

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 10th February, 2015

The House met at 2.30 p.m.

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

### PRAYERS

### COMMUNICATIONS FROM THE CHAIR

#### DEMISE OF HON. GEORGE MUKURU MUCHAI

**Hon. Speaker:** Hon. Members making their way in, kindly take your seats.

*(Members took their seats)*

Hon. Members, as you are all already aware, the morning of Saturday, 7<sup>th</sup> February, 2015 was a sad day for the National Assembly and indeed the nation as a whole as we lost one of our most vibrant colleagues, the hon. George Mukuru Muchai, Member of Parliament for Kabete Constituency. The hon. Muchai, together with his two bodyguards and a driver, lost their lives when they were attacked along Kenyatta Avenue in Nairobi.

Hon. Members, our records indicate that the late hon. George Muchai was born on 22<sup>nd</sup> July 1949. He attended St. Michael Primary School between 1956 and 1963 and Highway Secondary School, Nairobi between 1964 and 1967. He obtained a certificate in Electrical Installation Trade Test from the Railway Training School in 1974. Later, the hon. Muchai attended the Kenya Polytechnic where he was awarded a certificate in Electrical Installation Technology. He thereafter undertook several courses including a certificate in Conciliation and Mediation from the International Labour Organisation (ILO), a certificate in Organised Labour from the US Department of State on Labour and a certificate in Strengthening Labour Administration Systems in Africa from the African Regional Labour Centre, Harare Zimbabwe. He also attended many labour related forums regionally and internationally.

Hon. Members, as you are aware the late hon. Muchai was an active and vibrant member of the labour union movement having been elected as the General Secretary of the Bakery, Confectionery, Food Manufacturing and Allied Workers Union in 1984. This was a position he held until his death owing to his passion for and responsiveness to the needs of the people he represented. His empathy and humility largely endeared him to the workers of this nation and saw him overwhelmingly elected as the Deputy Secretary of the Central Organisation of Trade Unions (COTU) in 2001. Indeed, he never lost an

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opportunity to air the problems that befell the masses, especially workers, whom he has continued to represent for the last three decades.

Hon. Members, the late hon. George Muchai made his debut in national politics in the run-up to the 2013 General Elections when he successfully vied for the Kabete Constituency seat. His swift mastery and grasp of parliamentary business ensured that his contributions were keenly followed by all; particularly his contributions on legislations related to the labour and education sectors were insightful and tremendously enriching to the matters under debate. Of specific mention was his passionate participation in the debates during the Committee of the whole House on the Kenya Qualifications Framework Bill, 2013 which was passed by the National Assembly at the tail-end of the last session. He was also an active member of the Departmental Committee on Labour and Social Welfare as well as the Budget and Appropriations Committee.

Hon. Members, on behalf of all Members of the National Assembly and the Parliamentary Service Commission and indeed on my own behalf, I wish to take this opportunity to condole with the family of the late brother hon. Muchai, the people of Kabete Constituency and his friends for the loss of this great trade unionist and a people's defender at this trying moment. As the National Assembly, we assure the family of our support during this period of great sorrow.

Finally, let me reiterate our earlier call to all the concerned security agencies to speedily and urgently investigate this heinous act with a view to bringing the perpetrators to book. It is only through this that the nation and indeed the family, some of whom witnessed the atrocious act, will rest knowing that justice, and indeed the inviolability of every life as enshrined in our Constitution will have prevailed.

In tribute to our departed colleague, I request that we all stand to observe a minute of silence.

*(Members stood up and observed a minute of silence)*

**Hon. Speaker:** Hon. Members, I have received requests from several of you that you would want to express your condolences and sympathy and empathize with the family of the late colleague. But, hon. Members, today being the first day, I will allow you to do that when we get to Order No.7 because we do not have any Statements. So, the requests have been noted and they will come when we get to Order No. 7.

May I request those who are making their way in to, please, do so quickly, so that we can do the other Communications. Hon. Yusuf Hassan, please make your way and take your seat, so that we can make this Communication.

DISORDERLY CONDUCT OF MEMBERS  
ON 18<sup>TH</sup> DECEMBER, 2014

Hon. Members, I have this second Communication. Allow me to welcome you to the Third Session of the National Assembly. It is my hope that we shall have a fruitful year despite having begun on a sad note as noted in my earlier Communication regarding the demise of our colleague, the late hon. George Muchai.

As you are aware, the events that took place in the House during the last Session, the last Special Sitting, brought the dignity of the House to its lowest ebb ever. You will agree with me that the conduct exhibited by most Members on Thursday 18<sup>th</sup> December, 2014, can only be described as despicable and shameful as the image of the august House was thrown into serious disrepute. You will recall from a Communication I had made earlier that day that there was fast degeneration in the propriety of our conduct, manners and reference to each other in speeches. In addition, Members were witnessed creating disorder, using or threatening violence against colleagues and/or abusing their privilege. Members also showed disrespect towards presiding officers while others threatened to take away the Mace during proceedings. This was objectionable and a serious breach of our Standing Orders.

Hon. Members, I was greatly disturbed by these series of events. I take this opportunity to implore you to once again familiarise yourselves with the provisions of the Standing Orders regarding rules of debate and order in the House and in the Committee of the whole House, and particularly Standing Order Nos. 98, 102, 103, 104 and 107 to 112, which should provide you with the requisite guidance on the breaches and sanctions that follow disorderly conduct in the House.

Article 124 of our Constitution empowers the House to make Standing Orders for the orderly conduct of its proceedings and its Committees. A House of Parliament has complete authority concerning its procedure so far as it is not limited by the Constitution and any other relevant law enacted by Parliament. Any action taken by the House on a Member under its Standing Orders, whenever such of its rules are breached, cannot be challenged by any other authority. And for this, I would like to refer to the Mason's Manual on Legislative Procedure, the 2010 Edition, which says:

“The provision of the Constitution that each House shall have power to determine the rules of its proceedings is not restricted to the proceedings of the body in the ordinary legislative matters, but extends to determination of propriety and effect of any action taken by the body in the exercise of any power, in the transaction of business or performance of any duty conferred upon it by the constitution.” As I stated that day, the Standing Orders, practices and rules of the House are designed to ensure that you exercise your privilege of free speech while maintaining courtesy of language towards other Members in debate and proper decorum as befits your stature. I wish to reiterate that any future acts of grossly disorderly conduct in the House, including disgracing or removing the Mace will be met with the greatest severity of discipline allowed by the Standing Orders and practices of the House.

Hon. Members, I, therefore, call upon all of us to agree in one accord never to have a repeat of such an abhorrent incident irrespective of our differences. Let us learn to dialogue and build consensus through consultation and compromises. Remember, Parliament is commonly described as the “august House”, which word connotes “honour and dignity.” We, therefore, have an obligation to espouse such behavior and deportment as that which esteems us as honourable persons before those we represent, the country and the world at large.

I thank you hon. Members.

*(Applause)*

Take your seat, hon. Pukose. Welcome back, take your seat, so that I can deliver this Message. Hon. Angwenyi, if you could take your seat.

## MESSAGE

### NOMINATION OF PERSONS FOR APPOINTMENT AS TSC MEMBERS

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Hon. Members, there is a Message from the President on the nomination of persons for appointment as Members of the Teachers Service Commission. Pursuant to Standing Order No.42 of the National Assembly, I wish to convey a Message from His Excellency the President. The Message was submitted by way of a letter dated 30<sup>th</sup> December, 2014 for presentation to the House in accordance with Section 8 of the Teachers Service Commission Act, 2012.

Hon. Members, Section 8(7) of the said Act requires that:-

“The President shall, within seven days of receipt of the names forwarded under sub-section (6), nominate... (persons)...for appointment as...members of the Commission and forward the names to the National Assembly for approval”.

In the Message, His Excellency the President has nominated the following to serve as members of the Teachers Service Commission:-

1. Mbarak Said Twahir (a person with disability);
2. Kinoti Imanyara;
3. Tache Bonsa Gollo;
4. Beatrice Marembo Adu; and
5. Albert Fred Ekirapa.

His Excellency the President, therefore, seeks the approval of the National Assembly on the nominees for appointment to as members of the Commission.

Hon. Members, Standing Order No.45 requires that upon receipt of notification of nomination for appointments, such nominations shall stand committed to the relevant Committee of the House. This notification, therefore, is hereby referred to the Departmental Committee on Education, Research and Technology for consideration. It is important that the Committee immediately seizes itself of the matter aware that Section 8(8) of the Act requires the National Assembly to consider the nominations received within twenty one (21) days and approve or reject any or all of them as the case may be. In this regard, I wish to guide the Committee as follows:-

(i) The Committee should notify the nominees and the general public of the time and place of holding the approval hearings in good time to ensure commencement of the necessary hearings for the expeditious disposal of the matter.

(ii) The Committee is expected to submit its report to the House on or before 25<sup>th</sup> February, 2015 to enable the House to consider the report and the nominees thereafter.

Thank you.

## PAPERS LAID

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

**Hon. A.B. Duale:** Thank you, hon. Speaker. I beg to lay the following Papers on the Table of the House today, Tuesday, 10<sup>th</sup> February 2015:-

The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No.2), Regulations, 2014; the Explanatory Memorandum therein (pursuant to Section 54 of the National Transport and Safety Authority Act, 2012).

The Protocol on the Development and Operation of the Standard Gauge Railway within the framework of the Northern Corridor Integration Projects (pursuant to Section 8 of the Treaty Making and Ratification Act, 2012)

The Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Republic of Ghana (pursuant to Section 8 of the Treaty Making and Ratification Act, 2012).

The Bilateral Air Services Agreement between the Republic of Kenya and the Republic of Niger (pursuant to Section 8 of the Treaty Making and Ratification Act, 2012).

The Commission on Administrative Justice Bi-Annual Reports for the period of January-June 2013 and July-December 2013, pursuant to Section 8 of the Commission on Administrative Justice Act, 2011.

The Commission on the Implementation of the Constitution (CIC) Annual Report for the period 2013/2014.

The Commission on the Implementation of the Constitution Quarterly Report for the period July-September 2013 (in accordance with Sections 4(a), 5(6), 15(2) (d) of the Sixth Schedule of the Constitution and Section 4(d) of the Commission for Implementation of the Constitution Act, 2010).

The Ministry of Devolution on Planning status report for the Millennium Development Goals for 2013.

The Commission on Revenue Allocation Recommendation on the Sharing of Revenue raised nationally between the National Government and the County governments for the Financial Year 2015/2016.

Thank you, hon. Speaker.

**Hon. Speaker:** The first Paper is referred to the Committee on Delegated Legislation and the second, the third and the fourth are referred to the Departmental Committee on Transport, Public Works and Housing. Indeed, it is fair that hon. Members familiarise themselves with some of the reports, especially the last one by the Commission on Revenue Allocation (CRA).

Hon. Keynan, chair of the Public Investments Committee, you have the Floor.

**Hon. Keynan:** Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Tuesday, 10<sup>th</sup> February, 2015:-

The Public Investments Committee (PIC) Special Report on the procurement process of the Kenya Pipeline Company Limited Line 1 Capacity Enhancement Project (Mombasa –Nairobi Pipeline).

Thank you, hon. Speaker.

**NOTICE OF MOTION****ADOPTION OF PIC SPECIAL REPORT ON  
KPC CAPACITY ENHANCEMENT PROJECT**

**Hon. Keynan:** Hon. Speaker, I beg to give notice of the following Motion:-  
THAT, this House adopts the Public Investments Committee (PIC) Special Report on the Procurement Process of the Kenya Pipeline Company Limited Line 1 Capacity Enhancement Project (Mombasa-Nairobi Pipeline) as tabled today, Tuesday, 10<sup>th</sup> February, 2015.

**TRIBUTE TO THE LATE HON. GEORGE MUCHAI**

**Hon. Speaker:** Hon. Maanzo, proceed.

**Hon. Maanzo:** Thank you, hon. Speaker. I wish to take this opportunity to pass my condolences to the family of the late hon. George Muchai and the great people of Kabete Constituency following the incident which occurred this weekend.

Hon. Speaker, it is shocking for a Member of Parliament who is escorted by two bodyguards to lose his life and that of his two bodyguards and his driver. This means that we are not secure as Members of this House even though most of us have bodyguards. No wonder the Nairobi Senator has come up with big guns. Probably that is what all of us should do.

When a Member of Parliament passes a message that his life is threatened, as it happened to the late hon. Muchai, then the matter is not taken up seriously--- In future, when an hon. Member talks of threats upon his life, the matter should be taken seriously. The police should take care so that it does not happen again. If a Member of Parliament can be threatened and is not secure in this country, then what happens to a normal Kenyan in the streets of Nairobi? This incident happened at a place which has a lot of security, including CCTV cameras.

Therefore, I ask the Government to look at the security situation in the country; the security of all Kenyans, the security of Members of Parliament and any other person who feels that their life is in danger. When they make first reports, the matter should be taken seriously. Otherwise, I say sorry to the family of the late hon. Muchai.

**Hon. Speaker:** Hon. Katoo!

**Hon. Katoo:** Thank you, hon. Speaker. On my own behalf and on behalf of the people of Kajiado South, whom I have the honour and the privilege to represent in this House, I also take this opportunity to convey my heartfelt condolences to the family of the late hon. Muchai and the families of his three aides; the driver and the two security guards because of that very unfortunate and untimely death.

As my colleagues have said, security of the Members of Parliament needs to be up-scaled and relooked. Specifically, it is high time the bodyguards guarding Members of Parliament are given specialised training in VIP protection. There is need to keep updating their skills by sending them for refresher courses on the training of VIPs. It was very

unfortunate that the late hon. Muchai had two bodyguards and none of them was able to respond to that very unfortunate attack.

