tell them to assess the effects of the

expected vetting of the ordinary police officer. Some of these people are already feeling victimized; they are living behind *dukas* and bars, because the Government has never provided them with infrastructure.

Hon. Speaker, go to Parklands Police Station; I was there the other day for a traffic offence, somebody had hit my car. As you drive in, you see policemen living in something which is not even a *mabati* structure. It is something covered, and that is the house where many of them are living. It is sad that the Government cannot respond to this as a priority, as opposed to going after them and not even trying to implement the law.

Hon. Kimunya and I, in the last Parliament, passed a comprehensive law on traffic. Nobody is following the law. Take for example the so called “alcoblow”; a gentleman told me the other day that his daughter was caught around Nyayo Stadium very drunk. He gave Kshs.5,000 and she was left to continue driving. She could have killed somebody or herself. There are issues that we need to address in this issue of police, which are not what is in this proposed Bill.

This Bill is only about the failure of the Executive in directing the implementation of the Constitution. Nothing stops the President, whom we pledged to support, from pushing the Inspector-General and the Chairman of the Police Service Commission and directing them to work together for the good of this country. It is not about them; if they hate each other, let us get rid of them and get two Kenyans who can work together, because the law is clear; but we cannot sit or stand here and amend the Constitution through the backdoor.

Hon. Speaker, Sir, I oppose.

Hon. Speaker: I am sure now hon. Kamama does not have to belabour the point. You have 20 minutes, more than the Deputy Leader of the Minority Party, who had 15 minutes.

Hon. Abongotum: Thank you very much, hon. Speaker. First, I want to---

Hon. Speaker: Hon. Nyamweya, you have a point of order.

Hon. Nyamweya: On a point of order, hon. Speaker. There is an issue I want to raise as we debate this Bill. We do not have your report I have tried to look for it to enable me make contribution on what you came up with, but I cannot see it.

Hon. Speaker, I would like you to give us direction on how we can debate this when we do not have what the committee came up with for us to understand and contribute positively.

Hon. Speaker: Well, of course, debate during Second Reading is usually better informed when a Committee has tabled a report. Of course in the Standing Orders, we have also provided, that should a Committee not provide a report, that may not be reason to bar debate on a Bill. So, I am assuming that hon. Asman Kamama’s Committee has some explanation to give. Since the Bill has already been moved and seconded, debate will proceed, notwithstanding lack of a report.

Fortunately, it is your own Standing Orders; I am not making this up. It is the Standing Orders that you have adopted, and I quite appreciate that the debate would have been more enriched, if there was a report tabled. If there is none, it is assumed that hon. Members, each one of you, first of all has read the principal Act, the National Police Service Act, so that you can then read the proposed amendments, within that context.

First of all, it is important that you have knowledge of the principal Act, and then see what is proposed to be amended; if need be. You look at the report of the Committee, but the lack of a report does not mean that upon your reading of both the principal Act and proposed amendments, you suddenly become incapable of contributing. So proceed.

Hon. Abongotum: Hon. Speaker, first of all this amendment Bill was actually tabled in this House many months ago; again I want to confirm that when I was moving the National Police Service Commission Bill, I tabled both reports. So, most Members are aware of them. After giving my submissions, I will table the report. I had instructed the Clerk in the morning to actually come up with as many copies as possible. So, I presume they are somewhere within the building.

I proceed by first of all giving full support to this amendment Bill on the National Police Service and wish to confirm that I, the Chairman, and my committee Members, we did thorough consultations with all the relevant stakeholders.

I will read some of the consultations and sessions we had with the Nyachae Commission, the Independent Police Oversight Authority, the National Police Service Commission, the Inspector-General's Office, the Kenya National Commission on Human Rights, the Kenya Law Reform Commission, the Attorney General's Office and the Ministry of Interior and Coordination of National Government. We also met the Kenya Private Sector Alliance, that is all the business fraternity and then the Kenya Citizens Group, comprising of the Katiba Institute, Independent Medico Legal Unit, the Kenya Human Rights Commission, Usalama Forum, the Constitution and Reform Education Consortium and Uraia. I want to confirm that we even met the Katiba Institute that is normally chaired by Prof. Yash Pal Ghai, who was actually leading the Bomas Draft.

Hon. Speaker, we did the relevant consultations and I want to report to the House that these amendments are very good in the management of our police force. I want to confirm to Members that for a very long time we used to have issues between the Chair of the Commission and the Inspector-General (IG). Now these issues have been totally cured by these amendments. That is why at this particular time you do not hear problems of contradiction in policies issued by the IG and the Chairman; we said that this amendment Bill is meant to outlive all of us. It is meant to serve posterity.

We did not want to create a law that will favour one particular person, because they will all go, but these amendments will remain to serve Kenyans. We looked at the independent command as provided for by Article 245 of the Constitution. This is fully clarified in the amendments; the IG must never compromise on certain issues like discipline and matters of transfer, but we said there must be a board. There is usually a board that takes care of this; so, the IG will not take unilateral decisions on this matter; that is provided for.

The Service Board will clear all issues before they are forwarded to the Commission for endorsement. This law will make our police force one of the most efficient and effective in the region; that is in East and Central Africa. For a very long time, we have had issues with ranks and we have now reduced them to 11, as opposed to before. Apart from the Inspector-General, we will have the Deputy Inspector-General, Assistant Inspector-General, Senior Superintendent, Superintendent, Assistant Superintendent and Chief Inspector all the way to the Constable. This applies to both forces, that is the Administration Police and regular Police.

On the issue of Service Examination Board, we have also streamlined it and there is going to be a Service Examination Board that will examine the officers for promotion purposes. It will comprise of about nine members as opposed to before. We hope this board will actually ensure that officers are trained, examined and promoted on merit.

Hon. Speaker, on the removal of the Inspector-General, I think that has been explained and it is no longer about petition. It is going to be a tribunal that will sit down and investigate the matter and report to the President and then the issue will be brought back to Parliament.

On the issue of having trade unions, we have said that police officers cannot form a trade union but they can have associations. That is also cured because if we are going to have a situation where people with guns can actually organize strike and that kind of stuff, I think this country will not be safe.

Hon. Speaker, on the issue of protection, I would urge hon. Members that on further amendment to this, we said that police officers should use firearms when protecting property. As a Committee, we have also said that life and property are crucial. So, in our further amendments, we have said that life and property should be protected.

Finally, I am happy my friend, the hon. Washington Midiwo – we came to Parliament together in the Ninth Parliament - talked about corruption. Corruption in the police force is something that has to be handled by this Parliament and the Executive. Personally, I am not happy that corruption is a daily affair within the police force, and especially within the Traffic Department. Very soon we intend to have a forum with the Ethics and Anti-Corruption Commission (EACC) and with other stakeholders to see how we can stop corruption within the police force. It is almost an official affair. Everybody in this House knows it.

I want to mention a situation where hon. Members of Parliament have been harassed by police officers and quite a number of these issues have been brought to this House. I have met about ten hon. Members who have been harassed by police officers. Police officers must know that in the pecking order, hon. Members of Parliament are extremely senior people. Therefore, they should learn a lot on how to treat VIPs. What happened to hon. Aduma, hon. Ngunjiri, the Driver of hon. Sane in Garsen and others is bad. We want police officers to respect hon. Members.

We will tell the IG and the Cabinet Secretary that we will not entertain such. In fact, hon. Njuguna was fought the other day near Nairobi University. There was a physical fight. What are these police officers doing? This has to end and the message must go from this House. As the Chairman of the relevant Departmental Committee, I will not entertain hon. Members being harassed by police officers.

Hon. Speaker, on the issue of victimization in vetting, I think we have very senior people in that Committee. The Vetting Committee comprises of professionals from outside this country. I do not think anybody has been victimized. Those who have been victimized are people who have been found with some money, the source of which they cannot explain. The people who did errors of omission and commission will not be compromised. If a police officer is found to have stolen, he or she must go home and that has to happen. If they are clean, they will remain.

Hon. Speaker, I know many hon. Members want to contribute. I wish to table the report and I can confirm that it has been tabled before. So, if you do not have it, we will inform one of the Clerks to ensure that this report is brought to the House.

With those remarks, I beg to support this amendment.

Hon. Speaker: Hon. Abongotum, did you say that the report has been laid on the Table previously?

Hon. Abongotum: We laid a report on the Table of this House sometime back, but I wish to lay it again.

Hon. Speaker: In which case, then you do not have to lay it on the Table again. I have sent out people to check whether there is a record of that. The worst is, if the report was never laid on the Table as you have said, then you will be denying hon. Members and yourself an opportunity of looking at your Report. I can see there are very many hon. Members who have put in requests because they want to contribute to this Bill, as you rightly observed. So, I do not know the right position. Was the report actually laid on the table?

*(The Clerks-at-the-Table confirmed that
the Report was tabled)*

It was laid on the Table and copies are being circulated. But this also speaks volumes, it means that the Clerk's Department is not working. Hon. Members ought to have copies---

Anyway, I think that is the more reason why we need to go digital so that we can do away with papers. I hear that they were distributed but hon. Members have misplaced the papers. I think we need to go digital so that when something is laid on the Table, you also have it in your tablets or whatever the name may be of the gadget that finally is provided to hon. Members. I think it may be the better way to go so that we do not have to raise issues here.

Hon. Midiwo would have been referred to some tablet and he would have contributed with the knowledge of the Report.

Hon. Midiwo: On a point of order, hon. Speaker. I want to reiterate on what hon. Abongotum has said because you and the Commission have received a lot of flak from people I would call ignorant, that you want to spend money on this technology.

The country must know that we are spending so much on paper in a year that it would be just a fraction of the cost of these cheap Ipads. An Ipad is just something which you use to receive information on your thumbs. I think it is also good for the country to know that, that argument against Parliament is one which is misdirected because we are a country which is saying that we even want to give laptops to Standard One pupils. So, why would we not want hon. Members to be digital in a digital era? I want to support that initiative by your Commission.

Hon. Speaker: Of course, I think the criticism is based on ignorance because even the fact that the Commission provides computers and other gadgets in hon. Members' offices, is not to say that hon. Members cannot afford computers on their own. Of course, the argument which has been banded by some tired minds out there is that hon. Members will deal with those tablets in ways other than what is anticipated by the Commission. I want to assure them that the Commission is fully committed, we will go that route, and every hon. Member will be provided with a tablet or an Ipad, whatever the name is. Just to look at these kind of reports, Parliament is then required to publish and photocopy not less than 350 copies, some of which Members will, perhaps, not have time to look at. However, if this Report was in soft copy in some tablet then every Member would have it. Those who want to read would read and those who do not want to read would leave it at that. So, I think it is a matter that is---

Hon. Nkaissery, do you have a point of order?

Hon. (Maj-Gen.) Nkaissery: Yes, hon. Speaker. This is a very important Bill and it touches on our national security organ. Since the majority of the Members have not received the Report from the Committee, I want to suggest that we adjourn this Bill---

Hon. Speaker: You are out of order, hon. Nkaissery. I have already made a ruling on that. The fact that there is no Report--- Even your own Standing Orders say that if a Committee

does not present a Report it does not matter whether or not it touches on national security or any other security; the House will proceed with debate. This is because if a Committee does not present a Report, is that to say that the House will never transact business? Yes, I fully agree with you that it would have been much better if Members had the Report, but you hear that the Report was tabled in the last Session. So, it may well be that hon. Nkaissery, perhaps, you have it in your office, but you may not have thought that it was the one coming up for debate today. However, since I know that hon. Nkaissery is well seized of matters of security and was in the Tenth Parliament, which passed the National Police Service Act and has, therefore, fully read the proposed amendment--- Sometimes the Report may not even influence matters of security, hon. Nkaissery. This House will benefit from hon. Nkaissery's knowledge on matters of security with or without that Report.

I, therefore, think that we should proceed.

Hon. (Maj-Gen.) Nkaissery: Hon. Speaker, I thank you very much for your compliments. We are talking about a very serious service and we need to talk from a position of knowledge, that Members understand exactly what they are talking about. We are trying to correct wrongs. All these amendments touch on the Constitution. We really need to move--- This is not an emergency so that we have to pass it today. I am just pleading that we adjourn this Bill until Members are well versed with it.

Hon. Speaker: Hon. Nkaissery, you are flogging a dead horse. I have already made a ruling that we proceed with debate. These hon. Members know so much about matters of security, and you have further special knowledge on matters of security. The House will even benefit much more. I am sure you do not require the Report; you will even not agree with the Report at all. Since you have read the Constitution and you have read the National Police Service Act, which you took part in enacting, you have looked thoroughly at the proposed amendments and so you do not even require anybody's Report to contribute. I can see already you have put a request to contribute, hon. Nkaissery. You are not the kind of person who requires the Report. However, let us hear some other opinion from hon. Opiyo Wandayi, Member for Unguja.

Hon. Wandayi: Thank you, hon. Speaker, and I also would like to wish you and my colleagues a happy New Year. I hope this New Year will herald good things for this Parliament and the country.

