

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****SPECIAL SITTING**

*(Convened vide Gazette Notice
No.14165 of 24th December 2021)*

Wednesday, 29th December 2021

The House met at 10.00 a.m.

[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]

PRAYERS

Hon. Deputy Speaker: Order, Hon. Members! Order! Order, Hon. Members! We surely have quorum and we will proceed to the business of the day. Hold briefly because there are a few things that we want to settle. Otherwise, we have the required quorum. Give us just a minute to sort out something small here.

COMMUNICATION FROM THE CHAIR

CONVOCATION OF SPECIAL SITTINGS OF THE NATIONAL ASSEMBLY

Hon. Deputy Speaker: Order, Hon. Members! Order! Order, Hon. Members! Those who are coming in, you need to freeze. Hon. Members, I take this opportunity to welcome you to the Special Sitting of the House today which have been convened pursuant to provisions of Standing Order No.29 relating to the procedure for convening of Special Sittings of the House during recess.

Indeed, Hon. Members, I wish to report to the House that on 23rd December 2021, the Office of the Speaker of the National Assembly received two requests requesting for convening of Special Sittings of the National Assembly to consider certain urgent business. One letter was received from the Leader of the Majority Party and the other from the Leader of the Minority Party. While the request of the Leader of the Minority Party mentioned the consideration in Committee of the whole House and Third Reading of the Political Parties (Amendment) Bill (National Assembly Bill No.56 of 2021) as the reason for the Special Sittings, the request of the Leader of the Majority Party also included the said Bill as well as consideration at Second Reading, Committee of the whole House and Third Reading of the Public Procurement and Assent Disposal (Amendment) Bill (National Assembly Bill No.32, of 2021) as the business to be transacted at the Special Sittings.

In keeping with parliamentary practice and taking cognisance of the fact that the business specified to be transacted is sponsored by the Leader of the Majority Party, the Speaker could only

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honour his request. Consequently and in keeping with the requirements of Standing Order No. 29, I did gazette the Special Sittings of the House of today vide *Kenya Gazette Notice* No. 14165 of 24th December 2021. In this regard, the Special Sittings of the House of today are properly convened.

Hon. Members, the business to be transacted by the House during the Special Sittings today is as specified in the Gazette Notice I have referred to. Indeed, as also notified to all Members and the public by way of newspaper notifications published by the Clerk of the National Assembly on 24th December 2021. Further, as notified in the said Gazette, if need arises, the Sittings of today being special ones, may automatically extend until conclusion of the business specified in the Gazette without a Member having to move Motion under Standing Order No.30(a), unless the House resolves to hold a Third Sitting of the day. As notified during the last Special Sittings of the House of 21st and 22nd December 2021, in absence of the Speaker of the National Assembly who is still recuperating after a medical procedure, I will also be presiding over the Sittings of today assisted by the Members of the Chairperson's Panel.

Hon. Members, you will recall that following the COVID-19 pandemic, the Chamber Speaking and Electronic Voting System was reconfigured to accommodate 120 Members in line with the advisory of the Ministry of Health. The advisory notwithstanding, there is need to allow all Members desiring to participate and take part in any vote or any division called to do so. In this regard, pursuant to the provisions of Standing Order 70, should there be any divisions called during today's sittings, a modified version of roll-call voting will be applied. This will involve Members forming a queue on either side of the Speaker's seat to record their votes, before the tellers and the Clerks while observing the social distance advisory. Further, should need arise, I will invoke the provisions of Standing Order No.265(D)(4) with respect to virtual voting.

As stated by our Speaker previously, as leaders, we have a duty to join the concerted efforts of flattening the curve of COVID-19 pandemic infections in our beloved nation. In this regard, due to the reported surge in the number of cases of COVID-19 infections, I wish to remind Hon. Members and staff to adhere to the Ministry of Health's protocols issued for the prevention and control of the pandemic as well as the various Speaker's Guidelines and related Communications on access to the House and sitting arrangements shall be adhered to during the Special Sittings. The House is accordingly guided.

Next Order!

(Several Hon. Members walked into the Chamber)

Hon. Members, take your seats. Those who are not interested in freezing can take their seats. You must be quick because we want to move. As soon as Hon. Angwenyi takes his seat, everyone else can freeze.

The two very senior Members of the House, namely, Hon. Angwenyi and Hon. Muturi Kigano down there seem to be conversing. You know these are the Members who are the grandfathers of this House.