Hon. Speaker, I wish to bring to the attention of the House---

*(Loud consultations)*

There are loud consultations. You see, these hon. Members have just met for the first time in the new year! There is need to lower consultations.

**Hon. Speaker:** Indeed, hon. Members, allow hon. ole Metito to make his contribution.

**Hon. Kato:** Hon. Speaker, there are so many cases in this country of people reporting that their lives are in danger. It is not only hon. Members. But after recording statements with the police, we do not know what has been done to address those threats. As we speak today, several hon. Members have reported that their lives are in danger and we do not know what has been done after recording statements with the police. This is coming mostly because of demanding accountability from the next level of government; that is the county governments.

This morning, the Jubilee Coalition had a Parliamentary Group meeting and I was shocked to see hon. Members who are---

**Hon. Speaker:** Hon. Kato, your time is up!

**Hon. Wakhungu:** Thank you, hon. Speaker. I would like to express my sincere condolences to the family of the late hon. Muchai and the people of Kabete Constituency for losing their Member of Parliament and also, to the families of the two bodyguards and the driver. It is unfortunate that, that incident happened. We were with hon. Muchai in Mombasa and he was in very high spirits. So, when I heard about his death, I really got shocked.

As other hon. Members have just mentioned, the security of this country---

*(Loud consultations)*

Hon. Speaker, the consultations are very loud.

**Hon. Speaker:** Hon. Members, lower your levels of consultations.

**Hon. Wakhungu:** Hon. Speaker, it is unfortunate that we have lost hon. Muchai. He was a humble and courageous man. He was a trade unionist. As we debate here today, you can hear what is going on outside. The teachers also want to be given a hand, especially those in North Eastern. I am sure if hon. Muchai was here, maybe, he would have provided a better solution.

Having said that, if you look at the young families of those aides who lost their lives in the line of duty, it is my humble request to the Government that if there is a way they can help and take care of those families, we will appreciate. If somebody can dare to shoot someone with two bodyguards, it shows we are not secure. As we speak today, we cannot say we are 100 per cent secure. We call upon the Government to improve security. We were told that cameras were installed all over---

**Hon. Speaker:** Your time is up!

**Hon. Njuki:** Thank you, hon. Speaker. On behalf of myself and the people of Chuka/Igambang'ombe Constituency, I would like to take this opportunity to send my most sincere condolences to the families of hon. Muchai, the families of the two bodyguards and the family of the driver who lost their lives in that incident. Last week on Tuesday, we took the same flight to Mombasa with hon. Muchai and he actually bought me a cup of tea with hon. Mwiru at the lounge. It is unfortunate that such a man in such high spirits; a man who was social and very active in trade union and especially here in Parliament could lose his life just like any criminal on the streets.

When you look at the circumstances under which the man died, he had already complained to the authorities about his life being in danger. I believe that is why, unlike the other hon. Members, he had two bodyguards. That means there was knowledge that the man's life was in danger. I think when the time comes, as much as we want to pray that we can be safe--- That is because even the bodyguards cannot really make us safe. It is important that even as God helps us, we also try to help ourselves because we cannot pray to God to safeguard us and yet, we do not take any action ourselves to guard ourselves. It is high time we had the security system in this country, especially of hon. Members and those other dignitaries who easily pick up enemies--- You cannot go through an election without ousting somebody or competing against somebody who might have something against you. So, it is important that we beef up security so that hon. Members---

**Hon. Speaker:** Your time is up.

**Hon. (Eng.) Gumbo:** Thank you, hon. Speaker. On my own behalf and on behalf of the people of Rarieda, I wish to send my message of condolence to the family of my good friend hon. Muchai and his family; to the families of his two bodyguards and the driver who perished in that very beastly and dastardly accident. I know in times like this, we tend to be very emotional and we tend to ask a lot of questions. Many of my colleagues have asked if, indeed, it is time for the security of hon. Members to be increased. I want to differ a little bit. What we must do as a country is to make crimes of this nature, such as murder and serious crimes that are committed in our country daily, very expensive affairs. I think the death of our colleague, hon. Muchai, should be a turning point at which criminals will know that it is very expensive to commit a crime of this nature. We can only do that by quickly apprehending those responsible.

On my own behalf, it is really truly tragic. When people come here, we come with a purpose to serve our people. This is not the way we want to end our careers. I truly condole with the family of my friend. Like they say where hon. Muchai comes from: "*Koma thayo muru wa maitu*".

Thank you, hon. Speaker.

**Hon. Manje:** Thank you, hon. Speaker. I want to also take this opportunity to convey my condolences to the family, friends and members of Kabete Constituency for the loss of their Member of Parliament. I knew hon. Muchai as a very articulate debater in this Parliament. He was sitting near where we are sitting. I knew him as a trade unionist and a very refined Member of Parliament. He met his death in a very bad way and this is pure assassination. I would request the Government to make sure that it apprehends the people who did that because it is the only time as hon. Members we will feel secure.



Hon. Speaker, Kenyans as usual have a habit of forgetting very soon after an episode. We would like, as hon. Members, to keep this fire burning until we get the person who killed hon. Muchai and other hon. Members who have lost their lives through the same method. As hon. Members, we are not very secure because many of us have been threatened and when we report to the police, they do not investigate. It is high time they investigate all the cases of hon. Members who have shown concern as far as their security is concerned.

Hon. Speaker, we are trying to fight corruption in our areas and you know corruption---

**Hon. Speaker:** Your time is up. Let us have hon. Munuve.

**Hon. Mati:** Thank you, hon. Speaker. On behalf of the people of Mwingi Constituency, myself and my family, I would like to extend my sincere condolences to the family of the late hon. Muchai and the people of Kabete Constituency. It is unfortunate that such a capable Member of this august House could die in cold blood. I hope and pray that this House and the relevant Committee will rethink very seriously on the security of Members of Parliament.

I can see my brother, hon. Kamama nodding. He and I often exchange notes about the impact of small arms in the security architecture in the Republic of Kenya. This is one such time that we should revisit that matter and especially now that we have probably somebody who might have a soft ear for Members of Parliament, and that is the new Cabinet Secretary for Interior and Coordination of National Government, Major General Nkaissery. We would like to solve that problem of small arms and reduce the number of threats. If a Member of Parliament can be killed in cold blood, I am at a loss to imagine how the security of the common Kenyan is threatened by small arms.

Having said that, I would like to also extend my condolences to the three Kenyans who lost their lives protecting the late hon. Muchai. I would like to beseech this House to consider those three people as having died in the line of duty. Therefore, whatever contribution we make to hon. Muchai's family, some of it should go towards helping the families of those three gallant Kenyans who lost their lives while protecting hon. Muchai.

**Hon. Speaker:** Let us have the hon. Leader of the Majority Party.

**Hon. A.B. Duale:** Thank you, hon. Speaker. I rise to offer my heartfelt condolences to the families of the late hon. Muchai, his bodyguards and driver during this difficult time. I received with shock and disbelief the news of the cold-blooded murder of the Kabete Member of Parliament, hon. Muchai, his two bodyguards and the driver in the Central Business District (CBD) of Nairobi. The shooting of our colleague by unknown assailants is heinous. It is barbaric and it is a shock to the nation. The late hon. Muchai was a dedicated legislator, a gallant trade unionist who fearlessly fought for the rights and the welfare of the workers at COTU. He was a long serving Deputy Secretary General of COTU. The people of Kabete Constituency, friends, colleagues and the country at large have lost a leader whose immense contribution to the building of our nation in many caps he wore will greatly be missed.

Therefore, on behalf of my family, the people of Garissa and my own behalf, I wish the relatives and families of the late hon. Muchai, his bodyguards and driver and the people of Kabete Constituency God's strength and courage during this trying moment. I

urge our security agencies to launch a thorough investigation into this assassination and bring the perpetrators of this heinous act to justice.

In the year 2008, when I became a Member of Parliament, the late hon. Were, the then Member for Embakasi, was shot by gangsters. It is just today that those gangsters have been sentenced to the death. I hope that those who killed hon. Muchai, the bodyguards and the driver will pay for their action and the blood of our colleague and his aides will not go in vain.

Thank you.

**Hon. Speaker:** Let us have hon. Njagagua

**Hon. Njagagua:** Thank you, hon. Speaker for giving me this chance to offer my heartfelt condolences to the family of the late hon. Muchai. I have known him for quite some time and the last time I was with him in Mombasa was on Friday. We were debating and discussing matters pertaining to the budget of this country. He gave his humble contribution and good thoughts. It was saddening when on Saturday morning, I heard that hon. Muchai was no more. My sincere condolences go to his family, the families of the friends that he was with, the bodyguards and the driver. At this point in time, I would wish to call upon the Government to retrain our guards so that they are able to take care and protect us as well as protect other Kenyans.

We have always heard about stones which will not be left unturned. Let the police and those that are in charge not just give us statements that everything will be done and all the stones will be turned. Let them go deep to what really happened. Let them nab those who killed the late hon. George and his bodyguards and I am certain Kenyans will feel safe wherever they are. It is saddening that he was gunned down in the middle of the City center. We wonder what would happen in other parts of this country if a legislator, who is a State officer, is brutally murdered and killed. Indeed the word is “assassinated” in the CBD of this country.

I, therefore, take this chance to condole with the whole family and may the Almighty God rest their souls in eternal peace. Thank you.

**Hon. Speaker:** Let us have the hon. Member for Balambala.

**Hon. Aden:** Thank you, hon. Speaker. I wish to join my colleagues in sending my condolences, on behalf of the people of Balambala Constituency, to the family of the late hon. George Muchai who, indeed, was a great Member of this House. He was a person whom we worked very closely with in the last two years as a member of the Parliamentary Budget Committee. Sadly, indeed, he spent the whole week with us as members of the Budget Committee in Mombasa. I want to say that Kenya has lost a great man. In his last day on Thursday when we had the meeting in Mombasa, the late hon. Muchai spoke for the people of Kenya. I remember him insisting on how in the financial planning for the year 2015/ 2016 which we intend to undertake, we should have in mind the teachers and the workers in Kenya. It was very sad that only a day after, he was no more.

I wish to send my condolences to the families of the team that was with him also. As Members of Parliament, even as we endeavour to work very hard for Kenyans, we have unsung heroes who work with us. These are our drivers and security men. They ensure to their very best that we stay safe as we work for Kenyans. It is very sad that in that particular moment, those people were also caught up and died along with the leader.

**Hon. Speaker:** Let us have hon. Kamama. It is you who is checking your microphone for nothing.

**Hon. Abongotum:** Okay. Thank you, hon. Speaker. I also wish to join my colleagues in saying *pole* to the family of our late brother, hon. George Muchai. On my own behalf, my family and people of Tiaty and Baringo, I wish to pass our condolences to his family and promise that we will do our best, especially as the Administration and National Security Committee. We have given serious and tough statements that Criminal Investigations Department (CID) must get to the bottom of this murder because it is not the first time it is happening. It has happened to many Members of Parliament. In many cases, most of those murders have not been really unravelled. Examples are the ones that took place in the 9<sup>th</sup> Parliament.

Hon. Speaker, as a Committee, we have discussed and agreed that we will meet the Cabinet Secretary for Interior and Coordination of National Government to ensure that all the policemen, the Administration Police (APs) and the regular police who are guarding our VIPs, starting with Members of Parliament, undergo a serious refresher course. There is an elite course that is being provided at Ruiru. Those who are guarding us should actually be an elite commando group that can take care of our security. We have discussed this issue with the Leader of Majority Party and it will be on course. So, we will make arrangements on how those people will be taken for that course.

Hon. Speaker, I just want to warn all hon. Members and advise them that---

**Hon. Speaker:** Hon. Khatib Mwashetani.

**Hon. Mwashetani:** Ahsante sana, Mhe. Spika. Kwanza kabisa, ningependa kutoa ushuhuda kuwa katika siku za mwisho, nilikuwa na mheshimiwa Muchai. Nilikaa sana naye kwa muda mrefu tukizungumza mambo mengi. Vile vile, tulipokuwa tukipitia maswala ya bajeti, alikuwa ni mmoja kati ya wale ambao walichangia sana katika hoja zile.

Mhe. Spika, ningependa kutuma salamu za rambirambi kwa familia ya Muchai na watu wa Kabete. Nawapa pole kwa niaba ya watu wa Lungalunga na familia yangu kwa jumla.

Hoja yangu ni kwa walinzi wetu. Inasemekana kwamba alifuatwafuatwa kutoka mbali. Ningeomba kwamba walinzi wetu wapatiwe redio kwa sababu *trailing* ama kufuatwafuatwa huanza mbali. Sisi katika siasa na mbio tunazokwenda tunapishana na watu wengi kimaneno na kihoja. Kwa hivyo, tunaomba usalama kwa mwananchi. Sisi kama viongozi usalama wetu uongezwe na walinzi wetu wapewe redio na wasomeshwe zaidi.

Ahsante sana.

**Hon. Speaker:** Hon. Yusuf.

**Hon. Abdi:** Thank you, hon. Speaker. I would like to join my other colleagues in sending my condolences to the late hon. Muchai's family, the people of Kabete, the families of the two security guards and the driver.

I also want to speak on my own experience as someone who has survived an assassination attempt in which six people were killed. I want to say here that we have a deficit in our country in terms of investigation and apprehension of criminals and terrorist attackers. Up to this moment, there has been no one who has been apprehended and brought to book for that attack. We really need to improve our ability to apprehend

criminals. If we do not train our security forces to do that, we will continue to suffer attacks. One thing that I wanted to say is that, no matter the high number of security guards you may be given and however much the training may be, we are not going to be safe and secure unless every Kenyan is safe and secure. We have to make our country secure so that all of us can be secure. In my case, my bodyguard was just injured next to me. So, no amount of training can stop a terrorist or bomb attack. We need to have better security and investigative systems and the ability to apprehend those who cause damage in terms of security.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Wafula Wamunyinyi.