Hon. Speaker, I have only three points that I want to address myself to on this National Police Service (Amendment) Bill. You will recall that I have made certain observations in the past, more so when we were discussing the National Police Service Commission (Amendment) Bill, and you gave various rulings on this matter which I agree with and I have to abide by.

Looking at this Bill, you see a continuation and perpetuation of the violation of the Constitution through and through. Today, I will only point out two issues. One is the issue of disciplinary control over the Police Service. It is very clear that this power is vested by the Constitution in the National Police Service Commission under Article 246(3)(b). This Article gives the National Police Service Commission exclusive powers to exercise disciplinary control over the National Police Service. What this National Police Service (Amendment) Bill is attempting to do is obviously to transfer those powers from the National Police Service Commission to the Inspector-General.

Indeed, if you look at the new Section 8A in this Bill it is attempting to redefine the meaning of disciplinary control in a clever way really, and the upshot is that this Bill contravenes the Constitution.

For the benefit of Members, Article 246(3)(b) talks about the National Police Service Commission having powers vested in it and removal persons holding or acting in office within the Service. The new Section 8A is attempting to redefine the meaning of independent command of the Inspector-General as envisaged under Article 245 to include matters to do with disciplinary control. That is definitely unconstitutional and, of course, I will be opposing this Bill in totality.

Hon. Speaker, the second issue is on the matter of hiring of the Inspector-General. It is very clear under Article 246(3) that the National Police Service Commission is the only authority that is supposed to recruit officers and employees of the National Police Service. To attempt to give the President powers to nominate someone to be appointed as the Inspector-General is to go against the Constitution. Under Article 245 it is very clear that the President shall appoint the Inspector-General with the approval of Parliament. That particular article does not give the President the powers to initiate the process of appointing the Inspector-General. It envisages a situation where--- Even the current Inspector-General was taken through a rigorous, transparent and competitive recruitment process. That is what Article 245 envisages; the President shall only nominate persons who have already gone through a rigorous vetting and interview process by the Commission. Now this Bill wants to circumvent the Constitution and allow the President to appoint someone directly for this Parliament to approve.

Hon. Speaker, if it was the intention of the Constitution that the President should initiate the process of appointing the Inspector-General it would have said so very clearly. Look at Article 132 where the functions of the President are enumerated. It talks about the President nominating certain officers, including the Attorney-General, the Chief Justice and many others. In that particular article there is no mention of the Inspector-General. The upshot of all this is that the framers of the Constitution were very clear in their minds that when it comes to the appointment of the Inspector-General (IG) as of course is the case with the appointment of the Chief Justice, and again---

Hon. Speaker: There is a point of order from hon. Pukose.

Hon. (Dr.) Pukose: On a point of order, hon. Speaker. I think it will be wrong to let the Member get away with it because Article 245(2) of the Constitution of Kenya reads: "The Inspector-General is appointed by the President with the approval of Parliament." I do not know which Constitution he is reading; this is the Constitution of Kenya.

Hon. Speaker: Maybe hon. Wandayi, you could say which Constitution you are reading.

Hon. Wandayi: Hon. Speaker, that is the danger of reading a section of the Constitution in isolation. If you read that particular section of the Constitution together with Article 246(3)(a) you will come to the realisation that the President is not supposed to initiate the process of appointment of the IG. He can only do so on the recommendation of the National Police Service. He can only pick persons already nominated by the Commission. He cannot initiate the process and, therefore, I am trying to reinforce this by quoting certain Articles of the Constitution where the President---

Hon. Speaker: Hon. Wandayi, the Member is insisting that you are wrong.

Hon. (Dr.) Pukose: Hon. Speaker, I think hon. Wandayi is an agronomist. I am a doctor and doctors are learned. They are also called learned friends. The section he is referring to, which is Article 246(3)(a), talks about the Commission and it reads:-

“The Commission shall recruit and appoint persons to hold or act in offices in the service, confirm appointments, and determine promotions and transfers within the National Police Service.” It is not specifically about the IG.

Article 245(2)(a) talks about the appointment of the IG, which I think are two different things.

Hon. Speaker: I am sure hon. Wandayi is accordingly enlightened.

Hon. Wandayi: I am more than, hon. Speaker. It is very interesting that the hon. Pukose can fail to understand the fact that the IG is an officer. In fact he holds office in the Service and, therefore, he is properly covered by this particular Article. Therefore, the Commission is the right organ and institution to initiate his appointment.

Hon. Speaker: Hon. Nkaissery, do you want to further inform hon. Wandayi? What is your point of order?

Hon. (Maj-Gen.) Nkaissery: Yes, hon. Speaker. Hon. Wandayi is misleading the House. When you look at Article 245, its heading is: “Command of the National Police Service”. The IG is part of the Commission. So, the Commission cannot appoint itself and I suspect the doctor said that hon. Wandayi is not a lawyer. I would like a lawyer to challenge this because it is constitutional.

Hon. Speaker: Hon. Wandayi, you may proceed.

Hon. Wandayi: Yes, I will proceed, hon. Speaker.

Just to conclude on that particular aspect, let me read that particular section of the Constitution. Article 245(2)(a) reads:

“The Inspector-General –

- (a) is appointed by the President with the approval of Parliament.”

What this Article envisages is that the President shall make the formal appointment upon approval of this House, which will be subsequent to nomination by the National Police Service Commission.

Hon. Speaker, if you read this Bill at Clause 12(2) it talks of: “The President shall nominate a person for appointment as IG.” The Constitution does not talk about nominating and if the Constitution---

Hon. Members: On a point of information, hon. Speaker.

Hon. Speaker: Hon. Members, really allow hon. Wandayi to express himself. You know hon. Members if the Constitution intended the appointment of the IG to be similar to that of the Chief Justice and Deputy Chief Justice it would have provided so as it does in Article 166 which reads:

“The President shall appoint –

- (a) the Chief Justice and the Deputy Chief Justice, in accordance with the recommendations of the Judicial Service Commission, and subject to the approval of the National Assembly.”

Hon. Wandayi, that is clear. So, if the Constitution wanted the IG to be appointed after recommendation by the Commission there is nothing that would have prevented the framers of the Constitution from exactly making that provision. So, you are introducing some jurisprudence unknown to the Constitution, but it is of course your right to hold that view and I cannot correct you.

Hon. Wandayi: Hon. Speaker, I think I have made my point on that matter.

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

Hon. Speaker: Hon. Kamama, what is your point of order?

Hon. Abongotum: Hon. Speaker, you know there was confusion last time. You know we have the original Act. We have the amendments that were brought by the Minister here and we have further amendments. In fact, in the further amendments we have actually made it even better by ensuring that when a vacancy arises what happens is that the President shall actually within 14 days form a panel that will actually---

Hon. Speaker: Hon. Kamama, you are informing the hon. Wandayi without seeking his permission to do that.

Hon. Abongotum: He is my friend and so he will not refuse.

Hon. Speaker: Hon. Kamama, because your report is not with Members you are debarred from even providing what you have proposed.

Proceed, hon. Wandayi.

Hon. Wandayi: Hon. Speaker, I want to conclude; it is very clear and I stand by what I have been saying all along, that unless the Constitution is amended this Bill, as currently formulated, is contrary to the letter and spirit of the Constitution.

Hon. Speaker, the final point is on matters to do with Human Resource (HR). It is very clear that the Constitution only empowers the Commission to act independently, without reference to any particular person or authority. This Bill is implying that for the Commission to address certain HR matters, the Cabinet Secretary will have to be consulted. That again is against the Constitution.

Hon. Speaker, finally is the question of command structure of the National Police Service. It is patently clear in the First Schedule what the structure is supposed to be; as my colleague, hon. Jakoyo, pointed out earlier on, the Administration Police (AP) Service falls squarely under the ambit of the Office of the IG. For the command structure to be changed to bring on board some strange offices in the name of Deputy County Commissioners, the law has to be changed and amended and this law is the Constitution and not the National Police Service Act.

Hon. Speaker, without further ado, I would want to urge my colleagues that we need to do justice by calling a spade a spade. This Bill as, it is before this House, is unconstitutional and we need to oppose it so that the Committee can go back and, perhaps, recommend proper amendments to the Constitution to enable us prosecute this Bill as it is.

Thank you, hon. Speaker. I oppose.

Hon. Speaker: Yes, Hon. Onesmus Kimani Ngunjiri. Hon. Members, please pay attention to the lights, so that you do not appear like you are cut-short. It is very important that you make a proper conclusion. It is not right that when you appear like you are in the middle of your presentation the lights go off. Please, pay attention to the lights.

Hon. Ngunjiri: Thank you, Hon. Speaker. I rise to oppose the Bill completely.

(Applause)

I have some reason for this!

When we talk about the Inspector-General of Police's office, are we talking about the office which obeys the rules of this House? I raised an issue in this House when I was attacked and the Speaker said that I must be given security but the Inspector-General of Police has ignored that up to now. I am just walking like that. If I remind you, Hon. Speaker, what I raised that day was that I was helping somebody in Nakuru not to give a bribe of Kshs10,000. I was attacked and I have the P3 Form here. I reported the police officer and the Inspector-General of Police called and commanded the police officer – I heard him say:-

“You know how to deal with Members of Parliament. If you arrest them take them to court immediately. Let them rot there.” This has been said by Members and we are trying to pass a law which will be against us. If we can be treated that way, what about the common mwananchi? I have the P3 Form here. I also have the ruling which you made about me.

Secondly, I have a letter from the Chairman of the Departmental Committee on Administration and National Security. He wrote a letter to the Inspector-General and told him that they did not do investigations in the right way and he ignored that. I have a letter here from the Cabinet Secretary in charge of internal security. He wrote him a letter and he ignored it. I also have an appointment letter here of my security; the Inspector-General of Police wrote to the Provincial Police Officer and told him to ignore that letter.

The Independent Police Oversight Authority has written a letter to him and given him seven days to respond as to why he is not assigning me a security officer. He was given two weeks and he has ignored that. We even talked with the Chairman and it is unfortunate that the Majority Leader is not here. He called him from his office and he told him that you have ruled that I be given security and he told him that I go there. He lied. I went there and he could not see me. I am walking without security. I am a politician and my children and I were attacked here. I could not help my children because of the Inspector-General of Police. He is trying to say that if we give him more powers, we will have security in this country.

Let me remind the House that in 2008, he was the most powerful police officer. He was in charge of operations. What did he do? Nothing. Things happened the way they happened. I do not want to go back there. Today, we are crying everywhere because of insecurity.

Hon. Speaker, corruption is rampant on the ground and there is nothing else he can do. The other week I helped my people in Bahati Police Station. The police colluded with people who brew chang'aa and they arrested seven boys because of supporting that the brew made there is poisonous. The boys were arrested, taken to the police station where they were charged with robbery with violence, yet no investigation was done. If we give him more powers, we will go back to where we were.

(Applause)

Let me tell Hon. Members of Parliament that they will regret one day. You will see what you are doing today. This is because the Inspector-General of Police has given instructions that Members of Parliament be dealt with ruthlessly. You saw another Member of Parliament being arrested very badly. There was no respect at all. He was taken to the cell. We demand respect. We are the ones who enact the law. If the Inspector-General cannot obey the rulings of the Speaker of this House, where are we going? We are creating another god somewhere to be dictating and doing the things he wants. I thank the Chairman who has said very well that he talks with him. However, he is forgetting that the powers he wants to add to him are for finishing this country completely.

(Hon. Abongotum looked at Hon. Ngunjiri)

Do not look at me! Look at the Speaker!

An Hon. Member: On a point of information, Hon. Speaker.

Hon. Ngunjiri: I do not want information, Hon. Speaker.

Hon. Speaker: You can see that he does not want the information.

Hon. Ngunjiri: Hon. Speaker, I am saying that I have always begged even the Chairman himself. I have asked him what I am supposed to do.

Hon. Abongotum: On a point of order, Hon. Speaker.

Hon. Speaker: No, Hon. Kamama. I know you want to engage in an argument. If it is a point of order, it must be a point of order. Let us hear what it is.

Hon. Abongotum: Hon. Speaker, is Hon. Ngunjiri, who is my good friend of very many years, in order to mislead the House that we have given a lot of power to the Inspector-General of Police when we have actually harmonized their mandate? Is he in order to mislead the House that we have given powers when we have actually harmonized the mandate between the Commission and the Office of the Inspector-General of Police?

Hon. Speaker: Hon. Kamama, the harmonization you are talking about would have been best understood by Members if your Report was available. To the extent that it is not available, Hon. Ngunjiri is at liberty to look at the principal Acts and the proposed amendments and draw his conclusions. So, he is in order to make his points.

Proceed, Hon. Ngunjiri.

Hon. Ngunjiri: Thank you, Hon. Speaker.

I said that because it is what the Whip said. He said that if we give the Inspector-General of Police more powers, we will get good security in this country. I am saying that he was in a good position when he was in charge of operations. He had all the powers and he did not do it. I do not think that what he was saying will change.