MESSAGES

NOMINATION FOR APPOINTMENT AS
CHAIRPERSON AND MEMBERS OF KENYA
NATIONAL COMMISSION ON HUMAN RIGHTS

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Hon. Deputy Speaker: Hon. Members, pursuant to the provisions of Standing Order No.42, I wish to convey a Message from His Excellency the President relating to nomination of persons for appointment to the offices of the chairperson and members of the Kenya National Commission on Human Rights.

In the Message, His Excellency the President conveys that in exercise of powers conferred on him by Article 250(2)(b) of the Constitution, and in accordance with the procedure set out in Section 11(3) of the Kenya National Commission on Human Rights Act (Act No.14 of 2011) as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates the following persons for appointment to the offices of chairperson and member of the Kenya National Commission on Human Rights, respectively:

1. Ms. Roseline Doreen Adhiambo Odhiambo-Odede, HSC - Chairperson
2. Prof. Marion Mutugi Wanjiku - Member
3. Dr. Raymond Plal Sang Nyeris - Member
4. Ms. Sarah Talaso Bonaya - Member
5. Dr. Dennis Nyongesa Wamalwa - Member

Hon. Members, His Excellency the President, therefore, seeks the approval of this House of the nominees for appointment to the aforementioned State offices.

Hon. Members, Standing Order 45 requires that upon receipt of notification of nomination for appointment, such nomination shall stand committed to the relevant departmental committee of the House for consideration. In this regard, pursuant to the provisions of this Standing Order, therefore, and paragraph (3) of Standing Order 42 (Messages from the President), I hereby refer the Message relating to appointments to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings.

Whereas Section 7 of the Kenya National Commission on Human Rights Act, 2011, provides a lesser period within which the House is to consider the respective nominees, Section 8 of the Public Appointments (Parliamentary Approval) Act, (Act No.33 of 2011), requires the National Assembly to undertake the exercise within days. In this regard, the Committee should undertake approval hearings and submit their report within the 28-day period provided for in the Public Appointments (Parliamentary Approval) Act, (Act No.33 of 2011), being the most recent amendment made by Parliament with respect to the general period of vetting of State appointees.

Hon. Members, as you are all aware, the National Assembly, together with all its committees, is already on long recess until Tuesday, 25th January 2022, which will be first sitting day of the Sixth Session of this Parliament. The House resumed for the current Special Sittings to only consider the business specified in the Gazette Notice No.14165 of 24th December 2021. In this regard, the counting of the period specified in Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 will start upon resumption of the regular sittings of House and its committees on 25th January, 2022. That being the case, the statutory timeline will lapse on Tuesday, 22nd February 2022.

Hon. Members, the Departmental Committee on Justice and Legal Affairs is required to notify the public and the nominees in good time. Thereafter, upon resumption of its sittings, the Committee is to undertake the necessary approval hearings and submit its report to the House before Tuesday, 15th February 2022 to enable the House consider the proposed appointment within statutory timelines.

I thank you, Hon. Members.

(Hon. Members stood along the gangways)

Hon. Members, take your seats, there is another Message. Order Members! Hon. Members, some things are best ignored. So, let us proceed.

SENATE DECISION ON NATIONAL ASSEMBLY'S AMENDMENTS TO THE COUNTY
GOVERNMENTS GRANTS BILL (SENATE BILL NO.35 OF 2021)

Hon. Deputy Speaker: Hon. Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I am in receipt of a Message from the Senate regarding the decision of the Senate on the National Assembly's amendments to the County Governments Grants Bill (Senate Bill No. 35 of 2021).

The Message conveys in part "that on Tuesday, 21st December, 2021, the Senate considered the amendments made by the National Assembly to the County Government Grants Bill (Senate Bill No.35 of 2021) and rejected the said amendments".

You will recall that the County Government Grants Bill (Senate Bill No.35 of 2021), which largely seeks to provide for the allocation of conditional grants to county governments for the Financial Year 2021/2022, and to also provide for the responsibilities of county governments pursuant to such allocations amongst other purposes was passed by the National Assembly on Thursday, 2nd December 2021, with amendments.

Hon. Members, the National Assembly made amendments to the title of the Bill, clauses 1, 2, 3, 4, 8, 9, First and Second Schedules. The amendments were thereafter forwarded to the Senate for consideration. The Senate, having rejected the National Assembly's amendments now effectively commits the Bill to a Mediation Committee in terms of Article 112(2)(b) of the Constitution.