**Hon. Wamunyinyi:** Thank you very much, hon. Speaker. On my own behalf, my family and on behalf of the people of Kanduyi whom I represent, I wish to convey my condolences to the family of our colleague, hon. George Muchai, the people of Kabete and the families of his support staff - his bodyguards and the driver. This is a difficult moment for our colleague's family, the people he represents and Kenya at large. We have lost a Member of the National Assembly, a leader of this country, a trade unionist and one who fought for the peoples' rights.

Hon. Muchai was known for defending workers' rights and the rights of the people of Kabete and Kenyans. His loss is particularly a huge blow to the people that he has worked for. It is a blow to this nation and to all of us in this House, especially those who worked very closely with him.

Hon. Speaker, while we mourn the death of our colleague, last week in my constituency, armed attackers also carried out attacks on my people and I wish to ask for enhanced security systems in our country to protect our people.

I thank you, hon. Speaker.

**Hon. Speaker:** Hon. Justice Kemei.

**Hon. Kemei:** Thank you, hon. Speaker. On behalf of the people of Sigowet/Soin Constituency - the people I represent in this Parliament - I wish to join you, my colleagues and, indeed, the people of Kenya in mourning the demise of the late George Muchai.

Hon. Speaker, let me mention that hon. Muchai discharged his responsibilities in the trade union movement of this country to the standards required. He also performed his roles in Parliament with a lot of decorum. We admire him for that. We want to urge the security agencies in this country to make our country more secure not just for the sake of economic development, but for the sake of us not losing lives anymore. We want proper investigations so that even the circumstances that led to the demise of the late hon. Muchai should be understood by all Kenyans. I want to join my colleagues in mourning his death and also the demise of his security detail and that of his driver.

Thank you hon. Speaker and God bless our nation as He rests his soul in eternal peace.

**Hon. Speaker:** Hon. Makali Mulu.

**Hon. Mulu:** Thank you, hon. Speaker. Let me also join my colleagues in sending my sincere condolences to the family of hon. Muchai and families of his two security detail and the driver.

Hon. Speaker, we sat in the same Committee with hon. Muchai; that is, the Budget and Appropriations Committee. We actually spent two days in Mombasa discussing the Supplementary Budget and the coming budget for the next financial year. I remember his last remarks. Here was a man who was very focused on what he wanted the workers of this country to get out of our national budget. So, it must be a very sad moment for the people of Kabete to have lost their Member of Parliament. It is also a sad moment for the workers of this country, even as we think about the kind of arguments he has put forward for them.

So, hon. Speaker, as I conclude, I plead with our investigative agencies in this country to make sure that the truth about this death is known.

If we do not know the truth about those deaths, it is going to be very bad for the rest of us who are remaining. Our opponents and enemies can take advantage of this and continue killing more Members of Parliament because they know that, at the end of the day, the truth will never come out.

With those remarks, I send my sincere condolences to the family.

**Hon. (Ms.) Sunjeev:** Thank you, hon. Speaker, for allowing me this chance to stand with the rest of the nation and fellow Members of Parliament in consoling the family of the late hon. Muchai and the great people of Kabete. It was a very sad day when the incident took place at about 3.00 o'clock in the morning. Today, we are all asking questions. Kenyans from every corner are asking a very important question - that if that can happen to a Member of Parliament, then what about their security. I agree with the sentiments of hon. Yusuf that there are serious loopholes in the security system. Those are loopholes that we need to question as a society for the security and the wellbeing of our nation. I would like to commend the late hon. Muchai's sentiments in the way he stood for the mining industry. In my view, he was very fit in mind, body and soul.

I would like to finally send a special message to the family. As a whole, when you look at a tree in a forest, it can be very big, but the little flowers in that tree can make that whole forest very famous. Therefore, I salute the late hon. Muchai and the family for the birth of a virtuous son who stood for the country.

**Hon. Nassir:** Ahsante sana, Mhe. Spika. Kwa niaba ya watu wa Mvita, ningetaka kuchukua fursa hii kutoa pole na risala za rambirambi kwa familia ya Mhe. Muchai pamoja na wale askari na dereva wake.

Kuna kitu ambacho ningependa kutaja. Wenzetu ambao wameinuka wamesema kuwa kuna haja ya askari wa Wabunge kuongezwa na kupatiwa vifaa zaidi. Lakini kando na kujifikiria na kutufikiria sisi, tunafaa kuchua fursa na kuweka mbele maswala mawili.

La kwanza, ni kuuliza ikiwa zile kamera ambazo zimetumia thamani kubwa ya pesa za wakenya zimetumika kwa njia inayofaa. La pili, ni lazima sisi kama Wabunge tukubaliane na tuhakikishe tumepitisha Miswada kuhakikisha kuwa kila askari ambaye atakufa akiwa kazini, awe anamlinda Mbunge au mtu yeyote mwingine, fidia ilipwe familia yake ili iweze kuendelea baada ya kifo cha huyo askari.

Langu ni kutoa risala hizo za rambirambi na kuiuliza familia yake iwe na subira katika wakati huu wa huzuni.

**Hon. Speaker:** Hon. Kajuju! Hon. Members, take a maximum of two minutes each.

**Hon. (Ms.) Kajuju:** Thank you hon. Speaker. On behalf of Meru County, I stand here to pass my condolences to the families of the late hon. George Muchai, the bodyguards and the driver who passed on after being assassinated. I call upon our security detail to ensure that investigations are speedily done and concluded.

Today, we have received an alert that the persons who executed the former Embakasi Member of Parliament hon. Were, were convicted and sentenced to death in court. That was justice done. We are also asking that the persons who committed this heinous offence be arrested and charged, so that justice can be done.

I also send special condolences to the family of Samuel Kimathi Kailikia, one of the bodyguards of the late, hon. Muchai, who hails from Meru County. He passed on when he was barely 27 years old and was supposed to celebrate his birthday that night with his wife. As we lay to rest those Kenyans who were committed to serve, we, as parliamentarians and Kenyans in general, need to know what exactly happened, so that we do not have a repeat of this. We do not want to lose Kenyans at the hands of criminals. This must stop now.

**Hon. Onyura:** Thank you, hon. Speaker. I would also like to join the rest of my colleagues and the country. On my behalf and on behalf of Butula Constituency, I would like to pass my condolences to the family of the late hon. Muchai and also the people of Kabete.

That is a very worrying thing. It is likely to cause fear, despondency, alarm and perhaps, lack of confidence in our security apparatus. We call upon the relevant security organs to do everything that they can to bring those criminals to justice and, perhaps, find out what could have been the motive of acting in such a brutal way.

I remember that sometime around October or November, hon. Muchai organised a delegation from his Constituencies Development Fund (CDF) Committee to visit my constituency on an exchange programme and we had agreed that we too would be visiting Kabete to build the friendship.

We shall miss him. He was a great national and unionist. *Pole sana* to the family and the people of Kabete.

**Hon. (Dr.) Pukose:** Thank you, hon. Speaker. I will donate one minute to my friend, hon. Wakabehia.

On behalf of the people of Endebess and Trans Nzoia at large, I want to send our condolences to the people of Kiambu and Kabete Constituency following the demise of our brother, hon. Muchai, and his three aides. He was a great man and we will miss him a lot.

Hon. Waititu, please.

**Hon. Waititu:** Asante sana, Mhe. Spika. Pia, namshukuru rafiki yangu Pukose. Naomboleza kifo cha rafiki yangu. Tulikuwa na urafiki mkubwa. Alitoka katika Jimbo la Kiambu na watu wa Jimbo la Kiambu wako na machozi. Tukikumbuka vile alivyouliwa hapa katikati ya Nairobi, ni jambo baya sana. Watu walishangaa kwa sababu alipigwa risasi akiwa pamoja na walinzi na dereva wake. Kabla ya kifo cha Mhe. Muchai, alikuwa ameongea wazi kabisa kwamba kuna watu ambao walikuwa wakimfuata na walikuwa wakitaka kumuua. Hilo limesemekana. Alipouliwa, ilisemekana kuwa alikuwa na sanduku ambalo walikimbilia kutoa kwa gari lake.

Juzi nilimwona mhe. Muchai kwa runinga akiongea ukweli; alisema kuwa alikokuwa akifanya kazi, yaani katika COTU, kulikuwa na watu ambao walikuwa wanataka kumuua. Sisi kama Bunge la 11 hatutafanya kazi kama wakenya wanauwawa na hakuna kitu ambacho kinafanyika.

**Hon. King'ola:** Thank you, hon. Speaker. On my own behalf, and on behalf of the residents of Mavoko, I also join my colleagues in conveying my condolences to the family of the late hon. Muchai. This is a very heinous act. I call it a cowardly act. Hon. Muchai was my neighbour. He was a competent lawyer. Kenya has not only lost a leader but also a very intelligent person. As I also pass my condolences to the families of the soldiers and the driver, my concern is the security of this nation. It is high time we addressed insecurity in this nation.

I also join my colleagues who are saying that our bodyguards should be trained. It is not easy to comprehend how the two soldiers never returned fire. It shows that the killer was a trained assassin, or a professional killer. Investigations should be hastened. We cannot allow this to happen to other people. It is high time security for Members of Parliament (MPs) and all Kenyans was tightened. This is a lesson to everyone and I hope something will be done.

**Hon. Kanini Kega:** Thank you, hon. Speaker. On my behalf and on behalf of the people of Kieni, I take this opportunity to condole the families of the late hon. Muchai, his two bodyguards and his driver. The way he died is shocking. The assassins knew very well that hon. Muchai and his team were armed, but they went ahead and shot them dead. The Government, more so the police, should be worried because apart from the weapon that was used to kill the four Kenyans, two more guns were taken from the officers and are now in the wrong hands. Let hon. Muchai not be part of the statistics of the many other Kenyans who have died in mysterious circumstances. He should not be added to that list. The Government should ensure that we bring to book the people who killed hon. Muchai. It is very unfortunate that when we went on recess we were 350, but now we are less an hon. Member. I once again condole with the family and the great people of Kabete. I would like to donate one minute to my colleague.

**Hon. (Dr.) Munyaka:** Thank you, hon. Speaker. On my behalf, my family and the people of Machakos Town, I want to send my condolences to the family of hon. Muchai and the people of Kabete. We sympathize with them and the Government should take security matters seriously.

**Hon. Chea:** Thank you, hon. Speaker for this opportunity. On behalf of the people of Kaloleni, and on my behalf, I wish to take this opportunity to condole with the family of the late hon. Muchai and the families of the three aides who passed away. Security is paramount.

I also want to point out that there are many guns out there, which are in the hands of people who are not licensed to hold them. For instance, in November last year, a police station was raided in my constituency and a gun was taken from a police officer who was eventually killed. As I speak, the gun has not been recovered and people have been living in fear as nobody knows where the gun is. It is my appeal to all the security agencies to ensure that issues to do with guns that are in possession of people who are not licensed to have them, are taken seriously, so that many people do not die from these crude weapons.

With those few remarks, I pray to God that he gives strength to the family of hon. Muchai and the families of his three aides at this very trying moment.

**Hon. (Ms.) T. G. Ali:** Thank you, hon. Speaker. On my behalf and on behalf of the people of Isiolo County, I wish to send my condolences to the families of the late hon. Muchai, his driver and his bodyguards.

I shared two committees with hon. Muchai, namely the Committee of Labour and Social Welfare and the Committee on Budget and Appropriations. Recently, when we were leaving Mombasa, I had a very long discussion with him and he informed me that he had recorded a statement a week earlier about his assassination. I wish to ask the Government to ensure that when Members report any threats to their lives, they are taken seriously. A week ago, I decided to move from my house because I had received threatening messages. Some people have been calling me on private numbers; they have called my children, my parents and my brothers and asked them to save my life, if they could. Threatening the lives of Members of Parliament is something that is currently going on and we urgently require security. We have recorded statements both in Isiolo and at the Parliament Police Station. It is coming out that most of the time these reports are not taken seriously. I want a lot of protection---

**Hon. (Ms.) Chae:** Thank you, hon. Speaker for giving me this opportunity to air my condolences. On behalf of the people of Nyamira County, I send our deepest sincere condolences to the families of hon. Muchai, his bodyguards and his driver. It becomes serious when an hon. Member and his aides are assassinated in the manner it happened last week. I know that the electorate of Kabete Constituency are not happy with what happened, nor are the Members of Parliament. We are not happy. We do not want to see the same happen to another person. Insecurity is now creeping into Parliament. We have been talking about insecurity in Mombasa, Bungoma and Mandera. It is coming to Parliament, which everyone believes is a protected area. It is unfortunate that this is happening. We have a closed circuit television (CCTV), which monitors events as they happen. Is this the work they are supposed to do? Are they supposed to prevent such happenings?

**Hon. Njenga:** Thank you very much, hon. Speaker. I send my condolences and those of my family and the people of Gatundu North to the families of the late hon. Muchai and the three persons, who were killed with him. I was at the scene at around 4.00 in the morning. My wife was called by the wife of the late hon. Muchai at 3.05 in the morning. She confirmed that the hon. Member was not dead, but it took long for an ambulance to arrive. Every Kenyan, including medics, should value life. If you saw what was at the site, it was humiliation of the highest order, particularly to a Member of Parliament. Now that hon. Nkaissery is in charge of security, he should leave no stone unturned.