Another person was killed at Roysambu. The Inspector-General of Police is not taking care of security; he is only fighting to be given more powers. He is not interested in Kenyans. He should show us what he is doing with the little powers that he has. He does not even respect this House now. What should we do when you rule on a matter here and it cannot be implemented? What are we doing in this House? We are here to make rules and laws for this country and the people who are in offices must follow them. We are now going in the wrong direction. I know that the Chairman knows this, because we have talked to him severally. I have tried to approach him with respect and by following the law but he has refused to listen. I want to lay on the Table this letter from the Independent Police Oversight Authority. I even have my P3 Form. I was the

one who was supposed to be the complainant but he called and changed everything. He said that the woman who was in charge there should be the complainant.

Hon. Speaker, I want to tell you that I was not fighting with the woman. It was the three gentlemen there who fought me, and they are known in Nakuru. There is a problem every week.

Hon. Arama: On a point of Order, Hon. Speaker. I am at a loss because as much as I sympathize with Hon. Ngunjiri--- He was roughed up and he has not been given security. Is he talking about the office or an individual? This is because he has referred to the office and the individual many times. Is it in order for him to continue talking about an individual instead of talking about an office? I want to get a clarification on that.

Hon. Speaker: It is quite clear that Hon. Ngunjiri is talking about the current holder of the office.

Hon. Ngunjiri: Hon. Speaker, I think the Member did not listen properly. When I said the “office”, I meant the “office and the person in the office” If powers are vested in that office, they will be used by the person who is in that office. I am not only talking about that person.

I oppose this Bill because I know that many Members will be affected. We are being affected even now. I have given a very simple example that even you, as the person who is presiding over the House as we make these laws, you are not respected. So, where are we going, Hon. Speaker?

I totally oppose this Bill!

Hon. Chumel: Thank you hon. Speaker, for giving me this chance to add my voice to what we are discussing, which is very important. I am a Member of this Committee and I remember we took time discussing these issues. It was not only something that we did in a day or a week; it took months and we invited everybody; including hon. Members from this House who were and are free to come and discuss any issue in any committee as a friend of that committee.

Hon. Speaker, personally I support it because if we continue delaying it – there is some suggestion that has been given that we postpone it to another day. Things are going to be worse in this country. I agree with what hon. Midiwo and others said when contributing, including my friend from Nakuru. Instead of prolonging the problem, can we now reduce it and make sure that things work effectively?

Hon. Speaker, I remember at those Committee meetings, the Inspector-General (IG) and the two deputies came in with their legal officers and slotted in what they wanted done. The Independent Police Oversight Authority (IPOA) the civil society, all Kenyans who brought their petitions and input at that time, the Cabinet Secretary and the team from that Ministry--- What I am saying is that, we need an effective police force. The other day when we were almost coming to the end of the last Session last year, this House was forced to bring in the issue of military to go and quell a very small problem in a village. It is what happened in Samburu, Pokot, Turkana, North Eastern, the Westgate and even the other side of Western Kenya, Bungoma.

Hon. Speaker, it was shameful to call for military who are supposed to defend us from outside attacks to this country and not internally. This incident happened because there was no proper system put in place to handle the situation. That is why we are calling--- It is the wearer of the shoe who knows where the it pinches. We are some of the victims and we do not even sleep in our houses because of minor problems; regular police and Administration Police (AP) should have finished the problem, instead of calling in forces from other ranks.

Hon. Speaker, hon. Members have talked about the APs. I think this is the time we need to bring order between the regular police and the Administration Police, so that we know what

they do. If you go to my place, things have gone haywire because there is no order. If you go to the county police commandant and get instructions, the other side ignores that. So, there is no system in place and, therefore, some have gone and they are now becoming businessmen or even farmers; instead of protecting peoples' plots they are now invading and grabbing the same land by use of the gun which is supposed to protect people.

Hon. Speaker, some police officers have become charcoal burners and sand harvesters; go to a place called Katikomor and you will see APs on lorries going to harvest sand and burn charcoal. That is the problem we have between the Uganda side and the Kenya side relating to Trans-Nzoia and the Pokot. Who is now helping the common man when the law enforcers are turning against the poor? This is my appeal. Let us think twice. I know we have played a lot of politics in this country; even when the Constitution was being made, we allowed part of it to be contributed by – what do you call these guys who ran from here and there looking for money? That is why we are now in problems. The problem we have between this House and the Senate is because most of the senators were here; in fact, all of them; especially those who are technocrats in law. They were here. But they need it, now they are crying on the other side. I always tell them to keep quiet and let the National Assembly do their part. They were here and they did it; who are they crying to now?

Hon. Speaker, it is now the common man, the poor on the ground helping each other. When people talk about the IG's office, I take it as an office, not an individual. There are ways of removing the person in charge of that office. If the IG is a problem, we can remove him. There is now the issue about the governors, and the question of whoever is not working well might fall on us here. Therefore, we should not look at the individual and behave as if everything is dead--- It is for us to put a system in place.

Hon. Speaker, we decided that now there is no security to protect us in our places. People are now arming themselves. What then will happen thereafter? I remember when the issue of *Mungiki*--- Some of us started it and my friend from Nakuru knows it. He wanted to help the people in KANU to take care of the opposition. We gave money but now they are going against us. Therefore, if we allow a situation where security officers do not work, even if we come up with a law which instructs them to do things in a different way--- We have seen several of them being killed.

Hon. Speaker: There is a point of order, hon. Chumel.

Hon. Ngunjiri: On a point of order, hon. Speaker. Is it in order for the hon. Member to mislead this House that KANU started *Mungiki*? Can he explain properly how it started? He must withdraw that; he knows how it started; it was not started by KANU!

(Laughter)

Hon. Chumel: Hon. Ngunjiri, you know what happened in Nakuru and you wanted the support of Nakuru and you were part of it. Let us just keep quiet and continue. We want to rectify a problem. We should not let a problem continue.

If we continue having vigilante groups like the one in Kisii--- The other day when they were campaigning, you remember what happened.

Hon. Member: *Chinkororo!*

Hon. Chumel: A prominent leader had to organize *Chinkororo* against another guy who were coming in a helicopter with the current Deputy President. Therefore, if we allow those

things here--- Let us own up and say sorry to God for what we have done to this Republic. We should not accept it. I was part of it; if you say: *ni mambo ya kutafuta ng'ombe---*, We used to do that because it was *mboga ya watoto* and nothing much.”

Hon. Speaker, Kenyans are now together, especially the common man. But the problem is the leadership and this one is coming from the security side. Somebody talked about the Kriegler Report.

Hon. Speaker, you will recall what Ocampo said the other day. Kriegler was part of the team of diplomats who were trying to induce Ocampo to block the two guys who now occupy the two top leadership positions of this country. We should not go their way. We are Kenyans. We can also do it our way. We can make our own peace and lead our people to prosperity.

With those remarks, I beg to support.

Hon. Speaker: Yes, hon. Nicholas Gumbo.

Hon. (Eng.) Gumbo: Thank you, hon. Speaker, for giving me the opportunity to contribute to this amendment Bill.

I have to say that I oppose the proposed amendment with reasons. Since the convening of the Eleventh Parliament of this country, nothing has captured the attention of this House more than security. A week hardly passes before we raise issues concerning the security of our people. We have had occasion to give clear examples to show that insecurity in Kenya is now totally rampant. It happens everywhere. Carjackers are all over the place. I am not convinced that the amendments, as proposed, are not entirely unconstitutional.

Looking at the provisions of Articles 245 and 246 of the Constitution, there appears to be a lacuna. Before we even attempt to pass these amendments, we should have the courage to address these constitutional issues. We have said before that the Constitution has areas that need to be addressed. I thank my good friend and neighbour, hon. Jakoyo Midiwo. We need a national dialogue. During the national referendum on the Constitution, some of us happened to be on the “Yes” side. Even as we pushed for the Constitution then, we acknowledged that there were parts of it that were not entirely good.

Hon. Speaker, it is time for us to candidly come forward and address those areas. We are getting entangled by provisions of the Constitution, which appear unclear or contradictory. We now have a pure presidential system of government. We have come to this House and asked that the people in charge of providing security, which is the ultimate responsibility of any government in power, appear before us so that, as the National Assembly, we can have a dialogue with them. They can tell us the areas where they are failing. This is because security in Kenya is going, literally, to the dogs.

I sympathised with my colleague, hon. Kimani Ngunjiri, when he talked about these issues. When one of us gets into problems, it is not right for us to treat it as if it is hon. Ngunjiri’s problem. It can happen to all of us. Let us not beat about the bush. The purpose of these amendments is to try and give more powers to the Inspector General (IG). Why are we giving more powers to the IG, who in more than one occasion has shown that he has nothing but contempt for the Members of this House? We have seen it in many occasions.

Hon. Speaker, therefore, before we even attempt to give the IG more powers, let us look at the operational structures of the National Police Service (NPS). Many times, we blame the junior officers of the NPS and say that they are not doing what they are supposed to do. Even in management, they tell you that before you task a worker with a task, you have to give them the necessary tools to do the work. The situation of our police officers in this country is very

pathetic. Even as we look at the issue of security, let us look at the situation of junior police officers.

Recently, the Officer Commanding Police Division (OCPD) in my constituency told me that his house allowance is only Kshs5,000 per month. If you are paying an OCPD Kshs5,000 as house allowance, how do you expect him to make ends meet? Do you want him to go and live in a 10 feet by 10 feet room, yet he is an OCPD of a whole sub-county? We need to look at this matter soberly. Insecurity does not discriminate. We have had insecurity in the President's own backyard. We have had insecurity problems in the Deputy President's own backyard.

Hon. Speaker, in your own Embu County, there has been many cases of insecurity. So, I would inform the Chairman of the Committee, and my colleagues, that there are real problems that we need to look at them. While on this debate, can we be convinced that if we give the proposed powers to the IG the security situation in Kenya will improve? I beg to differ. It will not. Even with the powers that the IG has now, he needs to do more.

The security situation in Kenya is very bad. The other day I was reading about some poor Kenyans who were carjacked near Roasters Inn on Thika Road. Those were innocent Kenyans. Some barbaric gangsters waylaid a bus, hijacked it and stabbed people indiscriminately. They then went and dumped them in some forest in Thika. Honestly, is there nothing that can be done about this? We now know of thugs on motorbikes. People are being shot at traffic lights but nothing is happening. Can the IG not do a little bit more even with the powers that he has before he attempts to ask this House for donation of powers that he already has?

Hon. Speaker, I believe that the Office of the IG, and the NPS in general, is not doing enough to ensure the security of Kenyans. It has been said before that power corrupts and absolute power corrupts absolutely. We are trying to give an office more powers. In essence, all people are good. In fact, many people will behave reasonably if you give them powers, but giving them too much latitude, which is what he is seeking now, is basically asking the Office of the IG to do things as they wish. I find it unacceptable that this House can sit, debate and donate more powers to an office which has time and again shown the Members of this House that he does not view them with any regard.

Hon. Speaker, you personally ruled on the issue of hon. Ngunjiri. If your word cannot be respected by the IG, if the word of the chairperson of the parliamentary committee in charge of security cannot be respected; if the word of the Cabinet Secretary responsible for security cannot be respected, what are we doing here by donating more powers to the Office of the IG? I urge my colleagues. Realize that insecurity does not discriminate. It will affect all of us. Let us go against this matter for the time being. Let us all rise and oppose the proposed amendments, so that we can look at this matter holistically.

I am even thinking that the time has now come--- Whether we like it or not, we need a national dialogue on the Constitution that we passed in 2010. There are structural issues in that document that we cannot live with any longer. We have to address them. It touches on security. It touches on governance. It touches on a whole spectrum as to how this country is run. Even on issues of the Executive, how many times have we said that we need, as a House, to look at them. When I asked my colleague here, the Member for Tiaty, hon. Kamama, to answer a question on matters of security, why was I giving him a task that the Constitution has not donated to him? His job is to make laws, represent the people of Tiaty and provide oversight over the expenditure by the Executive.

Hon. Speaker, we are asking our colleagues to do things which might even be illegal. They may have been mistakes. Why do we not accept that the time has come for us to review the so-called “20 per cent” of the Constitution that we are agreed is not right? If we adopt a piecemeal way of doing things we will not be addressing the real issues. The reason as to why we think we need this amendment is the apparent differences between the Chairperson of the National Police Service Commission (NPSC) and the IG. We have to accept it. Why do we not look at this thing holistically, so that we can address the issue once and for all, knowing that at the end of the day, when we address insecurity in the country, it will be good for all of us. When there is insecurity in the country, no one is immune to it.

With those remarks, I beg to oppose the amendments as proposed.

Hon. Speaker: Hon. Members, I can see that there are very many requests. So, I will go by the order in which they came because the Members who have placed the requests have been sitting patiently from 2.30 p.m. It is only fair that I acknowledge them. I am saying this because I can see some Members in leadership, who have been moving in and out of the Chamber. They can also face consequences. As it has always been said, let us give preference to those who have patiently remained in the Chamber. Currently, there are 24 requests, and I will go by them. I will have John Waiganjo, Wesley Korir, Lelit Lati, Francis Kilonzo, Patrick ole Ntutu, Danita Gati, Njoroge Baiya, John Mucui, Maina Kamanda and Ferdinand Wanyonyi, in that order.