Article 113(1) of the Constitution requires the Speakers of both Houses of Parliament to appoint a mediation committee comprising of equal number of Members of each House to attempt to develop an agreed version of the Bill for consideration by the Houses of Parliament. While forwarding the Message to the National Assembly, the Rt. Hon. Speaker of the Senate also conveyed that he has appointed the following Senators to the Mediation Committee:

1. Sen. Charles Kiburu, MP;
2. Sen. Moses Wetangula, EGH, MP;
3. Sen. Mutula Kilonzo Junior, MP;
4. Sen. Rose Nyamunga, CBS, MP;
5. Sen. Farhiya Ali, CBS, MP;

Hon. Members, having consulted the leadership of the Majority and Minority parties in the National Assembly, I hereby appoint the following Members to represent the National Assembly in the mediation committee to consider the said Bill:

1. The Hon. Kanini Kega, CBS, MP;
2. The Hon. (Dr.) Kanyuithia Mutunga, MP;
3. The Hon. Naisula Lesuuda, OGW, MP;
4. The Hon. Millie Odhiambo-Mabona, CBS, MP;
5. The Hon. (Dr.) Makali Mulu, MP.

With this development, the Mediation Committee on the County Government Grants Bill (Senate Bill No.35 of 2021) is now fully constituted.

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Given the importance of the Bill in financing development programmes in county governments under conditional grants, I call upon Members of the Committee to embark on the process of developing a mediated version of the said Bill within the timelines contemplated under Article 113(3) of the Constitution.

May I also remind the Committee that pursuant to the established parliamentary practice, the counting of the 30-day period within which the Committee should conclude its task will commence upon the first meeting of the Committee. Further, it is advisable that in attempting to develop an agreed version of the Bill, the Committee confines itself to the aforementioned contentious clauses of the Bill as well as any other consequential clauses.

PAPER LAID

Hon. Deputy Speaker: Chairperson of the Justice and Legal Affairs Committee, you have the Floor.

Hon. Clement Kigano (Kangema, JP): Thank you, Hon. Deputy Speaker. Pursuant to the Communication on harmonisation that you delivered on 22nd December 2021, I have the honour of laying the following Paper on the Table of the House:

Addendum Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Political Parties (Amendment) Bill (National Assembly Bill No.56 of 2021).

Hon. Deputy Speaker: Very well. What is it, Hon. Duale?

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I stand under Standing Order No.83 to ask you to make a ruling on the Report that has just been tabled by the Chairman of the Departmental Committee on Justice and Legal Affairs, in as far as Recommendation No.2 is concerned. I hope the Clerk of the National Assembly will give you a copy of that Report so that you follow along when I raise my issues.

Articles 93, 94, 95, and 109 of the Constitution spell out the legislative role of a Member of the National Assembly. The constitutional legislative role is one which the Constitution itself has not limited and hence, cannot be stifled by anyone, including a committee of this House, either by statute or the rules of the House. Therefore, it is within the constitutional right of a Member of this House to propose amendments...

Hon. T.J. Kajwang' (Ruaraka, ODM): *(Spoke off-record)*

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I am on a point of order.

Hon. Deputy Speaker: Hon. T.J., you are a seasoned Member of this House. Let us allow Hon. Duale to finish his contribution. I will give you an opportunity, but allow him to conclude. I am sure he will not take another minute.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, it is a matter that I have researched on. Hon. T.J. should give me my space. It is only the Speaker who can order for the withdrawal of proposed amendments if they fall under three categories, namely, one, where the proposed amendments are unconstitutional, two, where the proposed amendments have a money Bill provisions in terms of Article 114 of the Constitution, or three, where they offend any Standing Order including Standing Order No.133(5), which provides that a Member cannot move amendments that, among other things, expand the scope of the Bill or are inappropriate.

Those are the only three instances where the Speaker of the National Assembly can reject an amendment by a Member. The powers of the Speaker to make a determination on whether any proposed amendments to a Bill are unconstitutional or contrary to the rules of this House are anchored in Standing Order No.47(3).

It is worth noting that Standing Order No.131 on harmonisation...

Hon. Deputy Speaker: Order, Hon. Duale. Let us get this specific issue. What is it?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, although Hon. Duale has risen on a point of order, the context of his discussion is an intervention. I have something which is out of order in the House.

Is it in order for the Member for Garissa Town to make an intervention on a Report for which there has been no Motion before the House to debate? Is it in order for us to discuss a Report laid before us in the anticipation of debate without a proper Motion brought before us for debate? Is that in order?