In the late hon. Muchai's door step, his village, his constituency, Kiambu County and trade unions, where he had a lot of threats, no stone should be left unturned. We should not put this in the archives; rather we should know who the killers are of the late hon. Muchai. They must be dealt with otherwise we do not know who is next.

The Government should also set up a centre that should deal with threats to hon. Members of Parliament and other VIPs. So many people have been threatened, including



our dear hon. Tiyah Galgalo. Security agencies in this country should set up a centre that will deal with our security and the threats that we get.

The other thing is that tomorrow morning at 7.30 a.m. at St. John's Building, we shall have a requiem mass for the late hon. Muchai for repose of his soul. We are looking forward to every hon. Member of Parliament joining us in the morning, so that we pray for the repose of his soul. May he rest in peace, and may the people of Kiambu County know that we are going to fight until---

**Hon. Speaker:** Hon. Chidzuga, the Floor is yours.

**Hon. (Ms.) Chidzuga:** Thank you very much, hon. Speaker.

Kwa niaba ya wananchi wa Kwale, ningependa kuchukua fursa hii nitoe rambirambi zangu na zao kwa familia ya marehemu Muchai, familia ya walinzi wake pamoja na familia ya dereva wake. Tukiwa tunaomboleza kifo cha mwenzetu, wakati umefika sisi kama Wakenya - nikisema sisi kama Wabunge tutakuwa tumejitenga, tungependa tujue. Tulimwona Rais wa nchi yetu akianzisha ule mradi wa kamera ambazo zinamulika mienendo yote katika eneo la Nairobi. Kamera hizi kweli zafanya kazi, ama wale ambao wanapaswa kuwa wanazisimamia walikuwa wamelala? Hii ni kwa sababu mahali ambapo aliuliwa mwenzetu ni katikati ya mji na katikati ya hizo kamera. Tunataka kujua wale wanaohusika walikuwa wapi, na kama walikuwa wako macho waliona nini. Wakenya wanataka kujua kitu gani kilitokea mpaka mauti ikamfika mwenzetu.

Nikirudi upande wetu sisi Wabunge, naomba kwa unyenyekevu tuweze kuwa na muda ambao tutakuwa tukiwaachia wale maaskari wetu nafasi ya kuweza kulala na wapumzike ili wakati wanapotulinda waweze kuwa na nguvu na kuwa macho. Hebu angalieni wakati wale vijana walikutana na mauti. Ni wakati ambao kusema ukweli ilikuwa inapaswa kuwa pengine wanapumzika nyumbani kwao na familia zao. Pia hata sisi wenyewe---

**Hon. Speaker:** Hon. Benjamin Washiali, the Floor is yours.

**Hon. Washiali:** Thank you, hon. Speaker. I would like to join my colleagues. On behalf of the people of Mumias East Constituency, which I represent, and on behalf of my family and myself, I would like to convey my heartfelt condolences to the families of hon. Muchai, the two bodyguards and the driver, and to the people of Kabete for losing a Member who was to us, as the Majority side of Parliament, very co-operative, friendly and who made our work, as whips, very easy.

Hon. Speaker, it is very disheartening that the late hon. Muchai met his fate when he had already reported that his life was in danger. I have seen many such things happen; members of the public, including Members of Parliament, report threats to them and an officer promises to investigate, but they remain investigating cases forever. I would recommend, or propose, that we have a system that is progressive in nature, where if a corporal is investigating and does not resolve the case in one week he hands it over to a sergeant. The sergeant should then hand over in one week to an inspector who in turn should hand over in one week to a commissioner, so that a more experienced officer investigates—

**Hon. Speaker:** Hon. David Ochieng, the Floor is yours.

**Hon. Ochieng:** Thank you very much, hon. Speaker. I want to wish you a good New Year as I also condole with the people of Kabete. I wish to bring condolences from the people of Ugenya and the entire Siaya County.

Hon. Speaker, I knew the late hon. Muchai as a man who transcended ethnic boundaries; I want the Leader of Majority Party, hon. A.B. Duale, to hear this because the late hon. Muchai, although from central Kenya, never exhibited any tribal tendencies, like being a Kikuyu. He was a Kenyan. He loved everybody. He dressed and acted like a Luo and had a good heart.

Hon. Speaker, it is a sad loss for this country. For those who know---There is a point of order.

**Hon. Speaker:** Proceed. I am not entertaining frivolous points of order.

**Hon. Ochieng:** Those who knew the late hon. Muchai know that he would tell you that when you go to Ugenya, or when we going to this and that constituency--- Even in some of the squabbles we had here, including on 18<sup>th</sup> December, you would not know the side the late hon. Muchai was on, because he was a gentleman, a peace maker and loved peace. Since he worked for workers, he knew that poverty transcends gender and ethnic boundaries, and that was why he toiled for the downtrodden regardless of where they came from. As a Government we want to ensure that we know---

**Hon. Speaker:** Ester Gathogo, the Floor is yours.

**Hon. (Ms.) Gathogo:** Thank you, hon. Speaker for giving me this opportunity to just send my condolences to the family of the late hon. Muchai, who was my colleague in Kiambu County.

My worry is: What is happening in Kiambu Country surely? This is the second time we are losing an hon. Member of Parliament. The other day we lost an hon. Member, the late hon. Joseph Ngugi and now we have lost hon. Muchai. I do not want to say that maybe I am the next because I am not threatened, but I feel that maybe we should pray for Kiambu County.

Hon. Speaker, I was there that day and I witnessed all that happened. I keep on telling people, because I am saved, that it is always good to let your enemy live. When you let your enemy live, he/she will see you.

Hon. Speaker, protect me from the hon. Member for Juja Constituency, because he started laughing after I said I am saved. What I would like to say is that it is important that we let our enemies live. If I am your enemy, please do not kill me because what will happen is I will die and will never see you being blessed. Those people who did this to the late hon. Muchai's family--- Surely his wife, children and relatives are there. It was so sad. We pray to God that everybody who may have participated in what happened, He deals with them because we know they are there. I may not know who did it but I am asking: What were Mr. Muhoro and other Administration Police Officers (APs) doing? We saw somebody who was helpless!

**Hon. Speaker:** We will have hon. Bishop R. Mutua and one more. Hon. Members, we all cannot speak.

**Hon. (Bishop) Mutua:** Thank you, hon. Speaker. I would like to join the rest of my colleagues in sending my condolences to the family of the late hon. Muchai, the family of the driver and the families of the two guards. Security in this country is an issue that requires total attention from all of us. It requires such serious attention that we need

now, as Kenyans, to begin asking serious questions and making serious suggestions. Therefore, I ask the Government to get down to serious business and reveal the secrets behind this particular heinous killing.

Finally, it is quite important for all of us to realise that everybody in Kenya is now worried. We are in a state of worry because of what has been happening; if a Member of Parliament can be killed in such a manner--- This must stop. I ask all Christians in this country and all other believers, to engage in serious prayer for this nation.

I donate one minute to my colleague.

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

**Hon. Speaker:** Your two minutes are over; therefore, you cannot donate any.

Hon. Members, it is only fair to appreciate that with 64 requests, if all of you were to speak, then we would do nothing else. We must agree that there must be a closure at some point; we should appreciate that.

**Hon. ole Ntutu:** Thank you, hon. Speaker for giving me this opportunity to convey my condolences to the family of my good friend, hon. Muchai. We are also affected because we also lost a young man, who was providing security. Previous Governments have come out very strongly and said that no stone will be left unturned until killers are found, particularly those who assassinated our leaders. I hope this Government finds the people who killed our colleague. Hon. Muchai had asked the Government to be given two security officers instead of one. There is a statement that he wrote saying that his life was in danger. So, they must start from there because it looks like he knew the people who were following him.

Since we know what has happened previously, I suggest that a special committee of this House be formed to investigate and report to this House on the people who killed our colleague. That is the only thing that we can do for our fallen hero.

**Hon. Anami:** Hon. Speaker, I wish to convey my heartfelt condolences to the family of hon. Muchai. I am also doing this on behalf of Shinyalu people. I had the opportunity to travel with hon. Muchai to Mombasa and I had moments together with him. The memories of what he said will remain very clear in my mind for a long time.

It was saddening to imagine the agony that the family went through as those gunmen felled down our brothers one after the other. We have adjourned many times and discussed the issue of insecurity. It is high time we took this discussion to another level. We should have people resigning because they cannot provide protection to Kenyans. Kenyans have entrusted the Government with their security and other concerns. Security is crucial for our sustainability. We should have some resignations; people should resign because they have not delivered to Kenyans.

All over the country, we have a lot of intolerance, animosity; people are not friendly. It is high time we went ahead with the reconciliation we have been talking about. Why are we killing each other even when we know---

**Hon. Speaker:** Your time is up.

**Hon. Were:** Hon. Speaker, thank you for giving me this opportunity. First I want to pass my condolences to the family of the late hon. Muchai and the families of the two bodyguards and a driver. I am doing this on behalf of my constituents and Members of

the Departmental Committee on Labour and Social Welfare, on which hon. Muchai served.

I had a chance to interact with hon. Muchai first time in 2011 when he came to my constituency and did a *Harambee* for me before he became a Member of Parliament. The very evening he travelled from Matungu and landed in Nairobi, was the same day he was shot at. I received a message at midnight saying that “Your friend who has done a *Harambee* for you has been shot at”.

Hon. Muchai was somebody who was very hardworking and very eloquent. He was a Member of the Departmental Committee on Labour and Social Welfare; I am sure that my colleagues will agree with me that we have lost a very dedicated and articulate member, a member who assisted us and guided us on issues relating to labour. I am sure we are going to miss him. I want to tell the family to take heart because the God who brought hon. Muchai to this world has a good plan for them even without him. May God rest his soul in eternal peace.

Thank you.

**Hon. Waiganjo:** Thank you very much, hon. Speaker. I also wish to take this opportunity to, on behalf of the people of Ol Jorok and the people of Nyandarua, condole with the family of our departed colleague. I wish to add that it is high time our bodyguards were trained.

Secondly, investigations must be done and be done thoroughly. There are starting points. We know hon. Muchai had disputes in the labour movement and in the Central Organization of Trade Unions (COTU). We also know that he had written to the Independent Policing Oversight Authority (IPOA) complaining that a matter he had forwarded to them had not been taken seriously. So, when investigating, the investigators have a starting point; we need to erase any doubts as to our colleague’s demise.

Finally, I wish to say that it is very sad that in relation to most of the deaths that have come to VIPs, nobody has ever been arrested and convicted. Let this not be the same. Let us see people arraigned in court and, if found guilty, convicted. Otherwise, a country without security, even of its leaders, can be said to be a failed state, and that is a shame. We wish to see the killers of hon. Muchai, his bodyguards and driver arrested, prosecuted and convicted.

I thank you, hon. Speaker.

**Hon. (Ms.) Lay:** Asante sana mhe Spika. Ninataka kuungana na wenzangu kutoka Kaunti ya Taita Taveta kutoa rambirambi zetu. Kwa kweli ni jambo la kuhuzunisha sana. Kama vile Wabunge wametangulia kusema, ni muhimu kwa wanaotulinda, na wanaolinda Kenya kwa ujumla, wapate mafundisho mara kwa mara.

Vile vile, ninataka kueleza Bunge hili kwamba Wakenya wamechoka kusikia kwamba uchunguzi utafanywa na hakuna jiwe litaachwa bila kupinduliwa. Tumechoka kusikia kwamba ukweli utapatikana na haupatikani. Jambo hili husemwa kila wakati na hatuambiwi ukweli. Hatuambiwi ni nani ameshikwa na ni nani amefanya kitendo kama hiki. Kama mkenya ametoa ripoti kwamba maisha yake yamo hatarini, mbona uchunguzi usianzie hapo? Usalama unazingatiwa baada ya mtu kufariki. Kama nimeripoti kwamba maisha yangu yamo hatarini, wale wanaoshugulika na mambo ya usalama wanafaa kuanza uchunguzi na kuwashika wanaopanga njama za kuuwa.

Wakenya wanahitaji usalama. Hatuwezi kukuza uchumi bila usalama. Hatuwezi kuenda shule bila usalama. Kwa hivyo, jambo la usalama ni namba moja. Ikiwezekana, fedha za kutosha za kukabiliana na ukosefu wa usalama zitolewe ili tuweze kuboresha Kenya yetu.

Asante mhe Spika.

**Hon. Speaker:** Hon. Clement Wambugu.

**Hon. Wambugu:** Thank you, hon. Speaker. On my own behalf and that of my constituents of Mathioya, I wish to take this opportunity to extend my condolences to the family of the late George Muchai and the families of his driver and two security people.

It is sad because I knew hon. Muchai as a great man; in real sense, I used to call him my brother-in-law. The late hon. Muchai has married from my place, at a place called Gituge. The love I used to see him exhibiting for that place was immense. He used to visit his mother-in-law. It was something tremendous.

Hon. Speaker, it is sad that deaths occur to Members of Parliament and members of the public even after they have reported that their lives are threatened. The case of hon. Muchai goes back to 2011. Sometime back in October 2011 hon. Muchai was involved in some shooting and he reported the matter to the police. Two months ago, hon. Muchai reported again that his life was in danger and nobody in this country took action to protect him.

Hon. Speaker, we are asking the Government, especially the police, to take these issues very seriously. We have heard on the Floor of the House the women representative for Isiolo County, hon. Tiyah Galgalo, reporting that she has been threatened; I do not think any security officers have taken that issue seriously. Let us be a nation that takes such issues seriously.