Hon. (Dr.) Pukose: Hon. Speaker, I have placed a request but I have not heard you call out my name.

Hon. Speaker: Hon. Pukose, it is because your name is far below the list of requests. My screen is not able to show beyond 10 names. If I had gone beyond the names I have called out, I would have found your name. Hon. Wamalwa, you kept on moving in and out of the Chamber.

Let us give a chance to hon. Waiganjo.

Hon. Waiganjo: Thank you, hon. Speaker. I want to talk to this Bill and I want to say from the outset that I am constrained to oppose it. Of course, the Constitution that we passed was very useful in that we were able to establish this National Police Service under Article 243. Under Article 244 we expounded the objects and functions of the National Police Service. Amongst them we said that we needed a police service that strives for the highest standards of professionalism and discipline amongst its members. We talked about prevention of corruption, promotion of transparency and accountability and a raft of other issues. However, when I look at the amendments that have been proposed by the Committee none of them seems to be strengthening the objects and functions of the National Police Service. Instead, unfortunately they seem to erode the powers that were given to an independent Commission, that is the National Police Service Commission, which was formed to strengthen the operations of the police force, as it then was. The primary reason for which this Commission was formed was the history we have had with our security apparatus in this country.

[Hon. Speaker left the Chair]

*[The Temporary Deputy Speaker
(hon. Cheboi) took the Chair]*

I want to tell hon. Members that when they are debating this Bill they completely disregard their side of the coalition and realize that here we are talking about the security of this

nation and prosperity. When we attempt to consolidate power around the Inspector-General of Police then we are going back in time. We are not giving ourselves time to think, meditate, and reflect about it. We are in the midst of trying to reform the police. We have a panel that is already vetting the police? But why are we forgetting the malpractices of our police? Why are we forgetting 2008 too quickly? Why are we forgetting the unresolved crimes? Why are we in a situation where this country is under threat of not only terrorism, but also of thugs, bandits and cattle rustlers? If we were debating how to curb those excesses and help the police to deal with security issues then we would be on the right path. However, here we are debating how we will give the police powers to use their firearms not only to protect life but also property and then we do not define property--- Even a mother in the streets can be shot. The police are able to use their firearms and shoot a street boy. Are we helping in that regard? We are the National Assembly for God's sake. I am, therefore, constrained to oppose these amendments.

The most important thing we should be looking at is the appointment and removal of the Inspector-General. Sections 12 and 15 have given mandate to the National Police Service Commission, and the process of appointment and removal. When these powers were given to the National Police Service Commission there was people participation. We had opened the process for participation of the public. However, through these amendments, we are clearly removing transparency and openness in that process. Therefore, we are giving the Executive total control. In fact, we are also denying the Inspector-General of Police some leeway and powers.

When we say in Section 8A--- it is proposed to provide that the Cabinet Secretary will give directions to the Inspector-General in respect of any matter of policy in the National Police Service. But then this is already a proposal in Article 245(4) of the Constitution. It puts a caveat. It says that the Cabinet Secretary will consider---

The Temporary Deputy Speaker (Mr. Cheboi): Order, hon. Waiganjo. Is hon. Grace Kipchoim on a point of order?

Hon. (Ms.) Kipchoim: Hon. Temporary Deputy Speaker, I was just on line to talk.

Hon. Temporary Deputy Speaker (Mr. Cheboi): Then you will have to place a request rather than an intervention. Proceed, hon. Waiganjo.

Hon. Waiganjo: What I was saying is that we want to provide in Section 8A that the Cabinet Secretary will have a leeway to give instructions to the Inspector-General of Police on matters that are already a subject of Article 245 (4) of the Constitution; why do you want to legislate on that? It can only be for one reason, that is we want to legislate. That way we will remove the provisions or weaken the provisions under Article 245(4)(b) that are clear.

I would like hon. Members to take note that there has not been a more serious issue in this country than insecurity. For us to appear as a National Assembly that wants to resolve the issue of insecurity once and for all, first of all we must allow the constitutional institutions, like the constitutional commissions, to work. We have to allow them to retain the powers that have been given to them by the Constitution. We must also realize that this Constitution was passed by consent of all Kenyans. The Constitution envisaged the National Police Service Act, 2011. We now want to come back to the same piece of legislation to emasculate a commission provided for in the constitution. I think that is not right.

We may want to effect some amendments as it has been proposed, but some of them are undesirable. This Assembly will be judged by its actions and the legislation it passes. It does not matter which side of the divide we are on; the national police service is a national institution, and we are the people who are supposed to protect it. Kenyans are looking upon us to make sure that

the police operate in the right way. In other jurisdictions the police are the most respected service. What happens in our jurisdiction? We want to give them land. We want to improve their remuneration. We want to give them equipment. We really want to pamper them. We want our police to be the best paid and the best in terms of discipline, so that we can eradicate corruption, but now we are taking our time to debate on amendments of a good piece of legislation not necessarily to give the police those amenities.

If we were debating to give them those amenities, wherever they are they would be feeling it, but now we are telling them that they are still under an authoritarian Inspector-General, who is answerable to nobody, and who may transfer them at will, as has happened before. We are going back in time! The powers are centered on the Inspector-General. What we are doing is creating a monster. We are trying to create a very strong institution, but we are not providing checks and balances. Let us be careful. Let us reject these amendments in total.

I oppose.

The Temporary Deputy Speaker (Hon. Cheboi): To clarify an order which was given earlier, we will be going by names irrespective of the side of the House that Members are on. I will proceed in that manner.

Hon. Wamalwa, Member for Kiminini.

Hon. Wakhungu: Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Korir, what is your issue?

Hon. Korir: Hon. Temporary Deputy Speaker, I think my name was called out before the next speaker!

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Korir, you must learn to be very patient. You know this is not an athletic contest – I am sure you would be very fast there. You are actually the next speaker. Be very patient and relax completely.

Hon. Wakhungu: Hon. Temporary Deputy Speaker, I rise to oppose these amendments. Security is a critical issue, as far as the development of any country is concerned. We remember the Kriegler Report. He went round together with Mr. Miller, the lawyer. That Report was very clear. In some of the recommendations in that report you will find that the police are accused of extra-judicial killings and other violations of human rights. If we give these powers back to the Inspector-General we will be taking ourselves back to the bad old days.

In terms of the chain of command, you will find that the National Police Service Commission is more senior. In case of any violation by the Inspector-General the lower officers have room to appeal or seek redress. This is in the name of the National Police Service Commission. We must have checks and balances. If the Inspector-General's Office is going to be very powerful, we are going to create a monster; he is going to practise dictatorship and violation of human rights. This is not something that Kenya wishes to go back to.

We were told that these officers are not allowed to form trade unions, but they can have associations. Their welfare is only safeguarded if we have the National Police Service Commission. In the absence of this, we are going to have dictatorship and the junior officers are likely to suffer; they will not have any room to seek redress.

The Chairman mentioned about the issue of firearms; you cannot say that you use firearms to protect life and property. This in itself violates the Constitution of this country. When you look at Article 26 it talks about the right to life. If you allow officers to use firearms for the protection of property we are going to have extra-judicial killings; this is something we do not want to go to. It also violates international laws. When it comes to the United Nations (UN)

standards they only say that you can only use firearms in unavoidable circumstances to protect life but not property.

Hon. Temporary Deputy Speaker, another issue I want to mention is that this is a model similar to the one of the Teachers Service Commission (TSC); this is a wonderful model that we should be able to use. The Inspector-General (IG) himself is a member of the National Police Service Commission. He and his two deputies are members of this Commission. In case of any grievances, or anything he wants to push through, he is in a strong position because he is a member of that Commission; going by Article 246 on the composition, there are about nine members. The IG himself plus his two deputies form a third of the membership and there is a provision for having people with integrity. If he wants a decision taken, I have no doubt that he is not going to have any difficulty.

Hon. Temporary Deputy Speaker, when you talk of operational and strategic issues, the National Police Service Commission is looking at the human resource (HR) function in the long-term but again when you look at Article 245, it is also very clear. It has shown the role of the IG as far as matters of operations are concerned. So, there is no value added by this amendment. It has already been taken good care of when you look at Articles 245 and 246. So, I am urging my colleagues today to oppose this amendment in totality. We do not want to go back to the old days of dictatorship and violation of human rights.

Hon. Temporary Deputy Speaker, I oppose. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us now have the hon. Member for Cherangany doing the finishing kick.

(Laughter)

Hon. Korir: Thank you, hon. Temporary Deputy Speaker for giving me this chance to contribute. For your information, I have been patient since 2.30 p.m. I would like to support these amendments simply because I think most of us have talked here and said that there is a problem in the police force. Yes and we agree on that.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Korir. Hon. Lelit, I can see you have a point of order. I would rather you be patient because you are the next on line. I am sure that is what you want to ask; I am sure that sufficiently rests the matter.

Proceed, hon. Korir.

Hon. Korir: Thank you. We all know that we have a problem in this country. We have a problem of indisciplined police officers. We have a problem of lack of order in this country in issues relating to police officers. We have all contributed and said that we need something to help this country to move forward.

Let me tell you one thing. When it comes to the police and security of this country we do not need a divided House. We need a united front – one voice. We need A person who can make decisions and give orders that will be respected by everybody. We have a problem in this country right now between the Senate and the National Assembly. Everybody is saying that: “I am supposed to do this and I am supposed to do this.” If we create two bodies in the police force to make decisions we will get into problems; somebody else will be stepping on someone else’s foot and somebody will not be making decisions because they will be afraid of stepping on someone else’s foot. However, if we give one person, who is the IG, powers to make decisions

on issues of discipline in the police force, and making decisions on who to deploy where and why, that is going to solve the problems of insecurity of this country.

Hon. Temporary Deputy Speaker, we have the issue of Westgate that happened recently. When the police officers got there and we also had the General Service Unit (GSU)--- All the armed forces including the army went there, and there was no command. There was nobody to issue a command because we did not have a single person to do that. It was a divided house. What happens if the IG disciplines a police officer and that police officer decides to say: “No. I will not listen to you. Let me go to Kavuludi or somebody else?” What will be happening in this country? We will be having a divided house.

We are all parents and we know one thing. If you are a parent and you are trying to discipline your child, your child will try to go to the other parent and try to get sympathy. As parents, we know the good parenting law is that--- As parents even, if you do not agree with your wife or your husband--- You have to agree with so that the child can be disciplined. If you have a house where the mother says this and the father says the other, the child will never be disciplined and that is what we are talking about. We need discipline in our forces; if we need discipline in our forces we need someone to be in command; I am supporting this Bill to make sure that we give the IG the powers to make a decisions and those decisions be final, so that we can have order in the police force.

Hon. Temporary Deputy Speaker, another issue I want to raise is that one which was raised by somebody about using firearms. I know that in the whole world ours is the only country where somebody can approach a policeman and cut him with a machete. I have buried more than two people in Cherangany. I have attended burials of two police officers. One of them was an Officer Commanding a Station (OCS) in Mombasa. When I went to that burial and I looked at the body of that OCS, he had been cut beyond recognition. I asked myself a question: How do you allow a police officer not to use his firearm until he is cut into small pieces? We cannot allow that. We need to give them the powers to defend themselves and be able to protect themselves, and so that if somebody approaches them they are not killed, otherwise we will end up with police officers being killed everywhere, even on the streets. I support this Bill to make sure that we bring in order. We should have somebody who is in command. We have people who can stand for their rights and have order in the police service.

Thank you, hon. Temporary Deputy Speaker for giving me a chance.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have hon. Lelelit, Member for Samburu West.

Hon. Lati: Thank you, hon. Temporary Deputy Speaker. I was trying to rise on a point of order because for some reason I thought you had skipped my name. Before I speak I am not sure whether I am allowed to appraise the Chair---

The Temporary Deputy Speaker (Hon. Cheboi): No. You are not.

Just proceed.

Hon. Lati: I was just going to say you guys did a good job today; you tell us where we belong on the list; I think it is really good.

The Temporary Deputy Speaker (Hon. Cheboi): In that case, since you seem to be giving a good word, you are allowed. Proceed.

(Laughter)

Hon. Lati: Hon. Temporary Deputy Speaker, honestly I think there is a very beautiful experience in this House today; I think there have been very powerful members of this House who have been trying to---

(Technical hitch)

The Temporary Deputy Speaker (Hon. Cheboi): Now, put the microphone in the intervention slot, so that I can get it. Just a minute. Let us try it from there. Is it okay now? Put it in the intervention slot!

Hon. Lati: Can I get a long one?

The Temporary Deputy Speaker (Hon. Cheboi): No. You are okay. You can go to another one. We will give you a card to put in. Much as it is on, I think that is a bit inconvenient. Get to a better one, hon. Lelelit.

(Hon. Lati got a another microphone)

The Temporary Deputy Speaker (Hon. Cheboi): Yes, that will be fine. Put your card in the intervention slot.

The Temporary Deputy Speaker (Hon. Cheboi): At the intervention slot, please. Now you are beginning to be a nomad. He is not here. Since there are quite a number of Members who have placed requests, I would ask you to put it at the intervention slot.