Hon. Deputy Speaker: Take your seat, Hon. Duale. Hon. Kajwang', first of all, I have not heard Hon. Duale asking the House to discuss this particular issue. He is seeking the Speaker's ear. Even as you do that, Hon. Duale, you must be very clear. You have indicated that the Speaker can only do this and that. Is there anything the Speaker has done thus far? Absolutely not. As you conclude, I also want you to look at the Order Paper for today. Probably you will see whether there are any issues arising. In due time, Hon. Duale, I will make a Communication to give you directions on how we will handle the Committee of the whole House. You can conclude with that in mind. It may not be necessary for me to give any...

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, as the Member for Garissa Town, I have all the right to seek guidance from the Speaker. Hon. T.J. Kajwang' should relax. You are not here to interpret what I am saying. You do not read my mind and you were not in my house when I was drafting this. So, relax. You are the Member for Ruaraka and I am the Member for Garissa Township. I have my space and I will give you yours.

My matter is on the Report which has been tabled. Recommendation No.2 states that the Departmental Committee on Justice and Legal Affairs recommends that the amendments of the following Members should not be discussed. Having read for you the three categories that recommendation should be expunged from the tabled Report. You must give direction.

It is not the power of the Committee. A Committee is an extension of the House. A Committee cannot deny me outside the three items: Articles 133(5) and 114 of the Constitution, and where the matter is unconstitutional. If we allow this to continue, it will set a bad precedent. I ask you to expunge recommendation No.2, so that we can move and execute our amendments at the Committee of the whole House.

Hon. Deputy Speaker: Hon. Otiende Amollo, what is your point of order?

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Deputy Speaker. The Chairman of the Departmental Committee on Justice and Legal Affairs has only tabled the Report. Therefore, any issue in terms of the Report cannot arise before debate starts.

The point is that Hon. Duale stood under Standing Order No.83. Standing Order No.83 is not a substantive provision; it is an enabling provision. He needs to cite to you which Standing Order he is standing under so that he points out what is out of order. Standing Order No.83 is merely enabling and it actually only allows you to intervene when another Member is contributing. In this case, no Member was contributing and I want to urge you to rule Hon. Duale out of order, so that we may proceed.

(Laughter)

Hon. Deputy Speaker: Hon. Members, this morning I would not expect at all that we are going to get bogged down on technicalities. I have asked Hon. Duale to look at the Order Paper.

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Even those particular proposals by the Chairperson of the Departmental Committee on Justice and Legal Affairs (JLAC) and his Members have not been factored in terms of what is contained on the Order Paper. All the Members who have made their requests to make amendments are going to have their say other than those that will on technicality be struck out for various reasons, which I will read. They are not many and, therefore, there should not be a problem at all. A committee is a committee of the House. The House has the power over committees and there should not be an issue at all.

Hon. Ichung'wah, what is it? We should make it brief because we want to go to the main agenda of what we came in for.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Deputy Speaker. I will be very brief. I think the only reason Hon. Duale was raising that issue, and I am well guided on what you are saying in terms of the Order Paper and the Communication you are to give, is because we are in a House of records. When a Paper is laid, it becomes a record of the House and we will stand guided by your Communication.

It is also worth noting that I got a communication from some Members of the Committee that there is also a minority report and I want to beg you to allow them to table, so that it also becomes the record of the House.

Thank you.

Hon. Deputy Speaker: In the meantime, I want to again refer Members to the Order Paper. If you have seen it, you will notice that many of these amendments that have been proposed by Members are on the Order Paper and will be canvassed. The issue of the Committee Report is neither here nor there because we cannot again send a matter to a committee and guide them on how they should proceed. Once it comes here and we are sure we do not want it, we simply have it as information for Members. There should not be an issue at all.

On the issue that has been raised by Hon. Ichung'wah, I am trying to confirm whether there is a minority report. A minority report is always tabled together with the report for as long as it is part of it and then you can discuss it at the Committee stage. I am going to confirm that now.

Order, Hon. Members! Just relax. We are looking at it very keenly. I have to confirm that. Hon. Members, please, give me a minute to confirm the attachments there and see whether it is part of it.

(Hon. Deputy Speaker consulted with the Clerks-at-the-Table)

The Report is being photocopied. I am informed that the minority report is part of the Report. That should not be an issue at all. We will go to the next Order because we need to make progress.

Hon. Members, before we move to the next Order, I have a Communication to make.

(Hon. (Ms.) Peris Tobiko crossed the Floor without bowing)

Who is this Member? Order, Hon Peris Tobiko. I understand that you cannot... Let me not say what I wanted to say. Just take your seat. Order Members!