**Hon. Speaker:** Hon. ole Kenta.

**Hon. ole Kenta:** Thank you, hon. Speaker. I also wish to join my colleagues in conveying my condolences and those of the people of Narok North, to the people of Kabete for losing their Member of Parliament. I also wish to remember the people of Narok for losing a young man by the name Lakape. It is unfortunate that people can just be killed like that in our country. I think it is important that security agencies take these issues seriously. This is because of late we have had what I can call misuse of power and authority, as has been seen in Narok, where people who were demonstrating peacefully were killed and others maimed. I believe this is actually a sign that our country is actually disintegrating.

I would like to call upon my brother, the Cabinet Secretary, hon. Nkaissery, to take his job seriously and stop harassing innocent people as he did in Narok. We would like to know who killed our young people in Narok. We want to know who killed hon. Muchai. We want to know who killed his security people and driver. Kenyans must come together and say that the Government must defend and protect them at all costs. If we keep on blaming the system and no results are seen, we will go nowhere. So, I would like to send my condolences to the family and tell them to elect somebody as good as Muchai.

Thank you.

**Hon. Speaker:** Hon. Opiyo Wandayi.

**Hon. Wandayi:** Thank you, hon. Speaker. Let me also take this opportunity, on behalf of the people of Ugunja and on my own behalf, to pass my condolences and commiserate with the people of Kabete and the families of hon. Muchai and his three assistants.

Hon. Speaker, it was, indeed, a very sad day when the news of hon. Muchai's death reached us. Hon. Muchai met his death under very disturbing circumstances; indeed I hope and pray that the truth shall finally come out regarding his death. We hope that it will not be like in other cases of deaths that are reported and do not get unraveled.

Hon. Speaker, this country has had a very sad history of mysterious deaths and assassinations; hon. Muchai's death reminds us very sadly of the death of the late hon. Mugabe Were of Embakasi, who was killed under more or less similar circumstances. It also reminds us sadly of the death of the late Prof. Odhiambo Mbai, who was also assassinated under very unclear circumstances.

Hon. Speaker, it is our hope that the Government will take this matter very seriously not only to unearth the perpetrators of this heinous act and the motive behind it but also to assure Kenyans that the Government is in charge of security, because ultimately it is the Government's responsibility to secure the country and protect its citizens and their property.

Hon. Speaker, as we condole with the people of Kabete, I only want to urge for calm in the constituency and the country as a whole as---

**Hon. Speaker:** Finally, hon. Njoroge Baiya.

**Hon. Baiya:** Thank you, hon. Speaker. On my own behalf and that of the people of Githunguri, I also wish to send a message of condolences to the family of the late George Muchai as well as to the people of Kabete.

Hon. Speaker, the late Muchai was a colleague and a brother, with whom we had occasion to share much about the country and our county. He was actually one of the most sober and intelligent Members of Parliament. He reasoned and actually lived above petty squabbles. It is quite clear that the circumstances under which hon. Muchai died literally translate into not a simple assassination. I happened to be at the scene at about five o'clock in the morning, and it was quite clear that the crime was conducted professionally. Those were very well selected killers. They knew what they went there to do, and did it right on a main street of the capital, in front of cameras and under the watch of the entire security system. If this crime is not resolved it will be a ridicule to the security apparatus of this country.

Hon. Speaker, it is quite clear that the police have somewhere to start. If in November he made statements that in law are actually considered death declarations, outlining the possible cause---

**Hon. Speaker:** Next Order.

## MOTION

### APPOINTMENT OF HOUSE BUSINESS COMMITTEE

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

THAT, pursuant to the provisions of Standing Order No.171(1)(d), this House approves the appointment of the following Members to the House Business Committee in addition to the Members specified under paragraph (a), (b) and (c):-

1. The Hon. (Dr.) Naomi Shaban, EGH, MP,
2. The Hon. Katoo ole Metito, EGH, MGH, M.P.
3. The Hon. Jamleck Kamau, EGH, M.P.
4. The Hon. William Cheptumo, M.P.
5. The Hon. (Eng.) M. M. Mahamud, CBS, M.P.
6. The Hon. David Were, M.P.
7. The Hon. Z. K. Cheruiyot, MGH, M.P.
8. The Hon. Mithika Linturi, M.P.
9. The Hon. John Serut, M.P.
10. The Hon. Cecilia Ngetich, M.P.
11. The Hon. Priscilla Nyokabi, M.P.
12. The Hon. Joyce Emanikor Akai, M.P.
13. The Hon. Johnson Sakaja, M.P.
14. The Hon. Florence Kajuju, MP
15. The Hon. KK Stephen K. Mburu, MP
16. The Hon. (Dr.) Victor K. Munyaka, M.P.
17. The Hon Rachael Nyamai, M.P.
18. The Hon. Thomas Mwacheghu, M.P.
19. The Hon. Jakoyo Midiwo, MGH, MP
20. The Hon. Jessica Mbalu, M.P.
21. The Hon. Wafula Wamunyinyi, M.P.
22. The Hon. Peter Shehe, M.P.
23. The Hon. Makali Mulu, M.P.
24. The Hon. Dennitah Ghati, M.P.
25. The Hon. Gladys N. Wanga, M.P.
26. The Hon. (Dr.) Susan Musyoka, MP
27. The Hon. Ben Momanyi, MP
28. The Hon. Joash Olum, MP
29. The Hon. Khatib Abdalla Mwashetani, M.P.

Paragraph (a) is the Speaker of the National Assembly; paragraph (b) is the Leader of Majority Party and paragraph (c) is the Leader of Minority Party. Within seven days of the beginning of a new Session, each parliamentary party or coalition shall submit names of Members to serve in the House Business Committee. Each parliamentary party shall include their Whips. Being the first day of the Third Session of the Eleventh Parliament, this House has to decide on this matter, so that the House Business Committee can retreat to its usual Room 9 and decide on the next business of the week.

I want Members to look at Standing Order No.175 which provides that you cannot amend these names. You can only reject the list or approve it. If you reject it, the consequences are so grave. The Speaker read Communication---

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, this is the first day. If any Member is desirous of making a point different from the one being made by the speaker, they have to catch the Speaker's eye by placing their card. Otherwise, any loud exchanges - I can assure you that now I know most of you by your names - it will be instant suspension, so that we can restore order and dignity. So, allow whoever is speaking time to speak. You rise in your place and say your bit in silence, so that we can restore the dignity that we lost.

**Hon. A.B. Duale:** Hon. Speaker, if this list is rejected, it will mean that it can only come back after six months. If it is rejected, that will mean that there will be no session tomorrow morning and no subsequent sessions because this is the Committee that will set the agenda at the beginning of a Session.

The functions of the House Business Committee are, first, to prepare the Parliamentary Calendar. This will indicate how the Third Session of the Eleventh Parliament will be. It will show the recesses and sittings. Two, it monitors, under your leadership, and oversees the implementation of the House business and programmes. Thirdly, it is the House Business Committee that decides the order in which reports of committees come to the House.

I saw something in the media some chairpersons complaining. The ultimate decision on which reports are to be debated lies with the House Business Committee under your Chairmanship.

Finally, the House Business Committee has the role to implement the Standing Orders in totality in terms of scheduling of programmes and business for this House. It is the decision of the House, but as the Leader of Majority Party, I decided, this being the first day, to invoke Standing Order No.175, so that Members can read as they debate---

We do not have the name of the Speaker, the Leader of Majority Party and the Leader of Minority Party because they are specified under paragraphs (a), (b) and (c). The holders of the offices of the Speaker, the Leader of Majority Party and the Leader of Minority Party are official Members of that Committee. The other 29 Members need the approval of this House.

With those many remarks, I will ask my good friend, the Minority Deputy Whip, hon. Chris Wamalwa, to second.

**Hon. Wakhungu:** Thank you, hon. Speaker. I rise to second the Motion. The House Business Committee is a critical Committee as far as the smooth running of the business of this House is concerned. So, I am calling upon my colleagues to support this list. We did not have any changes. If you look at the list, it is the same team that was there the previous Session. The fact is that they already have experience and there is something called the "learning curve", they have that advantage and we are not going to have the teething problems that were there initially.

My only request is that as they move on, we would like them to prioritise some of the businesses, especially that which has constitutional timeframes, so that we are not time-barred.

In terms of attendance, at times they are too busy but we call upon them to prioritise the House Business Committee. The success of this House, as far as its business is concerned, has a positive correlation to how this Committee works.



I beg to second.

*(Question proposed)*

**Hon. Chanzu:** Thank you, hon. Speaker, for the opportunity to support this Motion.

It is important that we must have the House Business Committee in place as you have said. Going by the Standing Orders, we must have it in place, but the concerns raised by hon. Members, as you indicated, should be addressed. We hope they will be addressed, so that we can start on the right footing.

Parliament is the face of this country; we are the leadership and we are operating as a National Assembly. We are the highest level of leadership. I think it is good for us to display the best that Kenyans, including young children, would like to see. We are told we are doing things; unfortunately all we do here is shown on TV. Sometimes it is repeated and those who cannot watch news during the day watch it in the evening and in the morning when they wake up at 6.00 a.m. So, we must operate with decorum.

Hon. Speaker, it is also unfortunate that some of those involved in the kind of things that are making hon. Members unhappy are members of the Parliamentary Service Commission (PSC), which is supposed to be taking care of our welfare.

*(Applause)*

When you see the way members of the county assemblies are behaving, if they copy this kind of behaviour, you can imagine the multiplicity of it in this country. We have been trying to get that situation out of our way, but if the leadership here is going to display it, it is a matter that we must take care of. We must take serious action so that it does not recur.

Threats like what I saw on that day should not be here. In fact, it is going to be difficult for us to sort out the issue of the late hon. Muchai if we cannot handle the situation concerning our discipline. I want to offer to the families of our beloved colleague, hon. Muchai, his two bodyguards and the driver, my message of condolence. It is a big challenge to us, because we have been saying that we do not have security. We have been complaining about insecurity. The hon. Member had security officers who were armed but that still happened. It is a big challenge to us to find out how we can arrest this situation.

Even as we talk about training of those who take care of us, it is the Office that deploys them which is very complacent. The big man syndrome in this country is a major problem. We report a lot of things to the police even in our areas. We report them but no action is taken. It is high time that those who are charged with the responsibility of deploying security officers also acted to the level that befits their positions.

With those few remarks, I support.

**Hon. Mwadeghu:** Asante mhe. Spika. Naunga mkono Hoja ambayo imeletwa Bungeni mchana huu.

Nitaanza kwa kuwaomba Wabunge wenzangu tutilie maanani Hoja hii kwa sababu hii kamati ndio inaongoza shughuli zote za Bunge. Muhula uliopita, hasa mwisho

wake, kulikuwa na tatizo. Naomba kwa unyenyekevu Wabunge wenzangu tuangalie kwa ufasaha sana shughuli za Bunge na mikakati yote ambayo itawekwa mbele ya Bunge hili. Ni hii kamati peke yake ambayo ina majukumu ya kuweza kufuatilia na kuongoza shughuli za Bunge.

Kama ilivyosemwa na kiongozi wa walio wengi Bungeni, tusipoikubali hii Hoja leo, inamaanisha kuwa Bunge kesho halitakuwa na ratiba yoyote ambayo itaweza kufuatwa, na Bunge halitaweza kufanya shughuli zake. Kwa hivyo, nasihi pande zote za milengo ya kisiasa tuungane, tushikane pamoja tuanze muhula huu mpya kwa moyo wa kuridhiana na kwenda mbele ili tupate kuijenga hii nchi.

Majina ambayo yako hapa, yametoka kwa milengo yote. Labda kuna wengine ambao walikuwa wanatarajia kuwa katika hii kamati lakini hawakuweza kubahatika. Ukweli wa mambo ni kuwa si kila mtu ataweza kuwa katika hii kamati kwa sababu idadi yake haiwezi kuwa zaidi ya watu 29, kama ambavyo imekubaliwa na kanuni za Bunge. Kwa hivyo, nawaomba Wabunge wenzangu tushikane, tuweke maanani na tujue kuwa hawa wote ambao wamechaguliwa, ama kuteuliwa, watakuwa kama nyinyi wenyewe wa milengo yote. Tuhakikishe kuwa shughuli za Bunge zinafanikiwa.

Naomba vilevile katika uendeshaji wa shughuli zetu za Bunge muhula huu, tukiona kuna Hoja ambayo inaleta utata, ama italeta utata, tukae kando kidogo, hasa viongozi, tujadiliane na tuipige msasa ili inapoletwa hapa isije ikapendelea mlengo wowote, na kuleta fujo. Tunaomba tuelekee pamoja. Tushikane twende kama dau moja. Tushikane ili ile hadhi yetu ambayo imeshushwa sana na mikasa ambayo ilitokea hapo awali, hasa mwisho wa muhula, irudi na kupanda.

Nikimaliza, naomba nichukue hii nafasi kama mmoja wa Wabunge na, kwa niaba yangu na ya watu wa Wundanyi ambao ninawakilisha kupeana rambirambi zangu na zao kwa familia ya mhe ambaye amepatwa na mkasa wa kifo, labda kabla ya wakati wake kufika. Mauti yalimfika familia yake ikiwa inaangalia. Tukiangalia katika utu wa binadamu, mtu kulimbikiziwa risasi watu wakiangalia--- Walinzi wake na driva walikuwa watu wachanga walipokufa. Ni kifo ambacho mpaka sasa sisi, kama Wabunge, hatujaelezwa waziwazi kilitendeka vipi. Vifo vingine vimetokea na tunavielewa. Lakini hiki cha mwenzetu, mhe Muchai, tunaomba mkono mrefu wa Serikali uingilie kati na uchambue kwa undani ili tufahamishwe ni nini kiliwafanya wenzetu kutuacha. Kwa hivyo, natoa rambirambi zangu kwa wote ambao wanahusika, familia, jamii na marafiki zake. Wabunge wenzangu pia nawapatia pole kwa kupoteza mwenzetu.