Hon. Lelit: I have done that

The Temporary Deputy Speaker (Hon. Cheboi): It is not showing here. You might have to go to another one to save on time. Yes; you are okay now.

Hon. Lati: Hon. Temporary Deputy Speaker, as I was saying, it is a very good experience that you guys provided; if I know where I belong in the list, it will be very good. I think some of us appreciate that. That is because we have seen some very special Members in this House, who always skip the line.

Having said that, I rise today to support this Bill. I am hoping that in the Committee Stage we will have a chance to make many amendments. I think the spirit of this Bill is truly needed for our country's security. The magnitude of security problems that are facing different parts of our country is so huge. That is why this Bill is very timely. I do not want us to kill this Bill just because there are a few case of nasty experience that Members had with the police. This Bill does something very special. It both reconciles and tries to harmonize the workings of the police service commission and the Inspector-General of Police (IGP). I think it is truly beneficial for the security of our nation. For those of us who come from areas that regularly experience insecurity, there are things that this Bill touches on, that are truly special. If you look at issues of security, most of them are emergencies in nature. If you do not have a clear command structure; that this is the person who is in charge, or this is the person who commands, you are bound to fail. That is because most of the security issues that we have in our places require y rapid responses. That, to me, is very important. I am trying to be very brief because I am hoping that at the Committee Stage, we will have a chance to move the necessary amendments.

I disagree with the people who are opposed to police using fire arms, unless in defence of their lives. It really shows the differences between the experiences that we have in different

parts of our country. For the people in Nairobi, there is no cattle rustling. If you tell a policeman today that all he can do with his firearm is only to defend someone's life, then I will wonder what a policeman will do when my cows are stolen by cattle rustlers. Those cattle rustlers are armed and I think we are restraining the police force far too much, if we do not allow them to use firearms in areas where we come from.

This Bill does something very special because it establishes clear roles between the Inspector-General and the Commission. I think we need that. The last thing that we want to see, as a country, when we are fighting *Al shabaab*, and all sorts of criminals, who are trying to destabilize our nation is the competition between the Inspector-General and the Commission when they are exercising their powers. It gives a very bad signal on security preparedness of our nation. It also shows, the criminals who want to harm our people, something. This Bill goes a long way in trying to establish a clear role for the Inspector-General and the Commission. For that alone, as Members of this House, we should support this Bill with whatever amendments we feel can make the police force more powerful and well taken care of.

The other thing that we see in this Bill is that--- We have had problems in our counties, where we have two centres of power. We have two people who are almost merged in terms of the power structure. I am hoping that this Bill, and through amendments, will establish clear roles for who does what in the county. That way, in our counties, we will know who to see and who will help under what circumstances.

I support this Bill and I just want to say this before I conclude. I am hoping that this Bill will provide a clear framework for the management of the police force. Hopefully, it will translate to the betterment of the security of our communities and our nation. If the spirit of this Bill prevails, I think we will take care of the few problems that we have had in our security forces, as hon. Ngunjiri has said. We can find a way of taking care of those issues without killing a Bill that will provide a clear framework and leadership to the police force and the operation of our security forces in the field; it will make our communities secure. I will stop at that.

I support this Bill

The Temporary Deputy Speaker (Mr. Cheboi): Okay. Let us have the Member for Yatta, hon. Kilonzo.

Hon. Kilonzo: Thank you, hon. Temporary Deputy Speaker. As a member of the Committee on Administration and National Security, I arise to support this Bill as amended. Any organization must have a clear command. Whoever heads an organization must, at least, have a free hand on how to deal with roles and the people under him or her. When we were compiling this Report, we did a lot of consultations. We held many meetings with so many organizations and persons. I would like to urge this House, to support this Bill. We want an effective and an efficient National Police Service. We want a police service that does not have an Inspector-General who always has contradicting public spats with the leadership of either the Independent Police Oversight Authority (IPOA) or the National Police Service Commission.

I think it is very critical for this country to have a clear ranking in our national police Service. I think the confusion that we have seen--- The exchanges between the Inspector-General and the Chairman of the Commission on some of national issues affecting security of this country were not very clear. I think this Bill is going to cure that kind of misunderstanding. This Bill will provide a clear command, clear structure and from now on, we will be in a position, as a country, to hold the Inspector-General accountable for insecurity in the country. I

think the national police service has a duty to protect Kenyans. With the passage of this Bill, I think we will have harmony between the police service, IPOA and even the Commission itself. I think from the consultations that we have had, as a Committee; every Member in this House is concerned about insecurity in the country. With the passage of this Bill, the Inspector-General and the officers under him will have to deal with criminals ruthlessly. That is because it is a concern of every Member in this House. Therefore, I urge this House to support this Bill.

Hon. ole Ntutu: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I also want to wish this House a prosperous new year as we begin our new Session. I just want to say that I fully support this Bill. I am a Member of that Committee and it took us almost three months. That is because most of us thought that what we were doing was going to offend our Constitution.

It is unfortunate that some of the Members who are opposing these amendments have left. I would have advised them and those who are here to take time to read the Report of the Committee. They should also read the principal Act and know what we are exactly amending.

If you look at what has been happening since the Tenth Parliament passed the principal Act, there has been a lot of confusion as to who is in charge of our National Police Service in this country. No wonder we have many insecurity cases in this country. That is because we cannot hold anybody accountable.

The Committee has taken time and engaged in enough consultations. As a matter of fact, when Mr. Nyachae was in our Committee, he advised us that we need to amend this Act. Otherwise, we will plunge our country into chaos which we do not want as leaders of this country.

I know that some of our friends have had issues with the police and that is why some of us are taking it an extra mile and saying: "Let us not give the Inspector-General of Police powers." But that is far from the truth. The issue here is that there was a lacuna. There was an issue to do with who is in charge. This Act is trying to cure that confusion.

Most of us who came from the Provincial Administration understand what it means to be in charge of a station. We know that for somebody to be in charge of a country like Kenya, which is one of the third world countries that are coming up, it is a problem. That is why we are saying that we must give the Inspector-General of Police powers to deal with numerous issues of insecurity in our country.

I will give you a very good example so that some of the Members can understand where we are coming from as a Committee. If a police officer in charge of Garissa has made a mistake or is not doing his or her job, do you come to Nairobi to ask for his or her transfer? Hon. Lentoimaga who was my boss when we were in the Provincial Administrators will advise you that you deal with that officer there and then.

As a country, if we were to come to Nairobi and tell somebody to go and transfer an officer because he or she has refused to do his or her job, it will take years for that particular problem to be dealt with. That is why we are saying that the Inspector-General of Police should have powers so that if an issue arises, he will deal with that officer there and then. That is the issue of transfer, discipline and command.

Command is very important in any Police Force. I dare any Member of this Parliament to tell us where on earth we have a situation where a human resource person is in charge of the country security. There is nowhere. It does not happen in the US or anywhere.

The reason why we are giving a human resource person to be in command of security issues in a country is because we, as a country, are reactive. We reacted to the post-election violence and that is why we want to give somebody else powers instead of the police. We are failing to understand that the post-election violence had some underlining factors that made this country to be where it was.

In fact, the reason why most of the Members, particularly those who were in the Senate and those who were at home--- When they talk about this principal Act, they say that they had not even read it. We just passed it because there was some time limit.

As a Committee of this House, we are saying that let us cure this problem so that we can move forward as a country. We cannot allow human rights groups or busy-bodies to advise us on how to manage the security of this country. I urge this honourable House not to make a mistake of giving a human resource person who sits in Nairobi or in Nakuru powers to deal with issues of security in this country.

Hon. Temporary Deputy Speaker, with regard to the firearm issue, we are saying: "Let us give our officers powers to use their firearms when it is necessary. The law is very clear on when an officer can use a firearm. Nowadays, if you ask an officer to follow somebody who has probably killed somebody, he will say: "I do not have powers." Is that the country that we want; where people do not do what they are supposed to do?

The law is very clear. The officer will only use a firearm where it is necessary. Somebody has just said that somebody can be killed while carrying a gun. Then what is the use of having a gun? If you do not use it, return it to the armory and they will keep it for you. Maybe, we can have *rungus* if need be. I am saying that because we must give the Inspector-General of Police powers to help this country move forward.

Thank you, hon. Temporary Deputy Speaker, for giving me the time to contribute.

Hon. (Ms.) Ghati: Thank you very much, hon. Temporary Deputy Speaker. I rise to oppose the amendments to this Bill. I know that this Bill seeks to remove powers from the Commission and take them to the Inspector-General. You know very well that when too much power is given to an individual, it can be used very badly.

We have a Commission which I feel is better placed to handle the issues of National Police Service. Therefore, giving too much power to the Inspector-General of Police will not work very well. I feel that these amendments are in bad taste; the same way the Committee has just given us a Report this afternoon. That is because we needed to read this Report so that we can understand and give our input on the Bill.

The Teachers Service Commission is a Commission that looks at the welfare of teachers. We have the Ministry of Education and they complement each other. To me, I look at the mandate that has been given to the Commission. The Commission is mandated to do the recruitment, training and promotions. Look at what happens in the Police Force.

The Police Force is the most corrupt institution right now in this country. Promotions are given right, left and centre. We need a Commission that sits down, consults and discusses very well issues to do with promotion.

Hon. Temporary Deputy Speaker, I come from a place where police have been sent to do their work. You will find a police officer staying there for over ten years. This is a man who cannot know exactly what he is supposed to do. He has been there for ten years and yet, police officers are supposed to stay in an area, if it is longer, for three years, so that they do not engage in all manner of illicit issues.

Hon. Temporary Deputy Speaker, look at housing for the police. Where we come from, police officers continue to live in dingy areas. You cannot even compare where the police live and the kind of work they are supposed to do. They are supposed to provide security and yet, they have no houses and vehicles.

From this point of view, I feel that the National Police Service Commission is better placed to handle issues of the police than giving so much power to the Inspector-General.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to oppose the amendments to this Bill.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): I have skipped hon. Baiya for a very good reason.

Hon. Muchai: Thank you, hon. Temporary Deputy Speaker. Initially, I was going to rise and vehemently oppose the Bill on account of its unconstitutionality. Having consulted with the Chairman of the Departmental Committee, he has assured me that my concerns will be taken back to the Committee. There will also be consultations with the Attorney-General (AG). I am of the view that the Bill should be passed.

My concerns stem from Clauses 82 and 83 as proposed to be amended---

The Temporary Deputy Speaker (Hon. Cheboi): Order hon. Member! Hon. Gikaria, are you on a point of order?

Hon. Gikaria: I was, earlier on, but not now.

The Temporary Deputy Speaker (Hon. Cheboi): You were, Okay.

Hon. Muchai: My concerns stem from Clauses 82 and 83 as proposed to be amended. When hon. Kamama was on the Floor, he made it clear that the intention in these Clauses was to ensure that police officers in this country do not exercise their right to form and belong to trade unions, as enshrined in Article 41 of the Constitution.

I have brought to the attention of the Chairman of the Committee that there is a Judgment that was given by the Industrial Court as currently constituted under Article 162(2)(a) of the Constitution. That Judgment was entered on 14th June, 2013 under Appeal No.1 of 2007 by Justice Makau of the Industrial Court. He allowed police officers in this country to form and belong to trade unions for the protection of their interests and for purposes of collective bargaining.

Clauses 82 and 83 are not only unconstitutional, but is against the International Labour Organization (ILO) Convention No.98 on the right to organize and enter collective bargaining. That right is further extended to trade unions under Article 41(5) of the Constitution. The proposed amendments do not allow police officers to form associations that are contrary to Article 41(5) of the Constitution.

In its Judgment, the Industrial Court has clearly interpreted the provisions of Article 24 of the Constitution on the limitation of rights and fundamental freedoms in as far as members of the Police Service are concerned. It has given specific directions to the AG to bring amendments to this House with regard to the National Police Service Act, which limits the exercise of that freedom by police officers. This is by ensuring that they do not take industrial action or participate in trade unions activities.

That Judgment is clear and is known to the Chairman of the Committee. He has given me an assurance that the concerns will be raised with the AG, so that the necessary amendments to this law allowing the formation of a trade union by police officers - but with limitation of their

participation in industrial action - are brought to this House. This will be in complete harmony with the decision of the court and subject to that, I support the amendments.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Very well; let us have hon. Kamanda, Member for Starehe. He is not there! So, let us have hon. Ferdinand Wanyonyi, Member for Kwanza

Hon. F.K.Wanyonyi: Thank you, hon. Temporary Deputy Speaker. May I take this opportunity also, like the rest of my colleagues, to wish the House, Speaker and Chair a happy new year full of fruitful engagements.

I just wanted this opportunity, as a good Kenyan, to also oppose this amendment. I quite agree that there are some areas which are good and others that are very offensive as far as I am concerned. One of the amendments which I quite agree with hon. Muchai is about the Police Force joining a trade union. I oppose it and agree they should amend it.

Two, is the fact that, at the moment--- In fact, I just came from home today. I did not attend yesterday's Session because of very good reasons - insecurity in Kwanza. I can tell Members in this House that we had a problem of a land dispute in Kwanza on Monday. After sitting with the security apparatus in the district, we all agreed that the best thing to do was to take the people who were aggrieved to the plots that they were allocated.