COMMUNICATION FROM THE CHAIR

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THE POLITICAL PARTIES (AMENDMENT) BILL

Hon. Members, before the House proceeds to consider business appearing as Order No.8 in this morning's Order Paper, being the consideration of the Political Parties(Amendment) Bill (National Assembly Bill No.56 of 2021) in Committee of the whole House, I wish to guide the House with respect to amendments proposed by individual Members to the said Bill.

It will be recalled that following the many amendments whose notice had been given by various Members during our last Special Sitting of 22nd December 2021, I invoked the provisions of Standing Order No.131 to refer these amendments to the Departmental Committee on Justice and Legal Affairs for harmonisation through a process commonly referred to in parliamentary jurisdiction as winnowing. Essentially, since a Committee of the whole House stage has very minimal debate, winnowing accords Members with amendments an opportunity to discuss their proposed amendments at the relevant committee and attempt to harmonise them with a view to recommending to the House which of the various proposed amendments should be accorded priority in the Committee of the whole House. Indeed, in many instances, we have witnessed committees incorporate individual Members' amendments as part of the committee's amendments after a winnowing process while some Members opt to drop their proposed amendments as part of the compromise.

Regrettably, I am also informed by the Chairperson of the Committee that while some Member attended and discussed their proposed amendments with the Committee, a number of other Members either failed to turn up or left the meeting before going through the harmonisation process for one reason or the other, despite the opportunity accorded and the directive of the Speaker. Since all Members ultimately retain the right to have their amendments published in the Order Paper for decision by the House, it is for this reason that I directed that the amendments by all Members be published on the Order Paper, including those that appeared not to have undergone the harmonisation process. It also notable that despite this shortcoming, some of the amendments proposed by those Members have been carried by the Committee or the Leader of the Majority Party in the same form or a modified version.

Hon. Members, it is further notable, as indicated in this morning's Order Paper, that the Member for Lugari, Hon. Ayub Savula, and the Nominated Member, Hon. Godfrey Osotsi, gave respective notices of withdrawal of their proposed amendments to the Bill during the winnowing process which took place yesterday, 28th December 2021, at the County Hall Mini-Chamber, and was facilitated by the Departmental Committee on Justice and Legal Affairs, pursuant to the provisions of Standing Order No.131.

I must reiterate the need for due legal and procedural consideration by all Members when proposing amendments. Instructively, it is noted that some of the amendments offend the provisions of Standing Order No.133(5) in that they propose to unreasonably or unduly expand the subject of the Bill. Such amendments can only be proceeded with in accordance with the provisions of Article 118 of the Constitution on public participation. As you may have noticed on the Order Paper, the Clerk has included a disclaimer, "subject to the provisions of Standing Order No.133(5) where necessary."

As such, I wish to guide the House as follows with regard to such amendments and those whose notice of withdrawal was given:

- (i) Given the respective notices of withdrawal, the amendments proposed by Hon. Ayub Savula and Hon. Godfrey Osotsi will not be considered by the Committee of the whole House;

- (ii) The proposals by the Member for Kikuyu, Hon. Kimani Ichung'wah to insert new Clauses 19A, 25A, 25B, 26A and 26B; the Member for Kilifi North, Hon. Owen Baya to insert new sections 19A, 25A, 25B, 26A and 26B and the Member for Dagoretti South, the Hon. John Kiarie, to amend Clause 20 in entirety and insert new Sections 19A, 19B, 19C, 26B and 26C, are all seeking to establish the Political Parties Registration Board and the Office of Chief Executive Officer of the Board, to alter the manner of appointment of these officials and amend the terminology referring to the Office of the Registrar to the Chief Executive Officer.

I noted that these proposals fall short of the requirements of Standing Order 133(5). These are new amendments that ought to undergo public participation as required by the Constitution, given the far-reaching changes envisioned therein and having gone outside the scope of the Bill as printed. I therefore direct that the Committee of the whole House shall not consider the proposed amendments to Clause 20 by Hon. John Kiarie, and the insertion of new Clauses 19A, 19B, 19C, 25A, 25B, 26A, 26B and 26C as proposed by Hon. Kimani Ichung'wah, Hon. Owen Baya and Hon. John Kiarie, respectively.

My decision on these new proposals also accords with various similar rulings by the Speaker and court judgments with respect to scope of amendments to a Bill, particularly with regard to the need to show that the provision of Article 118 of the Constitution on Public Participation in law-making is actualised.