Mwenzetu mwingine ametoa Hoja hapa na kusema pia amepata vitisho; tusivichukulie rahisi namna hio. Hii ni kwa maana kama mwenzetu anapata vitisho, hatujui ni nani mwingine atapata vitisho. Naomba ulinzi wa Wabunge upewe kipaumbe ili sote tupate kuhakikishiwe kuwa tukitoka hapa na kwenda kwa shughuli mbali mbali tujue tuko katika hali nzuri ya ulinzi.

Narudia kuwasihii Wabunge wenzangu wa pande zote tuunge mkono hii Hoja, na labda tusiizungumzie kwa urefu sana lakini tuipitisho.

Naunga mkono.

**Hon. Bunyasi:** Thank you, hon. Speaker. I rise to oppose this list for the very simple argument that has been put very well and ably by the Leader of Majority Party, that every parliamentary party is represented on this list. The UDF is a parliamentary party but it is not represented on this list. So, the list is defective from the word go. If that

correction could be made, then we would have a basis to begin to talk about this. As it is, the list is defective and so I oppose it.

**Hon. ole Sakuda:** Hon. Speaker, I stand to support this Motion. It is important to note that we intend to have a House Business Committee that will be sitting to set the agenda of this House. It will also be leading this House in all its activities. However, when Members come here and do not live up to what they uphold, then that is a matter that should disturb us. When you read some of the names, you must see the concerns that we are raising. If we have to give people leadership, not only in the HBC, but also in the Parliamentary Service Commission (PSC), they should be able to uphold the integrity that leadership calls for. It was very disheartening to see a Member splashing water on her leader in this House.

I think that from your Communication from the Chair today, we will see some action being taken as soon as possible. That way, we will be assured that the leaders whom we have in the HBC and PSC are people who can be emulated. Our children, who see them on screens, should not emulate the splashing of water; rather they should emulate the sound leadership that this House exhibits.

Let me conclude by passing my condolences to the families of my late brother, hon. George Muchai, the two bodyguards and the driver. As the family of hon. Muchai is remembered, I hope that the families of the two bodyguards and the driver will not be forgotten. We know that they are people who gave themselves fully to the service. We have talked about ensuring that the security of Members and Kenyans is taken seriously. We want to pray for the people of Kabete that God leads them through this time of pain.

Hon. Speaker, you gave a communication about the events of 18<sup>th</sup> December, 2014. In fact, I was looking forward to some cleansing ceremony in this House. I did not see any elaborate cleansing, so that as we start off this Session we are assured that we have blessings from everywhere. We hope that Members will conduct themselves in a decent way.

Finally, I want to put a request to the PSC. Even as it meets to take care of the security of this House, maybe, it is about time it ensured that the vehicles the Members of Parliament are provided with are, at least, armored, so that something like that which happened the other day does not happen to any other Member.

I support the Motion and, please, let us look at why Members are not happy with some names on this list.

**Hon. Mwaura:** Hon. Speaker, I rise to oppose this list as has been elucidated by the Leader of Majority Party. I oppose this list because it is the same list that was in the last Session. On their own admittance, attendance is not very good. When I look at this list, it is not representative. I am saying this because special interest groups are not represented in this list, yet there is a reason we are in this House. If you look at the various legislative proposals that some of us have been able to process, you will realize that some of them have taken forever to come to the Floor because of the scheduling of the House business. I want to cite the Persons with Disabilities (Amendment) Bill that hon. Wanjiku Muhia proposed. We went through the Second Reading a long time ago, yet we are not seeing progress. There are so many other things, including petitions, Statements and so on. I think the fact that we need to have that kind of representation must be reflected in the constitution of this Committee.

When I look at this list, I do not think regional representation has been adhered to. If you look at the regions where some of the whips and leaders of the House come from, you will find that there are more than one Member from those regions. The question is: Was it because of favouritism? Was it because of proximity to the House leadership that people have been put in this list? I have a question because this looks like a cartel in the House's leadership. The HBC is a very important Committee of the House and my opinion is that much as there are sanctions, they should not be abused by the drafters of this list as to ensure that because we have no recourse the list then passes unchallenged. If, for example, we have an issue the list can be withdrawn and re-submitted. However, if you take advantage of the fact that we are not supposed to have a sitting until six months elapse, and we will then be dissolved, I think that is not proper. We might not satisfy everybody, but it is important to have a list that is totally acceptable.

This extends to various committees of the House. If we want to uphold the dignity of this House, we must ensure that whatever we do is, to a large extent, above board. If it is questionable, even by Members on the Floor, then this will erode the confidence that we have in the leadership of the House; the kind of representation, oversight and legislative proposals that will, of course, go a notch higher in meeting the needs of the people whom we represent.

I would like to take this opportunity, on behalf of persons with disabilities, to actually condole with hon. George Muchai's family. I knew him when we were in the civil society, especially when we used to negotiate for the Constitution and the Employment Act to include issues of people with disabilities. Not once, not twice did he call me on issues to do with people with disabilities; we work together to help his constituents. He made it very clear to many of us that there were people in the labour movement who were after him; that must not be ignored. I think part of the investigations must be in terms of communication with some of these people. It was very clear; let us not see grey arrears. Hon. Muchai faced very serious threats. If the consequence is that we have a platform, as Parliament, to only come here to mourn a Member and move forward, then I think everyone of us is endangered.

This issue also concerns the teachers who are protesting outside Parliament because of their personal security in Mandera, Wajir and Garissa counties. We need to look at that issue as a country. We should not be seen to be elitist in that our only concern is when one of us is attacked. We need to ensure that we also look into the needs of those teachers who are concerned about going back to the area. Most of them are young people. When I spoke to them they said that they have young families and they are suffering. I think it is not just a question of wishing them away and issuing of threats by the Teachers Service Commission (TSC). We hope that the new commissioners, who will be vetted will ensure that there is a lasting solution to this issue.

With those many remarks, I wish to oppose this list and urge the leadership of the House to withdraw it for reconsideration.

**Hon. Speaker:** The Leader of Majority Party indicated that you look at Standing Order No.175. For avoidance of doubt, and so that we debate with knowledge, I want to be magnanimous and read it out:

“(2) Whenever a Motion for approval of a list under paragraph (1) is moved in the House, no objection against the proposed membership of a member in a select

committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.”

This is just for clarity. You are asking the leadership that has moved this Motion to withdraw it. Unless that happens, a rejection must be a rejection of the entire list, so that then you can stay without business and you just go home. People cannot be here without business. That is the long and short of this Standing Order No.175 (2). So, you cannot oppose one name or a few names; you can only oppose the entire list. That is the long and short of it.

So, hon. Members, I am willing to have you proceed to debate for as long as you desire to but, of course, Standing Order No. 49 (1) says:

“(1) No Motion may be moved which is the same in substance as any question which has been resolved (either in the affirmative or in the negative) during the preceding six months in the same Session.

It is therefore important so that the likes of hon. Mwaura are in the know that, that is what it means. Another Motion, the substance of which will be names, will not be moved in the next six months. So, you can plead with the leadership of the House to withdraw and maybe go and pray over it overnight. Nothing much can be done. Leader of Majority Party, do you have a point of order?

**Hon. A.B. Duale:** Hon. Speaker, I also want to clarify the issue concerning the hon. Member from United Democratic Forum (UDF). Standing Order No. 2 talks about representation in parliamentary parties; it does not talk about gender or special interest groups. That Standing Order No. 2 says:

“Parliamentary Party” means a party or a coalition of parties consisting of not less than five per cent of the membership of the National Assembly.”

I want to confirm that, that five per cent is 18 members. So, if you have less than 18 members in your party, then you are not a parliamentary party. However, because we also work in coalitions and under the Jubilee banner for example, we work with the Amani coalition in which UDF and the New FORD (K) are members--- Since we have hon. Were in this list, then he represents the AMANI coalition. Let us read the Standing Orders and see that if you have less than 18 members then you are not a parliamentary party.

**Hon. Speaker:** Hon. Joseph Kahangara.

**Hon. Kahangara:** Thank you, hon. Speaker for giving me this opportunity. I rise to oppose the Motion. I wish to oppose this Motion for a very simple reason, that the leadership of this House or the political parties that are represented in this House are pretending that they cannot see that we have Members whose conduct has depicted this House in very bad light before the public and among ourselves. When they bring these names, they then read the Standing Orders to tell us that we cannot reject the proposed list. We are here asking them to withdraw the list because we feel that some of the Members on this list have already projected this House in bad light among the public and among ourselves. We feel that with over 300 Members, we do not need to keep recycling the same Members in the House Business Committee (HBC). There are other Members who are capable of doing the same business and probably better than the names that have been brought before us.

I, am therefore, urging the leadership of the parties that have presented these names to withdraw them and bring other names. Do a bit of consultation so that as a House we can have Members that we feel are the right people to lead this House.

On the same breath hon. Speaker, I take this opportunity on my own behalf and that of the people of Lari and my family to condole with the family of our colleague, the late hon. George Muchai, the bodyguards and the driver who were assassinated. At this stage, I also wish to say that if a Member of Parliament who is guarded can be killed or assassinated for that matter then it means that there are particular people who are out to eliminate us for whatever reason. Then the general public is at a bigger risk. We ask the police to make us know the motive and get the killers especially because it is alleged that hon. George had already reported that his life was in danger. If this does not happen then we will not know who is next on the list of the assassins.

Hon. Speaker, I oppose the list and urge the leadership of the parties to withdraw the same and reintroduce it in the next business. Thank you.

*(Hon. Members gestured to catch the Speaker's eye)*

**Hon. Speaker:** Hon. Robert Mbui. Hon. Members, do not gesture at me by pretending that, that is a way of catching my eye. There is a list that I am following and this is a new session; the Third Session. I do not want those antics and gestures. If you want to smile do it but do not raise fingers and hands or wink because I am following this list. Hon. Mbui.

**Hon. Mbui:** Thank you, hon. Speaker for this opportunity. I want to support that list because of many reasons. One of them is that we have been out for three months and I do not want to be out for another six months because I think there is a lot of business that needs to be done. I want to say that the Leader of Majority Party has ably scared some of us who came in with the intention of rejecting the list. However, I also want to say that there are one or two names that people seem to have issues with. That notwithstanding, I think we should not punish the country because of an individual. There are many avenues by which these things can be handled and this is not the right thing.

Hon. Speaker, as this Committee starts business, I want to ask that they kindly prioritise some basic Bills. One of them is the one concerning the benefits of our CORD principals because this has been going round in circles. It is high time these leaders got their benefits and it is this Committee that can prioritise that.

The other thing is that we should not rush business in this House like it happened last time just before we closed. This is because that can cause confusion and chaos. Last time we should have had enough time to consolidate and discuss issues instead of bringing the Security Laws (Amendment) Bill the time we did. I therefore ask that we take time to consult before we rush these Bills in the House.

Hon. Speaker, the membership of these committees is very important. One of the roles of parliamentarians is play oversight role on the Government. In order to do proper oversight, one has to be a member of a departmental committee. It is unfortunate that some Members of this House including myself are not in any departmental committee. Basically, that means that I am only representing the people of my constituency and not playing oversight role. As we propose names, it is important that we take time and make

sure that we give all Members an opportunity to serve this nation because that is why we are here.

Finally, I take this opportunity on my own behalf and that of the people of Kathiani Constituency to send my heartfelt condolences to the family of the late George Muchai who was our colleague, and the families of the bodyguards and the driver. I request that we be patient because I hope the Government is going to do what is necessary so that the criminals are brought to justice. May the good Lord rest his soul in eternal peace.

I support the Motion.

**Hon. Speaker:** I hope the Minority side heard that particular comment, that there is a Member who is not in a departmental committee. That is a matter of concern. It is important that those things are considered. Hon. (Ms.) Wanyonyi.

**Hon. (Ms.) R. N. Wanyonyi:** Thank you, hon. Speaker for giving me this opportunity. I stand to support this Motion in the sense that the House Business must go on and as such we need to approve this particular list. However, it is very important and of great concern that we have to look at the conduct of some of the Members of this particular Committee. For real, the integrity of this House is at stake given the conduct of some of the Members who are on this Committee. As we go on, it is very important that we do vet in a special way the conduct of some Members before they are put on some of these key Committees. With that and as I support this Motion, I also want to take this opportunity, on behalf of the people of Bungoma and myself, to pass condolences to the family of the late hon. George Muchai together with the two bodyguards and the driver who passed on in a manner that leaves us quite frightened. The security of the nation at large is highly wanting. It is highly important that the security department comes up with new strategies to strengthen our security intelligence so that we can move in Kenya freely. Our safety needs to be guaranteed.

With those few remarks I support the Motion.

**Hon. Speaker:** Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Speaker for giving me this opportunity. First, I want to take this opportunity to wish all the Members a happy New Year. I also take this opportunity to condole with the family of the late hon. Muchai and the bodyguards and driver who were killed in very sad circumstances. I want to say that it talks to the issue of insecurity in this country. Personally, I was a victim. In the last Parliament, I was attacked by an armed gang of six men who had guns and I reported the matter to the police. The police said that I was just being overdramatic and we let it pass. Even in this Parliament, a month ago somebody called me and told me somebody had sent him to come and kill me. I actually have the message and the name of the person who called me. Based on my past experience, I said it is a waste of my time. I have not reported matter to the police. I have just told my friends and relatives that should I die, this is the person who was sent. I therefore want to say that the Government should take the issue of security very seriously. It is just not about Members of Parliament but about Kenyans as well. We are not really special but it is important that we do something. I want to support this Motion but not based on what hon. A. B. Duale is saying. It is erroneous that you would want to come if you have a list that is erroneous and threaten Members with going home for six months. I would want him to tell us that I am bringing

this Motion based on one, two, three issues; issues of Members' competence and such issues. Hon. A.B. Duale knows that there are many ways. You can even withdraw the list if you so wish. However, on my part I wish to support the Motion for continuity purposes. The last time we spent so much time just approving the list.