At 11 O'clock, when the District Commissioner (DC) went to the place to allocate the plots, there were signs of insecurity and the Chief tried to contact the General Service Unit (GSU) camp, which is about 500 meters away. The Administration Police (AP) are within the vicinity but they did not take any action until hell broke loose. As I speak now, two people are dead! Unfortunately, one lady who had come to look for her plot was pierced on the head by an arrow. There is a problem of insecurity in this county.

That lady is undergoing an operation at an Eldoret hospital, simply because there was no order at all. As at now, I know the Inspector-General is in charge. The DC actually complained to me personally, as the Member of Parliament for Kwanza, that there is a problem today with the command in the security forces, right from the GSU, the AP and the police; meaning that something is wrong.

These amendments are supposed to streamline the operations and, at the same time, as somebody has said, give too much power to the Office of the Inspector-General. I think that is also very dangerous. I sympathize with hon. Kinyanjui, because he has gone through hell; given that he has a reputation here in Nairobi.

This House should re-think about the amendments that are coming up. I am of the opinion that we actually shelve these amendments until further notice, so as to look at them afresh. What we are doing does not concern the Inspector-General only. The genesis of this, in my view, is because the two gentlemen have been wrangling over power. By giving powers to one person, we are not curing the long term issues of insecurity in this country.

I suggest that morale should be an issue today; as somebody has mentioned. When you go to a police station and look at the way those officers, who are our brothers, sisters and children are living, it actually speaks volumes.

I suggest that we look at the morale and the amenities that can assist our young men who have joined the security forces other than amassing powers to one individual. I quite agree with the Chairman who has done very well in terms of logistics. He has provided security with

enough vehicles. I am happy to say that in Trans Nzoia, we have had about three vehicles. This is the way to go to give morale to our boys in blue out there.

However, to go a step further and take the power from an individual to an office, we are just inviting an elephant in the house. I believe that the best way is to look at the boys in blue and see how fast we can help them. For example, housing in the Police Force is an issue. The firearms they are using is still an issue. Let us look at that instead of looking at the powers to invest in one office. It should not be in one individual. The Inspector-General (I-G) Mr. David Kimaiyo, who is a good friend of mine, will not be there tomorrow. We will have the same problem coming up again.

I move that we oppose these amendments. Let us be sober and wait for the time as we do other small amendments.

I oppose.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have hon. Lay.

Hon. (Ms.) Lay: Thank you, hon. Temporary Deputy Speaker. I wish the whole House, including you, a happy new year. Thank you for the opportunity and I hereby stand to oppose these amendments. Right now, there is so much unrest in the country. Kenyans are so frustrated and part of the frustration is insecurity in the country. I have just received a news alert that they are going to demonstrate on 13th and one of the issues that they are raising is insecurity in the country. Another issue that they are going to demonstrate about is the mutilation of the Constitution. We have created the Commission under the Constitution and if we are to amend the Constitution, we have to amend it to the better and not to harm the people of this country. For example, if we do this, we are going to give the power to the Inspector-General and he will dictate what needs to be done, who needs to be promoted, demoted and who needs to be given what. We created this so that we can see reforms in the Police Force. That is why the Commission was formed. The I-GP is part of the Commission, which means that they have to work together. They have to consult each other. So, there is no way we can see that Mr. Kavuludi has more power than the I-GP because they have to work together.

They have tried to bring reforms in the Police Force; from housing to the welfare of the police officers. This is the work of the Commission. We have seen them working. So, there is no way we can say that we are going to reduce their power and mandate and give it to the I-GP. It is like giving birth to a baby and then later on kill that baby. It is like giving birth to a baby and then telling it: "What are you going to eat? What can you not eat? You can live here and not there." We have to make sure that our country is secure. We have to make sure that there are reforms in everything that is being handled in this country.

For example, the recent police action in Mombasa was so barbaric. The policemen just walked in and started killing people because they were given a tip off that something was going on in there. But it was just people who were praying. There was food that had been given for free and that is why there were so many children in that Mosque. They heard that there was free food in the Mosque.

An hon. Member: (inaudible)

Hon. (Ms.) Lay: This is not a lie. In fact, all the Members of Parliament from Mombasa have compiled a report, which they are going to bring to this House.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. (Ms.) Lay, do not respond to voices other than the voice from the Speaker.

Hon. (Ms.) Lay: Thank you very much. That act was so barbaric. If we are going to give power to the I-G, you can imagine what is going to happen. That incident happened and we saw even young children being arrested and taken to the police station. They were very innocent and did not even know who *Al shabaab* are. They just hear about *Al Shabaab* and terrorism. They do not even know what terrorism is. So, if you are going to give power to the I-G---

Hon. (Ms.) Gathecha: On a point of order, hon. Temporary Deputy Speaker. Is the Member trying to tell us that what we saw on television of youths holding *Al Shabaab* flags and the inscription of terrorism insignia was an imagination, or that was something that was given by somebody else and it did not happen within the Mosque? Please, let us try to stick to some of the facts. Let us not imagine and start protecting people who are here and out to hurt Kenyans.

Hon. (Ms.) Lay: Hon. Temporary Deputy Speaker, I will leave that to the report that is going to come to this House. It will be make it clear for everyone to understand.

My point is that giving power to the I-G is going to make us look like we created something and then did not give it power to operate. We did not give it the mandate and make sure that it operates within its mandate. So, we have to make sure that every Kenyan is secure in this country. We have to make sure that the I-G and the National Police Commission work together. Many times, we have heard that the person who has been put in that seat has no experience or does not know anything about security. If that is the case, then we can remove him and make sure that we put someone there who knows and can handle security issues better; other than say that we do not give them power to do what they are supposed to do.

With that, I oppose.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for South Mugirango. Hon. Kamanda, I gave you a chance and you were not in the House. So, you lost it at that particular point. Proceed, hon. Nyamweya.

Hon. Nyamweya: Thank you, hon. Temporary Deputy Speaker. First, I want to wish you and the entire House a happy new year. I hope that we will debate soberly and reflect on all our discussions so that we can be fair to the country.

As I stand here, I want to oppose the Motion. I want to commend the Committee for doing a very good job. When you read the discussions and the deliberations of the Committee and the recommendations that they have come up with, they do not tally. I have gone through the Report and I am also going through the amendments that they have brought up and I am finding it very difficult to support the Bill. The Bill should form the basis of the discussion and the contributions which they received from Members. The Committee got opinions from various stakeholders. They gave their inputs and after going through the inputs, they sat down and came up with various recommendations. When I go through the recommendations in the Report and the amendments that they are bringing in the Act, we need directions here. The Committee sat down and came up with recommendations, Members have given their inputs and have taken their valuable time. But what is in the Act is completely different from the amendments that have been brought.

I do not know what we need to do. As much as I am against the Bill, we need to have the way forward. Members have given their Report and when you check their recommendations or amendments, they are completely against what is in their Report. What is the basis of this Report? The basis of the Report should be the discussions and the contributions of Members. There are some areas where you find the amendments completely violates the Constitution which we all swore to protect.

I want to bring out specific and detailed sections. Fortunately, the Members did a good job. It is from the Report that they have done that I am trying to bring up. For example, there is this amendment where the police should use force. We know it very well that if we allow the police to use force, there is the liberty of human brings to protection. The Committee says that force should be used on somebody who is escaping from prison and yet, the Constitution protects the sanctity of human life.

Article 26 clearly protects the sanctity of human life. It is very clear that the Committee supported the submissions that were given by various bodies, but came up with amendments that are against the very Constitution that we protect. We do not need somebody to go to court to tell us that what we have passed as the Members of Parliament is illegal. We can see it straightaway. It is illegal. So, why should we pass it and it is very clear? That is one Section which the Chairman needs to look at with his Committee. We are here to support the Committees' work. They have done a good job but when you look at the amendments, I find it very difficult to support them because they are against the Constitution. That is one Section.

There are some amendments which are very good and in line with the Constitution. That is perfect, but the bulk of them are not in line with the Constitution. It is a small thing that spoils everything. The best thing is to clean this and give us a good Bill and we will pass it. We do not want to take this country where it was some years back. We had a police state in 1979, 1981 and 1982 and many people were killed. What the Police Commissioner said then was the law and nobody could oppose it. Unfortunately, the character of the person who is in office at the moment, if we give him more power, we will transform this country into a police state. Therefore, Members, I want us to go back. The Constitution is very clear and it is quoted by the Committee and not me. Articles 249(2) and 246(3) of the Constitution, when you go through them, we cannot get the Cabinet---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Nyamweya. Is hon. Gikaria on a point of order?

Hon. Gikaria: On a point of order, hon. Temporary Deputy Speaker. Is the Member in order to indicate that the character who is there as the I-G, if he is put in office, we will put this country into a police state? He is already in office and we do not have a police state. He went through a process of the same constitution where he was vetted among so many others and he was picked as the best? Is he in order to mislead the House that the person in the Office of the I-G right now does not deserve to be there?

The Temporary Deputy Speaker (Hon. Cheboi): That is a valid point of order. Hon. Nyamweya, if you can put your point without necessarily casting aspersions.

Hon. Nyamweya: Hon. Temporary Deputy Speaker, when hon. (??) was contributing, he gave a very clear history, which is ---

Hon. Gikaria: That is personal.

Hon. Nyamweya: It is not personal. It is the whole office. That is how it is behaving with the powers that are in that office. That is the point I am raising here. But more importantly and more fundamental, we want to bring in the Cabinet Secretary. The Constitution of Kenya is very clear that the Cabinet Secretary is not required at all. The Commissioner has been given unvetted authority to run the Police Force. So, what effect, advantage or help will the Cabinet Secretary bring except to interfere with the office?

Hon. Gikaria: But it has been removed in the amendment. It is not there.

Hon. Nyamweya: The further amendment. Then I agree with you. That is why I had said that I wanted this earlier. Thank you for making that clear to me. Another issue---

The Temporary Deputy Speaker (Hon. Cheboi): Members are encouraged not to exchange on the Floor because it brings some confusion. I would rather, if there is an issue, we have channels through which we can raise them. Proceed, hon. Nyamweya.

Hon. Nyamweya: Hon. Temporary Deputy Speaker, let us support and I will urge the Chair to go back and come up with clear amendments, which do not give one human being a lot of powers. You know, power corrupts absolutely. This has happened before. Do not take us back from where we came from. This has been the problem when you give one centre such powers like you want to give the I-G. This country will be in chaos. Even the Kriegler Report clearly states that we should not do that. That is why we have the new Constitution. Let us have offices where no single person is vested with powers. If an officer has to have power, it should be a Commission's power, so that people can debate and agree. Administratively, he can do his job and it is given in the Act.

I reject this and request the Committee to use the information which they have put together to come up with amendments according to the information and conclusions that they have made in the Report. They are not allowed to go anywhere. The information which is in this Report, which they have, should be used to do the amendments. They have done a good job, but the amendments they have brought do not tally with the deliberations and the discussions.

Therefore, I oppose.

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker, for giving me an opportunity. I think there is a very basic issue here, which is what seems to be a contradiction between Article 245(2)(b) of the Constitution and Article 246(3). We are using what seems to be that apparent confusion to go back and renege on the gains that the Constitution brought to us.

When we had problems in 2007/2008, the Police Commissioner had all the powers that we want to give back to the I-G today. Why did it not work? We are claiming that there is no order and no clear way of giving orders and following them. But that was there before. What was noted and was the main problem was basically too much power was concentrated in one person. The Constitution decided that we split them.

What we are doing is really going against the spirit of the Constitution by taking advantage of what we see as a contradiction. I do not think that, that is the best way to do it. All of us talk to police officers, the rank and file, and all of them are saying: Do not kill our Service Commission. The way police officers have been treated and promoted--- It has been one person or a few people sitting and deciding that this person will go here and that person will do this. That has brought a lot of discontent within the Police Force. I do not think we should use this simple problem in the Constitution to renege and go backwards on the gains we have made in the Constitution. That is key. If we do that, the discontent in the Police Force will be worse than what we are seeing even now, leave alone the terms of service and so on.

People have said many things, but that is the basic issue. Therefore, let us not go backwards. If we want to correct issues in the Constitution, as some people have indicated, let us go for a national dialogue and look at all areas of the Constitution where we have a problem and set them straight. We agreed, even those of us who are very green, that there were some problems and these are the small problems. Let us face them. But us not use them to go backwards on the gains that we have made.

With that, I oppose.

Hon. Gikaria: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to support these amendments. I am a member of the Departmental Committee on Administration and National Security and we had the advantage of meeting so many stakeholders who gave out views regarding these amendments. I disagree with one of the Members who said that the views in our Report contradict the amendments that have been brought. I want to say here that they are not contradicting.

A Report starts from the very first day up to the day the Report is written. On the first day, we could not have met some of the stakeholders who---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Gikaria! Is that the hon. Member for Bondo walking up--- Proceed!

Hon. Gikaria: Hon. Temporary Deputy Speaker we had an opportunity of meeting the Commission and we wrote some of the issues in form of minutes. At the end of it though, we summarized the Report and it has some amendments, many of which are being alleged to be unconstitutional. The amendments in the Report were proposed in good faith. They are for purposes of trying to address the issue of insecurity in the country, as a result of lack of command. The people who are opposing this Bill are giving us the same reasons we highlighted on why we should give more powers to the Inspector-General. The insecurity in this country has existed because of the confusion that has been there and it is not right.

Hon. Nyamweya: On a point of order, hon. Temporary Deputy Speaker. I want the hon. Member to check the minutes of 24th September, 2013. Under Minute 98,/2013 they resolved at the meeting--- I will go through it.

The Temporary Deputy Speaker (Hon. Cheboi): I just---

Hon. Nyamweya: Hon. Temporary Deputy Speaker, I want to confirm that what I said is based on the Report. In the Report they did, they have said that, that Section should be deleted because they do not want the police to use force. That is consistent in all the meetings they held. When we go---

The Temporary Deputy Speaker (Hon. Cheboi): You have made your point, hon. Nyamweya. I do not want you to---

Hon. Gikaria: But he is saying that I am lying.

The Temporary Deputy Speaker (Hon. Cheboi): I hope you did not use that term hon. Gikaria because that will be un-parliamentary.

Hon. Gikaria: Hon. Temporary Deputy Speaker, if you look at the very last amendments, you can see that there are some words which have been included just before “life and property”. That is what we said in the very last meeting that we had. We looked at that and we adjusted it. In fact, it is not a further amendment. It is what we agreed on in our last meeting when we were doing the Report. We agreed that we needed to include some of the words such as “reasonable” and “justifiable”. Indeed, that is what is in the Report.

If you look at some Sections in the principal Act, the Cabinet Secretary had powers to give directions. Those powers have since been removed. The Cabinet Secretary no longer has those powers. That has been mentioned severally, for example, where it is stated “in consultation with the Inspector-General.” That has been replaced with “the Commission”.

If you look at the issue of firearms, this has been blown out of proportion. The schedules indicate the conditions under which firearms can be used. This is very specific. It is also very difficult to understand this: If you cannot stop a person who holds a simple gadget like a mobile phone which is my property--- If I refuse and hold on to it and that gangster is determined to get

it--- I will tell you that I lost two people over the weekend just because they refused to give out their mobile phones. So, if police confront people in that situation, what will they do? This morning at about 7.30 a.m. in Nakuru, three young men on a motorbike stopped and robbed two women and then drove off. They pulled out a pistol.

What we want to say is that the use of firearm with regard to protecting life and property is justifiable. We met many stakeholders. People might not understand, especially the hon. Members who have security men in their vehicles. The people in the rural areas with, say, a herd of five cattle or with mobile phones, are the ones we are talking about. We are saying that the use of firearms is justifiable with regard to protecting property.

I have a friend who was operated on and he has now joined the family of the disabled. He cannot use his right hand. He got a few stabs just because of a mobile phone. This is what we are trying to avoid. It is not that we are giving the Inspector-General powers. This is just a simple constable in my region doing his duties. Where does the Inspector-General come in. This is somebody who is trying to do his duties in my small estate in Nakuru. So, the Inspector-General should not---

If you look at the quorum issue, the few days we met the Commission and the Inspector-General separately, the Commission complained so much about the quorum; that if three people decided not to go for a meeting, then that Commission would lack quorum. They were complaining about that. We made some amendments from five members to six members. Of course, it is specified that this number must come from this and this other number must come from the Constitution as stipulated under Article 246(2) and (3). That way, we can have harmony within the Commission itself.

Hon. Temporary Deputy Speaker, it is unfortunate that we keep on talking about human rights and the right of association and joining groups. The teachers were out on strike for a month. I can also remember that there was some disquiet in the Prisons Department for only a few hours. You can imagine what happened there and yet, the people there are within some confinement. You can imagine the day the police will decide to join a union and their leadership says that they are not going to work. I do not want to believe that I would want to be a leader in a country where police are given an opportunity to join unions. If that happens, we will have chaos. This country will become unmanageable.

There is the issue of vetting of police officers. The disharmony within the National Police Service has mostly been because of promotions.

However, if you look at the vetting process that is going on, it is coming out very clearly that this country is heading in a direction where we think the Police Force is going to improve because of the vetting and, of course, promotions. The Police Force is a disciplined force. But you find somebody could have gone to class, is very good but he is very indisciplined. That is not a person who needs a promotion unlike a person who is out there attending to his responsibilities on time every time. Such a person deserves promotion on merit. So, the aspect of vetting in the Police Force is good.

Hon. Temporary Deputy Speaker, it is unfortunate that this Constitution came in order to bring---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gikaria, you should be winding up now!

Hon. Gikaria: Thank you, hon. Temporary Deputy Speaker. We enacted the Constitution in order to bring in good things. But when we allow police officers who are

transferred by their superiors to go to court and defy those transfers is a recipe for chaos. We will have a Service that has no control. We need to look at it, especially the transfers. Recently, a few ladies from the Administration Police (AP) were caught selling illicit brew right at the heart of Nakuru Town. They had opened bars and they were selling beer when they were off duty. They were transferred but they went to court to stop those transfers. Where is this country headed to? So, these are the issues we need to look at.

Lastly, I would like to talk about the attack in Mombasa. It is very unfortunate. We saw very clearly what happened in that mosque. Those people should be in the fore-front of preaching peace. Such a place of worship should be used for such kind of purposes. I concur with the President when he said that he will not allow places of worship to be used to threaten the lives of Kenyans.

Hon. Temporary Deputy Speaker, I stand to support the amendments.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the hon. Member for Bondo.

Hon. Ogolla: Thank you, hon. Temporary Deputy Speaker. I want to speak, maybe, to three things very quickly.

(Hon. Abass raised both his hands)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Abass is raising his hands. Hon. Abass, you are next. Proceed, hon. Ogolla.

Hon. Ogolla: Thank you, hon. Temporary Deputy Speaker. I want to speak to basically three things in a very short manner. One, the things that are facing us in terms of security and police are more to do with professionalism in the institution. They are issues to do with ethics and relational arrangements between the police and the other sectors of the society. They are not necessarily issues of command. I think that is where there is a little bit of a difference and a problem between what the Bill has and what we actually experience. The Bill has not come up in a proper manner in trying to address the whole issue of professionalism in the police. It is not handling issues of ethics and relations and those are some of the things that we have been seeing. We have experienced them in a negative manner in the Kenyan society. So, I believe if we did not use issues of command as answers to some of the problems that we experience, then the Bill will be making some good headway in terms of inculcating professionalism in the police institution.

However, the more we try to emphasis on command, the more we are also creating or placing levels of resistance. I think that has been the biggest problem that we have had. In terms of rankings, the higher an officer is the more space is created for resistance and that is not getting solved here by the Bill. So, it is the whole issue of ethics.

The other thing that I want to really bring out - and it has been brought out quite well - is the whole issue of the contradictions that the Bill and even the Act initially had in relation to the Constitution. There is no one institution that can speak very well to this other than the Commission on the Implementation of the Constitution (CIC). The Committee had a chance to meet with CIC. The CIC has many times also brought in some of the things that they thought would have been more useful. If you look at some of these things - and I just want to isolate one - one of my good friends has been talking about it in terms of the issue of firearms and property.

The CIC talked to the Committee and one of the things that the CIC said - and if you allow me to quote - is on Article 26 of the Constitution. It says:-

“The issue of using firearms for protection of life and property needed to have stopped at protection of life not and property.” The CIC mentioned stated:-

“The proposed amendment violates the rights to life by permitting extra judicial intentional killing of persons held in custody and escaping custody. There can be no justification for this proposed amendment. That is because Clause 54 as the existing provision that allows for use of force in a case where a prisoner escapes and threatens the life of another. There is no justification for killing a human being to defend property where there is no threat to life.”

These were the words of the CIC to the Committee. So, when we still have a provision in the amendments still talking about protection or using firearms to protect property. I think this is not very right and this is one thing that the Committee might want to look at again for purposes of improving the amendment.

The other thing that is out clearly is the number of times that consultations are talked about in reference to the relation between the Commission and the Cabinet Secretary. I think this is something that needs to be looked at afresh; such that we do not need to interfere with the independence of the Commission because of constant back and forth consultations that the amendment is talking about. The question is whether we need to allow the Cabinet Secretary to be consulting constantly with the Commission. Then that erodes the kind of independence that we are talking about.

Related to that is also the whole issue of where an aspect of the amendment is taking away the Directorate of Criminal Investigations as established in Article 247 of the Constitution. The amendment has deleted that. It has taken it away. So, this is something that I think needs to be looked at afresh. If we looked at all those, in my view, there are certain aspects of the amendment that are right and that can be improved on. When that is done, I want to believe that the amendments will be much in order. Let us introduce professionalism the institution of the police. We should talk about how to take care of issues of ethics. We talk should talk about issues of relationships or relational arrangements between the police and others, rather than constantly focusing on the issue of command. That is because the amendment is really talking about issues of command in the AP and the regular police and not necessarily talking about how the command is as related to the kind of experience that we have in the society.

Thank you a lot, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have hon. Abass. I am just curious hon. Gikaria. Is it that you have two cards?

Hon. Abass: Thank you, hon. Temporary Deputy Speaker. First of all, I want to also join my colleagues to wish the House well and all my colleagues who are in the House.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Abass. Hon. Gikaria, you need to remove your card from the request slot because you have already contributed. Do you have two cards? Okay. Proceed, hon. Abass.

Hon. Mohamed Abass: Hon. Temporary Deputy Speaker, I rise to oppose the amendments. Those of us who come from a police-run region like northern Kenya know what the Police Force has done to our people. They have committed atrocities for many years and there are many Kenyans who have been unaccounted for, including prominent people from this House in the past. Innocent Kenyans are today physically handicapped because of police brutality and as a result of excessive use of force. We have also had extra-judicial killings. If we

allow the amendments, we are taking Kenya back to the old days when this State used to be run by the police.

Hon. Temporary Deputy Speaker, we know that there are some teething problems but one thing I can tell you is that this country now breathes a sigh of relief as a result of the new Constitution. Kenyans can now challenge police brutality, the excess force they use and their action.

If I take you back, you will find that there are very numerous massacres, innocent killings and people who have been detained in police stations. Up to now, we cannot account for very many Kenyans as a result of the police using excessive force.

Hon. Temporary Deputy Speaker, the other issue is that we cannot allow the trigger-happy Kenya Police to be given the mandate to just fire at their own will. That is because of their previous actions. They have shot many Kenyans. Many innocent Kenyans have died in their hands but they always deny that. They plant funny ammunitions and pistols. They say that they have killed somebody and the following day, you find that, that person was innocent. If this House now wants to bring back the trigger-happy policemen and give them the mandate, it will be very unfortunate for us.

In this country, you will see police officers walking with guns everywhere, as if we are in a state of emergency. Police officers are walking with guns in every corner of Nairobi but still, people are being robbed during the day. People are also being killed under the watch of police officers. I do not think that by giving them more powers and ammunition, they will be able to help us. We must be able to find a solution to the problems.

I know that police officers are ill equipped and are poorly remunerated and housed, but that does not warrant them to watch Kenyans being killed every day.

I do not think there is any problem with police officers joining unions because they have a right like any other Kenyans. The police of today are not the police of yester-years, when we used to have illiterate police officers. We used to recruit herders and the like. Today, we have well educated Kenyans who know their rights and are able to argue out their problems.

If a commandant sacks an officer without any representation just because they disagree over petty social issues, it is very unfair. I support the police to join a union. Maybe, we can say that certain cadres cannot join a union.

Hon. Temporary Deputy Speaker, the current Inspector-General of Police's problem is a teething problem and it is not a big deal. It is something that we can sort out. Maybe, one of the guys wants the *status quo* to remain while others refuse change. I think that will end soon. It is just a small teething problem which we can sort out.

I know that there is confusion in terms of order and command. That is because in this county, we have the AP Commandant and the Regular Police Commandant. We also have the CID Commandant. There is total confusion. That is not the making of the Commission. It was bad thinking. I do not know what happened.

If at the top we have the Inspector-General of Police, then we are supposed to have one commandant who commands the entire police in the county. What is happening currently is a teething problem. This is a deliberate move to cause confusion among the police. That is because if you can have one Inspector-General of Police and two Deputy Inspector-Generals of Police, then why do you want to have four or five county commandants? It is very wrong.

Hon. Temporary Deputy Speaker, honestly, our police officers are underpaid and are not promoted on merit and using qualifications. This is at the discretion of some commandants and yet, that should not be the case. That is why we need to have the Commission.

We have the Public Service Commission and the Teachers Service Commission. The Public Service Commission is functioning concurrently with other civil servant commands. The Teachers Service Commission is also functioning and we have the TSC Secretary. Equally, we must have the Police Service Commission to promote officers on merit, depending on their qualifications and take care of the welfare of police officers.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to oppose the amendments.