Finally, I would like to laud you on what you read earlier on about the conduct of Members in the House. I want to say hon. Speaker that I did send a letter of complaint to you about how I was treated in this House. Hon. Speaker, I hope you do respond to my letter. Thank you.

**Hon. Speaker:** The last bit - there is no debate on that because I do not respond from the Chair to letters. Therefore, it is misdirected but well spoken nevertheless, hon. Millie. Hon. Kiaraho, you will be the next one.

**Hon. A. B. Duale:** Hon. Speaker, I would like to make a clarification through a point of order that the list that is before the House is from both sides of the Coalition. I want Members to be categorical on which names they have a problem with. For me, I can only stand as the Leader of Majority of the Jubilee Coalition. I can only defend my names. It should not be mob justice. Members should specify where the list is wanting. In case we go back, then we know the list will go back to which Coalition. This must come out very clearly. For us, the Jubilee Coalition, we have brought back the same Members. This is a tradition we want to maintain. Even when we finish the third year and we want to change our membership in the Public Investments and Public Accounts Committees, as a Coalition we will agree. From my side of the Coalition, the names are very clear. The independents come to my side, hon. Serut and then the other side comes in. As we debate, it is good to say that you have a problem with the name of hon. Duale which you can do very little about because they are there because of their offices. You cannot change the Speaker, the Leader of Majority Party and the Leader of Minority Party. We have been described as "A" "B" "C". That is why our names are not here. The remaining Members, please tell us if you have a problem with hon. Florence Kajuju, Mwashetani, Makali Mulu or the Whips. Again the Whips must be in the House Business Committee. Parliamentary parties must submit their names inclusive of their Whips. So as we debate, let us say that.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Kiaraho.

**Hon. Kiaraho:** Thank you, hon. Speaker. From the outset, on my behalf and on behalf of the people of Ol Kalou Constituency, I would like to convey my condolences to the family and the people of Kabete Constituency for the loss of hon. Muchai, the two bodyguards and the driver.

Let me just comment on that particular incident. I was among the very first people to arrive at the scene on that fateful Saturday morning, at around three o'clock. What I saw there was no doubt a case of pure assassination. I believe and I have confidence that our security apparatus and security agencies will do all it takes to bring the people behind this heinous act to book.

On the Motion before the House, I support but there are one or two issues we should note. We have some Members who are in this list who are of questionable integrity and character. That is a fact.



*(Loud consultations)*

Hon. Speaker, protect me from the Leader of Majority Party. When I am talking, the Leader of Majority Party should be quiet.

I think this is something worth noting, but for the sake of the smooth flow of business, we should approve it as it is. This is a very important Committee as far as the business of the House is concerned. Next time when you are coming up with this list, these people should be vetted so that we make sure we have the right people.

Hon. Speaker, I would like to donate my remaining minutes to hon. Kang'ata.

**Hon. Kang'ata:** Thank you my colleague for giving me the reminder of your time. Thank you, hon. Speaker. In respect to the Motion before this House, I feel some names here are not appropriate. It is true---

**Hon. (Eng.) Gumbo:** On a point of order!

**Hon. Speaker:** Yes, I will allow the point of order because hon. Kiaraho contributed and finished.

**Hon. Kang'ata:** There was no red light!

**Hon. Speaker:** Yes, hon. Gumbo. I thought you had a card.

**Hon. (Eng.) Gumbo:** On a point of order, hon. Speaker. I do not want to lose queue. While I have the highest respect for the Member for Ol Kalou and my good friend hon. Kang'ata, is it really in order that we should conduct the business of the House in the manner that the hon. Kiaraho has done? This is a House of rules and records. I am privileged to be here for the last eight years and I have never seen it happening this way. We are turning the House into a market and honestly it is not in order.

I beg your ruling, hon. Speaker.

**Hon. Speaker:** Certainly you are right,

**Hon. Kang'ata:** Can I submit back?

**Hon. Speaker:** Totally out of order! Hon. Kang'ata's card was immediately next to that of the hon. Member who has just contributed and I suspect that is how he ended up there. Anyhow, since hon. Kiaraho finished his contribution, we should allow another Member. This is because the next one is hon. Kang'ata. In keeping with our practice, let us get the Member for Matungulu, hon. Mule.

**Hon. Mule:** Thank you, hon. Speaker. First and foremost, I send my condolences to the people of Kabete for the loss of their MP, hon. Muchai. That morning I met with the hon. Member who has just spoken. I wish to tell Members of Parliament that we must be careful when we are out there. What we saw together with Senator Wamatangi is completely unspeakable. So, may the Lord rest hon. Muchai's soul in eternal peace.

I want to state from the outset that this is a list which is eliciting a lot of different reactions from both sides of the House. If we are sincere that we want to cleanse this House to make sure that we do not see the actions we saw last year, we must start with this list. We must make sure that we bring dignity to this House. This is because if we are going to bury our heads in the sand and assume that all is well--- You can see exactly what is happening in the first day of the House; hon. Members giving themselves airtime before you give them. They better buy the airtime from you.

Hon. Speaker, it is unfortunate. When talking about integrity, the Leader of Majority Party is telling us that if we do not pass this list then we will go home for six

months. He will also go home! That is a fact. He will also be at home. Two, if I have an issue with the Leader of Majority Party and he is safeguarded by the Standing Orders, we must change those Standing Orders before we get that list. What I am saying is that we must stand tall this new year and cleanse this House starting with this list so that we retain our dignity and respect to the people of Kenya. If today we reject this list and we say we want people of integrity, I believe and I can assure that even Duale will not be in this list because of calling our mothers in every *nini!* That is a fact.

*(Laughter)*

**Hon. Speaker:** Hon. Mule, if the Chair recognises you as an hon. Member, you surely must recognise the hon. A.B. Duale---

**Hon. Mule:** Okay.

**Hon. Speaker:** Not okay. I just told you hon. Members that you really must act with decorum. If, from the Chair, I refer to you as hon. Mule, you surely cannot refer to the hon. Member, the Leader of Majority Party, as merely Duale.

**Hon. Mule:** Alright hon. Speaker, I withdraw and apologise and refer to him as hon. A.B. Duale. He will not see his name in this list. The reason the House went down on its knees last year is because we have hon. Members who conduct the business of this House as if we are conducting our own affairs. We must have serious people who can read the mood of this House and make sure this House does the correct business at the right time. If we are going to pass a list because we fear going home for six months, we are just cheating ourselves. Let us bite the bullet. Let us have the correct people to lead this House and I can assure you hon. Speaker that even your integrity and dignity in leading this House will be at ease and Kenyans will respect us.

With due respect to hon. A.B. Duale and the leadership of the Opposition, I beg them to find a solution to withdraw this Motion. Go to the parties, caucus well, get us people who can lead us and then you bring the list. By that time, we will have relaxed our mind and so we will pass those names and give this House dignity. However, in this scenario we are going to behave and assume that even the other side is comfortable. I am sorry. Members of Parliament, we are not doing service to this country because it has been watching us and has seen what is happening. I beg again, the Leader of Majority Party, hon. A.B. Duale and the leader of Opposition here, let them withdraw this Motion and correct the mischief which hon. Members have. We need to have hon. Members who can be in the House Business Committee so that we retain our dignity.

May God bless this House.

**Hon. Speaker:** Hon. Members, as many of you as possible will speak, only that you must make a decision, one way or the other. Hon. J.K. Bett, you have the Floor.

**Hon. J.K. Bett:** Thank you, hon. Speaker. I thank you for giving me this opportunity. I want to speak on the Motion at hand and the list. I also reject it.

We cannot be intimidated that the Standing Orders says this-and-this when we have issues with some hon. Members who provoked us on 18<sup>th</sup> December, 2014 until some people did what we do not accept. We request with humility that we cannot be taken under siege and be told that when we do this we will go away for this long. We request that this list be withdrawn. Let them caucus. We do not need to mention names.

The same leadership knows individuals who are not acceptable within the membership. If this thing is amended, we will pass it in less than a minute. However, the way it is, we have issues with it. That is my opinion.

On behalf of Kesses Constituency, I want to take this opportunity to express condolences to the family of the late hon. Muchai.

We want to say that we have all the confidence in the new Cabinet Secretary for Interior and Coordination of National Government that no stone will be left unturned until the perpetrators of the same are found.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Kang'ata, you now have the chance; not airtime.

*(Laughter)*

**Hon. Kang'ata:** Thank you, hon. Speaker. I understand the dilemma that is with the Leader of Majority Party. Personally, from hon. Members who come from this side of the Coalition, that is the Jubilee Coalition, I have no problem and I know the Leader of Majority Party does not have any influence as to the names that are being brought from the other side. Be that as it may, the names which have been brought from the other side, in my opinion, include some names of hon. Members who I feel ought to have been punished because of what happened last year. When these hon. Members are still in this list and taking into account as we speak, no action has been taken against them, the only thing I can do to contribute or to show my disgust to what they did is by rejecting this list. Therefore it is a dilemma; on one hand yes, on my side I have no problem with hon. Members from my Coalition but some people who did very bad things - things that were very shameful - have not been punished and their names appear on this list. Therefore, as a result, I am compelled to oppose unless the leadership from both sides of the coalitions can probably sit down---

*(Hon. Mwadeghu stood up in his place)*

**Hon. Speaker:** Let us hear a point of order from the Minority Whip.

**Hon. Mwadeghu:** Thank you, hon. Speaker. It is important for hon. Members to realise that I pointed out that this list has come from both sides of the divide. I do not think hon. Kang'ata is in order to insinuate that it is our list that is bringing problems. That is the position of CORD and I want it to be made clear. If you want us to move ahead, we either move or we do not. We will not stand here to be intimidated that our list is the one that is creating problems. No, that is the position of CORD---

**Hon. Speaker:** Unfortunately, Minority Whip that is a point of argument.

**Hon. Mwadeghu:** I wanted to inform hon. Kang'ata that---

**Hon. Speaker:** No, you do not inform. Then you should have said "information" because if it is information, he has to say whether he wants to be informed or he does not want to.

**Hon. Mwadeghu:** Hon. Speaker, the point is taken. Is hon. Kang'ata in order to insinuate that it is our side that is creating this division? That is the point I wanted to raise.

I stand to be corrected.

**Hon. Kang'ata:** Hon. Speaker, I want to propose the way forward; One, all those hon. Members who were involved in that altercation last year should be punished. Two, the membership from this side of the Coalition and from the other side should sit down and ensure that some of the hon. Members appearing on this list and whom we have issues with are withdrawn from this list.

Finally, on that other issue of hon. Muchai, I wish to pass the condolences of the people of Kiharu Constituency for what happened. We are telling the people of Kabete to be strong and to note that the people of Kiharu are with them during this time. I propose that it is time to create a Parliamentary Police Unit. That police unit will do two things. One, it will train the bodyguards of hon. Members on VIP protection. Two, for instance if such a thing happened, it is this unit that would do investigations as opposed to investigations being done by another arm of Government where Parliament does not have control. There are several hon. Members who have passed on, but because we do not have control of the investigating arm, at times investigation may be slow. In any event, such kind of a unit will also help the Speaker to maintain order whenever there are fights here instead of our brethren who are with us here coming to calm us. Even these police can arrest unruly Members. Therefore we need to think about that idea of establishing a Parliamentary Police Unit.

Thank you, hon. Speaker.

**Hon. Speaker:** Well, of course you are at liberty to make the proposal as you did. To confirm to you, the issue of the establishment of the Parliamentary Police Unit is at an advanced stage but it is not desired that the purpose would exclusively be investigative. It is to do other functions because we must have faith in other arms of Government to do what they are best trained to do.

*(Hon. Wamunyinyi stood up in his place)*

A Parliamentary Police Unit cannot have some of the functions of the Criminal Investigations Department (CID) because then we may have to even begin purchasing forensic laboratory equipment for that unit. I think it would be replicating what would be best dealt with by another separate department. I do not think there is anything wrong with whoever is conducting investigations doing those investigations. If we go that road, we might also say we establish a Parliamentary judicial wing to be only dealing with cases that affect hon. Members. If we went that route, the list would be endless and we could easily end up with a Parliamentary central bank unit. The list would be endless but it is a matter that is at an advanced stage and when the full blueprint is ready, we will be inviting hon. Members to give input for actualisation of the unit. Let us have hon. Wamunyinyi on a point of order.

**Hon. Wamunyinyi:** Hon. Speaker, I rise on a point of order to seek your guidance. In your wisdom early this afternoon, in your Communication to the House, you addressed us on the incident of 18<sup>th</sup> December, 2014; the incident which took place when we had a Special Sitting. You made very clear the position of the leadership in your Communication to the House. For hon. Members to revisit the same, I do not know whether it would amount to bringing it up again and making reference to the unfortunate

incident. We are all truly affected by what transpired. I thought the Communication you gave to the House should be a guiding factor so that when hon. Members want to address issues and want to follow up, it should be in line with your Communication. I wish to seek your guidance as to whether it would be in order for us to re-introduce the issue of the unfortunate incident which took place on 18<sup>th</sup> December, 2014.

**Hon. Speaker:** Well, to the extent that the matter has not been resolved, I suppose it would be unfair to gag hon. Members from expressing themselves one way or the other. I think there is a way of dealing with matters of this nature. It is by moving substantive Motions if an hon. Member desires so to do against another. That would be the best way to proceed by way of a substantive Motion so that hon. Members can have an opportunity to debate the merits and demerits and proceed to make a decision in the usual manner.

Let us hear from hon. (Eng.) Gumbo.

**Hon. (Eng.) Gumbo:** Thank you, hon. Speaker, for giving me the opportunity to support the list. Definitely, this list is not perfect and it cannot be perfect but I want to support it considering what we have before us. I notice that the role of the House Business Committee (HBC) is to set priorities for the business of this House. Just going ahead of ourselves, I would request the HBC that as they settle to do their work, they would perhaps consider bringing up some of the reports that have been tabled in this House before and have not been debated. I have in mind the report of the sale of the Government shares in Telkom Kenya and the pending bill of Essar after the exit from Kenya Petroleum Refineries Limited (KPRL). Those of us who will recall, will recall that in the last Session of Parliament we had to face stiff constitutional deadlines with Bills which had constitutional deadlines and we had to work late into the night.

It is my request to the House Business Committee that as they set their priorities they be alive to the fact that we have Bills that have constitutional deadlines which must be dealt with before 27<sup>th</sup> August 2015. I have in mind Bills that deal with legislation concerning operationalisation of Article 11(3) of the Constitution with respect to our culture and operationalisation of Article 45 on the family and, of course, the emotive issue around land and the environment. This year it is important for this Committee to be alive to the fact that we will require legislation relating to community land as espoused in Article 63, regulation of land use and property under Article 66 and legislation to operationalise agreements relating to natural resources under Article 71.

This is important because we went through the last Session where we had to work late into the night when these things could have been anticipated and we did them in good time. There is also legislation for promoting representation of marginalised groups. These are women, persons with disability, youth, and other minorities and of course operationalisation of constitutional requirement for the two-thirds gender rule.

Members need to be aware that we have a Supreme Court ruling which requires this House to make sure that we have a law which governs how the two-thirds gender rule will be implemented in this country and, of course, any other legislation. As a House we cannot conduct business if we are not alive to the contemporary issues affecting our country. The truth of the matter is that I am a parent and we represent constituencies. The truth of the matter is that as we speak today, Kenyans from all over the country are

groaning under the weight of unbearable school fees in our public schools. This is a matter that this House must pronounce itself on.

Hon. Speaker, education is a social equaliser. It is a neutraliser. That is why no country can hope to succeed in this world without directing their resources at ensuring a highly educated and informed citizenry. I, therefore, find it contradictory and ironical that while our Constitution under Article 53(b) guarantees every Kenyan child the right to free and compulsory basic education, a number of our public schools as we speak today charge over Kshs 100,000 per year. This is beyond the reach of most Kenyans. What makes this sad is that every so often we hear the Ministry of Education engaging in what I would call a meaningless ritual called issuance of the school fees guidelines. It is a pity that our Cabinet Secretary Jacob Kaimenyi and the Permanent Secretary, Mr. Kipsang seem to be mere captives in this matter. Sometimes it bothers me when I listen to these two speak on the issue of school fees in our public schools because to me they sound more like the original authors of the book of “Lamentations” in the Bible.

Parliament cannot afford to be an indifferent bystander as our children are unable to go to school because of high school fees. For those of us who have been following the media, you have heard of the case of the young man from Likuyani in Kakamega called Benjamin Wanjala who is offering to sell his kidney to be able to afford school fees. There is the case of the 15 year old girl, Regina Wairimu from Nyeri County. She is repeating Class Eight for the third time because she cannot afford school fees. There is the case of the brilliant Yvonne Akinyi from Kisumu County who may miss her chance in Lugulu Girls High School because of her family’s deprivation. I am just trying to say that these are contemporary issues that as the HBC gets down to business we should be alive to them.

*(Loud consultations)*

I am aware of what I am talking about. I know you are my senior in the profession of engineering but kindly let me continue with my debate.

Hon. Speaker, these issues are not unique to these constituencies I have talked about. I am sure in every constituency in Kenya we have cases of students who are unable to afford school fees in one way or another. It would be important that as a House we assist on this matter. Going forward, we have the emotive issue of land. This country must find answers to the land question in Kenya. The other day I was reading of a gentleman who is claiming Kshs 40 billion from a military installation claiming that the land is his. Honestly, I asked myself: “What can one possibly do in this world to be able to earn Kshs 40 billion? Why would the interest of an individual supercede the interest of a whole country? This is because, for you to be worth Kshs40 billion, you need to be earning Kshs33 million shillings a month for 100 years. What could one possibly have done so as to earn that kind of money?”

Lastly, as the HBC gets to work we have a very serious situation of our children in North Eastern Province. They cannot be taught because of the problems the teachers are facing. The House must, with speed, pronounce itself on this matter. The teachers have expressed fears of their lives but we also know that our children need to be taught.

With those remarks, I support.

**Hon. Speaker:** Hon. Members, I think it is also clear as we move forward to appreciate this: I have no position on the list because my name is there ex officio. Should you have this list withdrawn and I am addressing the leadership, it means there will be no HBC to consider any business for this week including tomorrow. The leadership must then provide the Clerk's Department with another list by Eight o'clock tomorrow morning for it to be circulated for the House to consider it at 9.30 a.m. when it will sit. That is if you withdraw you must provide the Clerk with another list by Eight o'clock failure to which the Clerk will again do an Order Paper with the same list.

The Clerk has no way of coming up with another list. So maybe for the next few days you can be discussing this. It may be the only thing you may be discussing notwithstanding that very serious timelines are already with the House. As you are aware from your own Standing Orders and the Public Finance Management (PFM) Act, the Budget Policy Statement (BPS) must be with the House latest by 15<sup>th</sup> of February 2015. The committees must complete consideration of the BPS and make their submissions to the Budget and Appropriations Committee for them to submit to the Cabinet Secretary. Therefore, I think it is fair that Members need to be clear on what it is that you want done. The other alternative is to reject the list then you just stay. You go home and we will decide when we can invite you back. So, even as we debate I think it must be made clear. Members need to be clear. Eng. Kiragu.

**Hon. J.K. Chege:** Thank you, hon. Speaker.

*(Loud consultations)*

Let me take this opportunity before I contribute to the Motion to send my condolences to the family of my very good friend, the late hon. George Muchai and to the wife and children of the bodyguards and the driver who also lost their lives.

Hon. Muchai was a neighbour of Limuru Constituency. We know that he loved this country. He stood for good leadership in this House. As we mourn him, we are at pain when we reflect on how he died. One wonders, if you look at the sequence of events, there was an accident, then there was shooting but the reports we are getting is that even the bodyguards had not come out of the vehicle. We demand answers to the reasons that led to his death. The people of Kabete and all the neighbouring constituencies, and the whole of this Republic are looking forward to getting answers to this killing.

I also stand here to convey the condolences of Kikuyu Member of Parliament, hon. Kimani Ichun'gwah who is currently out of the country. I know how hard it is for him because he would have wanted to be here to pass his own condolences.

On the leadership, as far as this list is concerned, we have time. There is room for consultation. On both sides, we know that there are people that we can check again who have demonstrated that they have some issues of leadership and integrity. I would suggest that we can meet tomorrow and have a fresh list which we can discuss.

Hon. Speaker, as regards the funeral arrangement for our friend, hon. Muchai, there will be a memorial service on 12<sup>th</sup> Thursday, 2015. On 13<sup>th</sup> Friday, 2015, there will be the funeral. I would like to call upon the Members of Parliament particularly from Tigania where one of the bodyguards will be buried to be present. The other bodyguard will be buried in Transmara and the driver in Mukurweini. We are asking the Members of

Parliament from those areas that they help us to coordinate the funerals of these other three Kenyans whom we must show support and stand with the families as we know that they are also going through a very hard time.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Manson Nyamweya. Okay, finally let us hear---

**Hon. Nyamweya:** Thank you, hon. Speaker for giving me a chance to contribute to this Motion. First and foremost, let me say this; I do not like the way the Majority Leader brought out the issue of, if we do not pass this Motion, we will go home. We need to pass this Motion because there are more urgent issues that need to be addressed by the National Assembly. We have many issues which this House needs to debate and pass so that the Executive can work effectively. As our people's representatives we need to serve them well. I will support this but not because of intimidation. There may be a problem in the names but the leadership we are going to have for the House Business Committee is the leadership of all members. It is not for one or two persons. If you have an issue with a particular member, bring a substantive Motion. This House will make a decision. Let us face the issues the way they are. We debate this thing as hon. Members.

Another issue hon. Speaker is that it is very unfortunate that we have lost a fellow colleague, hon. Member of Parliament. He was shot. Where was he shot at? It is at the heart of the Central Business District. If Nyayo House roundabout is not safe for anybody to walk, where is the security of this country because that is a big issue? We should have known what is happening because we have got guys who are paid to do nothing but protect citizens and property. There is an issue of security operations. There is a crack somewhere that needs to be addressed. As much as we can say this has happened, a wife has lost a husband and a child has lost a father. These are people who are very innocent. We are talking about the security people who were guarding this man and the innocent driver who was killed. Nothing is taking place to solve these issues.

There are many issues. My colleague, hon. Gumbo, has talked about the teachers in North Eastern who have not gone back to school. There are serious issues. There is somebody whose wife was killed in a bus and he carried the body home to bury.

*(Loud consultations)*

Hon. Speaker, the Majority Leader is having another meeting here as we go on with the debate. There is the issue of teachers and pupils who have not gone to class in North Eastern Province. These teachers witnessed murder. They are traumatised and they need counselling first of all but somebody is saying that you must go to class or else you will be sacked. Do we have human feelings? How can you tell somebody who has witnessed some people being killed in a bus to go and report in the same place immediately the holiday is over? What is expected of the Teachers Service Commission (TSC) is to have these people talked to and be assisted through the trauma. They need to be transferred elsewhere. These are human beings who witnessed people being killed. You cannot say that because they are on the payroll---That is not right.

So, I urge the TSC to have a human face and consider that these people witnessed murder being committed like the one that was committed to an hon. Member of Parliament. Members of Parliament who witnessed it were traumatised. Those who were



at the scene were traumatised. Members who witnessed the act were traumatised. What happens with these teachers who witnessed murder of their colleagues in North Eastern Province? Let us have a human face. Those teachers should be transferred. The Government has resources to employ more teachers. Let us not cause a crisis where there is no crisis. The TSC and the Ministry of Education are causing a crisis where there is no crisis. They should first and foremost agree that there is a problem. These people witnessed people being killed and should be transferred to other areas. Let us not misbehave, I plead with the leadership. Hon. Duale was using a nasty language and he was on the television. He does not help this country to move forward.

Hon. Speaker, I support this list as I have said because we need to work as a team. This country needs all of us. There are more challenging issues which we have but we tend to make them look trivial and cheap. We should concentrate on issues that affect this country to reduce poverty and overpricing of goods. We should also address the issue of the teachers and the principals who have increased school fees to Kshs100,000.

Education is a constitutional right for every person who is born, has passed examinations and has been admitted to school. I urge the Members that we pass this list. The issues that we have should not be addressed in this forum. Let us pass the names and any person who has an issue, they are free to raise the issue elsewhere.

With those few remarks, I support the Motion.

**Hon. (Ms.) Kajuju:** Thank you, hon. Speaker. Let me begin by stating expressly that I support this list. Issues have been raised as to the Membership in this list.

**Hon. Speaker:** You rose on a point of order?

**Hon. (Ms.) Kajuju:** I am supporting this Motion, hon. Speaker. Allow me to proceed.

**Hon. Speaker:** Okay.

**Hon. (Ms.) Kajuju:** Thank you for allowing me to proceed. I support this Motion. We have talked about issues of integrity. But what I would like this House to say is that let he or she, who is without sin be the first one to cast the stone. The House Business Committee is bigger than an individual. When we talk about removing a certain individual to preserve the dignity of this House, then we are missing the point. My understanding of the Standing Orders is that there are mechanisms and structures through which you can punish an errant Member of this House. Removing any name from this list does not mean that we have punished anyone. It does not mean that we are instilling discipline on any of the Members who are going to be removed.

I am pleading with this House to let us rise above politics and issues that are going to further portray us in bad light. Let us pass this list. Standing Order Nos. 107 and 108 tell us how we can discipline persons who are said to have mis-conducted themselves. You began the Session of this House on a very positive note by saying that all of us did wrong. But because we did wrong, let us wait and see what happens by using our Standing Orders. If we make a mistake of rejecting this list today or even withdrawing it, the Coalitions will bring the same persons, then what? What are Members who are opposed to the list going to do about it? We are not sending any message. In any event, we are showing Kenyans that we have become so petty as a House and we are wasting the taxpayers' money by sitting here. I am pleading with you, my brothers and

sisters, that let us appreciate what the leadership has done and then proceed to have this list accepted in this House.

I beg to support.

**Hon. Speaker:** What is your point of order?

### QUORUM

**Hon. (Ms.) Muhia:** On a point of order, hon. Speaker. I had put intervention for quite a long time. I am not sure if it is reflecting there, but looking at the number of Members in the House, we have no quorum.

**Hon. Speaker:** Yes, there is no quorum. Ring the Division Bell for ten minutes.

*(The Division Bell was rung)*

**Hon. Speaker:** Are ten minutes over? You may stop the bell. What is the number now?

Hon. Members, it has been confirmed that the House does not have quorum as raised by the Member for Nyandarua County. Therefore, business cannot be transacted further. The House will stand adjourned till tomorrow, 11<sup>th</sup> February 2015, at 9.30 a.m. The business to be transacted is the Motion that was under debate.

The House rose at 6.06 p.m.