The Temporary Deputy Speaker (Hon. Cheboi): We will now have hon. Lentoimaga and, thereafter, we will have hon. Baiya because he has sought permission. You remember I said that we will skip him because of that.

Hon. Lentoimaga: Thank you, hon. Temporary Deputy Speaker. I want to join my colleagues in wishing you and Members a happy new year. We are energized. I must also thank God that all of us have come back in one piece.

I rise to support these amendments. I do so because I am the Vice-Chairman of the Departmental Committee. I know that we did very good work because we discussed with all the stakeholders in our meetings. When we held meetings together with the stakeholders - including the Commission on the Implementation of the Constitution (CIC), officers from the Office of the Attorney-General and the Commission, the only thing that arose from the meeting that was against the interest of the stakeholders was life and property.

We were in concurrence with them with regard to the rest of the amendments and they supported them. Even the Commission realized that the differences they had were hurting the performance of the police. For people like me who have a background in security, the Police Force is not the Ministry of Health and neither is it the Ministry of Education. They do not operate the way those ministries operate. That is why they go to Kiganjo and the Administration Police Training College (APTC). That is a command-driven organization, a disciplined organized and a uniformed organization. The staff operate on orders. That is how it happens all over the world. So, these amendments are trying to rectify the problems which are there.

On the issue of policemen going to court to challenge their transfers, it is because of the way we are doing things now. We are trying to make policemen look like school teachers where people do not respect their seniors.

The Inspector-General of Police is not being empowered as such. After all, it is just a four-year term. The tenure is just four years and we get another one. We are not trying to empower one person. It is an institution or an office which does not belong to Kimaiyo or Kavuludi. That is because all of them are working for the interest of Kenyans. We agree that there has been a problem of security in the whole country and the Police Force has even changed its name. It is now called "the National Police Service".

I want Members and Kenyans to support the police because they are our brothers, sisters and sons. It is us who can rectify the problem. They are demoralized the moment we start throwing stones or making a lot of noise. Already, their morale is very low because the civil society or the Non-Governmental Organisation (NGOs) are attacking them a lot.

When 50 policemen were killed in Baragoi, no NGO made a lot of noise or went to court. It is like they were dogs which were killed. However, if one Kenyan is shot by a policeman, the whole country is turned upside down. We are saying that those people need our support.

Hon. Temporary Deputy Speaker, vetting is going on and we have seen a number of officers being thrown out of the Police Force. Therefore, I want to say that by giving the Inspector-General (I-G) that operational decision-making, we are going to assist him.

An hon. Member talked about the Teachers Service Commission (TSC). Even at the TSC; there is that person who runs the organization on a day-to-day basis. That is because if you start saying that everything must go to the Commission, you are creating a bureaucracy and yet, the policeman need to do that work at that particular minute and a decision has to be made. But if you wait for a Commission to make a decision after a week or a month, lives will be lost and many decisions will not be made. That will aggravate the problem. Therefore, these amendments are actually meant to give the I-G's office that mandate of taking action as problems arise. We have not gone out of what the stakeholders had told us. They gave information and they told us what is wrong; including even the Cabinet Secretary's involvement in decision-making. We were told what to remove and we removed it.

Therefore, we need to support the police so that issues of two or three command centres in the county or even in the constituency do not arise. That is because the I-G will be making decisions to ensure that the buck stops with only one person at the constituency and even at the county level.

With those remarks, I beg to support.

Hon. Baiya: Thank you hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. May I also join my colleagues in wishing the House a prosperous and fresh new year, after resuming the business of the House this Session.

I wish to contribute to this Motion and basically support the amendments contained in this Bill. Looking at the overall spirit of these amendments, they are meant to address the issue of implementing police reforms. This is one of the mandates that the country undertook with the passage of the new Constitution. It will be recalled that when we actually passed the initial National Police Service Act, which was done few month to the general elections, the country was really in hurry to ensure that it had a new I-G just before the elections. There was no time for exhaustive consultations and that is why what was enacted created challenges when it came to implementation. We wanted the National Police Service Commission to work parallel with the I-G. When this kind of problem affects the security section of the Government, it is very serious. That is because it compromises the country's security. Therefore, these amendments are meant to address and cure that initial challenge, and they are very worth supporting.

Hon. Temporary Deputy Speaker, if you listen to hon. Members, they raise complaints from their constituencies. No other aspect attracts as much complaints as the security docket. Therefore, we urgently need to implement police reforms with a view to having a reformed police system and one which will really be in charge. The worst that can happen is to have multiplicity or doubt as to who has the power or the right to do what. That cannot really be entertained.

Hon. Temporary Deputy Speaker, when you look at the spirit of the Constitution, the whole idea of the Constitution was not to undermine or weaken the command structure of security operations. It was meant to develop a check and balance mechanism. That is where the National Police Service Commission comes in. It is a Commission which operates parallel with

an institution and it can actually take issue with decisions it feels are doubtful regarding what the I-G does. But it cannot be expected to be involved in day-to-day operations. More so, when it is not headed by professional policemen, it means that it is essentially a supervisory role with regard to overall responsibility of the I-G. It exercises provisory and developing policies. That means that even if the Constitution speak about transfers, promotions and so on and so forth, the I-G is part and parcel of that NPSC. So, there is a linkage between what he intends to do and the Commission. This should give him the approval and the harmony that is lacking. Otherwise, it is very unfortunate when some Members make contributions indicating that they would wish the country to remain in a scenario where there is instability in the command structure; a situation where even when a transfer is done, a police officer rushes to court challenging the I-G's power to actually carry out that transfer.

Hon. Temporary Deputy Speaker, to allow that kind of scenario is really very prejudicial to the country to the extent that amendments are seeking to cure that problem. I believe we ought to support them in keeping with the intention of the police reforms that we intend to carry out.

There are problems with vetting. This was actually a requirement of the law and also of the police reforms. It came out from the investigations of the commissions that were set up to undertake an overview of the challenges facing the police. That is how this recommendation came up. That it would be imperative to conduct vetting process akin to what the country did with the judges. That kind of vetting is not popular with the officers who are involved. But for us to just come here and dismiss those vetting processes saying that it amounts to victimizing those who may really be found that they are wanting in terms of the review process, I would really view that as pedaling the country's reform process backwards, which is really not going to help this country move forward in terms of addressing the challenges of security in this country. I would really only want to see that even as the hon. Member who made that contribution is not here, and I do not want to mention his name, but it is important that the country settles the issue of the integrity of serving police officers. They should be vetted. Those who are found wanting in terms of integrity and in terms of adherence to professional ethics of the security docket, should be allowed to allow the country to re-invent the system once more. The terms upon which they are being done is fairly friendly recognizing that the country is not heaping blame on them. It is only that the country is prepared to give a fresh start to the challenges of insecurity in this country.

Therefore, this House, having supported both the Constitution and also the statutes that were meant to usher in this reform process, it should also consider these other challenges which are actually feedback arising from the implementation of the initial statutes that we passed. The problem is there and it is quite apparent to everybody. We do have gaps arising from the command structure. We should not allow that. I believe the purpose why the Commission was set up was to confirm to every police officer that the country is committed to ensure that there will be clear professionalism within the Police Force. The promotion system, transfers and disciplinary action will not be decided only by the Inspector-General. There will be an opening where the Commission can actually review those decisions before approving them. But to attempt even in the list to water down the capacity of the Inspector-General ---

The Temporary Deputy Speaker (Hon. Cheboi): Okay. One minute.

Hon. Baiya: Thank you. To water down the ability of the Inspector General to sustain an independent command, would really be to invite anarchy and chaos from the one Force that is in charge of maintaining law and order in the country.

At the Third reading, we really urge Members to consider the specific areas rather than complain that the amendments are generating broad powers. We would rather look at these individual amendments rather than throw away this amendment Bill. With those remarks I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Rashid Juma Bedzimba.

Hon. Bedzimba: Ahsante sana Mhe. Naibu Spika wa Muda. Nasimama kuunga mkono Mswada huu kwa sababu haya mazungumzo tunayoyazungumza hapa, tunayazungumza kwa sababu wa usalama wa kitaifa. Usalama wa kitaifa ni jambo la muhimu sana. Na ule ukosefu wa usalama unaonekana taifa nzima, ni kwa sababu hakuna sehemu maalum ya kutoa amri. Ikiwa tutaweza kutoa nguvu ama tutapeleka nguvu kwa ofisi moja, itakua ni rahisi kwetu sisi, kuweza kuelekeza kidole kwa ofisi moja na kuwaambia: “Wewe ndio umekosea. Tueleze ni kwa nini usalama unazorota.” Lakini hivi sasa, imekua ni vigumu kwa sababu, ofisi ya Inspekta-Generali haina nguvu zile ambazo inatakikana kuwa nazo. Mimi nazungumza nikiwa na ujuzi kwa sababu nimefanya kazi katika Kikosi cha Polisi. Kwa hivyo, mimi najua. Ikiwa ofisa wa ngazi ya chini hatajua ofisi ya idara yao kuu ikiwa haina uwezo wa kumuhamisha mahali alipo, kumpandisha cheo ama kumshukisha cheo, basi kazi yake itakua, si ya ukakamavu. Atakua anafanya kulingana na matakwa yake yeye. Lakini akijua kwamba Ofisi ya Inspekta-Generali ina nguvu, inaweza kumtransfer, inaweza kumfuta, inaweza kumuondoa, basi nina imani kwamba atafanya kazi nzuri. Ni kweli kwamba kuna maofisa ambao hawafanyi kazi vizuri. Ni kweli si wengi lakini wachache wapo. Lakini ikiwa tutatoa nguvu kwa ofisi ya Inspekta –Generali, atakua yeye na nguvu za kuweza kumuadhibu. Lakini kwa sasa, naona hata akiseme: “Wewe nakupa uhamisho”, imefikia wakati mtu anaenda kortini kuzuia uhamisho huo. Mimi naomba kwamba tuangalie sana usalama wa kitaifa. Ikiwa twapinga, tupinge kwa sababu. Lakini hivi sasa, hali inavyokwenda, ikiwa tutamnyima nguvu Inspekta –Generali, tutarajie mabaya zaidi yanayoendelea.

Kuhusu upande wa Masjid Musa, naona imezungumzwa hapa. Ikiwa mtu hana ufahamu wa mambo yalioitokea, si vizuri kuyachangia ama kuyajadili. Kuna ripoti ambayo tunaitengeneza rasmi, ambayo tutaileta, ambayo pia ni katika usalama wa taifa. Kama ingekua nguvu ziko kwa Inspekta-Generali, leo tungekua twazungumza na Inspekta-Generali na kumuuliza maswali. Hata kama kungekuwa na kidole cha lawama ama cha kupongeza, ingekuwa ni ni kwake, Lakini sasa hatujui ni nani tumlaumu.

Katika msikiti huo, kulikua na vikundi vitatu. Kulikua na kikundi kilichokwenda kula chakula. Kuna kikundi kilichokwenda pale kufanya ibada. Kuna kikundi kilichokwenda kufanya ibada na kufanya mengine yao. Kwa hivyo, sio wote waliokuwa katika msikiti ule walikua ni wahalifu. Na ndio maana hivi sasa korti imewaachilia watu zaidi ya 40 wakiwa hawana hatia. Kwa hivyo, mtu asielekeze kwamba Muskiti wa Masjid Musa ni mahali pa uhalifu. Pengine ni watu wachache wanaokwenda kuabudu pale ni wahalifu. Lakini siyo Muskiti wenyewe. Pale ni nyumba ya Mungu. Tunapaheshimu, na kila mtu anapaswa kupaheshimu.

Mhe. Spika, ningependa tumpe nguvu I-GP kwa sababu kuna mvutano kati ya makamanda kwenye kaunti. Kamanda mmoja akitoa amri, mwingine anapinga. Kamanda mmoja akiwaamuru askari waende mahali fulani, kamanda mwingini anawaamuru waende mahali pengine. Kamanda mmoja anasema jambo fulani lisifanyike, huku mwingine anasema lifanyike. Kwa hivyo, usalama wa kitaifa utazorota zaidi ikiwa hatutampa nguvu I-GP.

Kwa hayo machache, naunga mkono Mswada huu.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have hon. Kiuna for one minute. You will use your remaining time in the next Sitting.

Hon. Kiuna: Thank you, hon. Temporary Deputy Speaker. I stand to support this Bill. The kind of insecurity that we are experiencing in this nation is due to the fact that, we do not have enough security personnel. Wherever they are, they are very demoralised because they do not know what the future holds for them. Every day, we hear of many cases of highway robberies, cattle rustling and many other forms of crime. That is because our police officers are so demoralised that they have almost given up. The major reason for the low morale is that they don't know what the future holds for them.

Therefore, we need to give the National Police Committee (NPC) and the I-GP additional powers and enough tools to enable them do their job. You will find a police officer on duty being attacked by thugs and yet, he has a firearm. But he or she cannot use the firearm because ---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Kiuna! You will have eight minutes when this debate resumes next time.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, it is now 6.30 p.m. Therefore, the House stands adjourned until tomorrow, Thursday, 13th February, 2014 at 2.30 p.m.

The House rose at 6.30 p.m.