(iii) With respect to amendments proposed by the Leader of the Majority Party, the Committee Chairperson and 15 other Members as listed in the Order Paper, and where no such disclaimer is given, the amendments will proceed in the usual manner during Committee of the whole House.

Hon. Members, I wish to report that my office is in receipt of the amendments proposed to the Bill by the Member for Belgut, the Hon. Nelson Koech. One of the proposals in his amendments was seeking to amend Clause 1 of the Bill to change the title of the Bill from the 'Political Parties (Amendment) Bill' to 'Political Parties Coalition Bill'. I disallowed that particular proposed amendment since there is no law called "Political Parties Coalition Act". Therefore, the proposed amendment is technically inadmissible.

The House and the Members are accordingly guided.

(Applause)

Before we go to the next Order, Hon. Members, I confirm that the Minority Report is under Chapter V of the Report that has been tabled. So, it is confirmed.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairman]

(Hon. Christopher Omulele) took the Chair]

THE POLITICAL PARTIES (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Members. Hon. Members, we are now in Committee of the whole House to consider the Political Parties (Amendment) Bill (National Assembly Bill No.56 of 2021).

Hon. Members, I would like you to relax. Take your seats. I know there is a bit of excitement around this particular business, but it is our business. This business belongs to this House and it will be dealt with in accordance with the rules of this House. So, Hon. Members, just relax. I will endeavour to be as fair as possible to all the Members who have something to say to this business.

Hon. Members, just before we commence, I am sure that all of us are prepared and we are now about to start to deal with this particular Bill. Taking to account the enormity of the business that is before us, but it is just normal business, I want to give this guidance so that everybody is on the same page. I will be allowing probably about four Members to make contributions on every item that will be before the House. We shall have, at least, two from each side. Once we do that, if there is anything, I will give the business to the House to make a decision one way or the other. So, we shall be fair.

Clause 3

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is a proposed amendment by the Hon. John Mutunga and another one by the Hon. Alice Wahome. We shall take off with the one by Hon. John Mutunga. If the one by the Hon. John Mutunga succeeds, the one by the Hon. Alice Wahome will be dropped.

Hon. Mutunga, you have the Floor.

Hon. John Mutunga (Tigania West, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended –

(a) in the proposed new section 4A by inserting the words “equity through” immediately after the word “promote” in paragraph (c);

(b) in the proposed new section 4B-

(i) by inserting the words “dominant colour” immediately after the word “symbol” in the marginal note;

(ii) by inserting the words “dominant colour” immediately after the word “symbol” in sub clause (1);

(iii) by inserting the words “dominant colour” immediately after the word “symbol” wherever it appears in sub clause (2);

(iv) by inserting the words “dominant colour” immediately after the word “symbol” in sub clause (3);

My amendment basically looks at Clause 3 especially subsection 4A. I propose that we add the word “equity”. The clause does not seem to bring out the meaning. I wish to read it, 4A says:

“A political party may recruit...”

I am talking about part (c).

“...promote representation in Parliament and county assemblies of women, persons with disabilities...”

I believe that what we are trying to promote here is equity.

(Hon. (Dr.) Chris Wamalwa consulted loudly)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Hon. Chris Wamalwa, hold your horses. Let him finish moving. I will allow you to speak after he finishes moving.

Proceed.

Hon. John Mutunga (Tigania West, JP): Hon. Temporary Deputy Chairman, what we are promoting here is not representation. We are promoting equity through representation. That is why I am proposing we add the words, “through representation” immediately after the word “promote” so that it reads: “promote equity representation in Parliament and county assemblies.” If we look at the different categories of representatives mentioned there, we are talking about the word “equity”. The word “equity” is missing. So, we are not promoting representation, we are promoting equity by picking relevant numbers of people of different categories so that they may represent in this particular case.

I have also proposed some amendment in Section 4B, which speaks about several reservation of the name, symbol and slogan. I propose we add the dominant colour of the party. Parties are identified by colours. A party like ODM is identified by orange, Jubilee Party is identified by red and Wiper Democratic Movement is identified by white.

If we leave the words “dominant colour”, there is a likelihood that people will take other parties’ colours later on and this will bring confusion. We want to identify a congregation by its colours. Any meeting that we shall have out there or even when members of a party are meeting, they need to be identified by colour. That is why I am proposing that we add ‘dominant colour’ as one of the things to be lodged with the Registrar of Political Parties. So, in all situations where we are referring to the slogan, the symbol and the name, we should also add “dominant colour”.

Hon. Temporary Deputy Chairman, I submit.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. (Dr.) Chris, just hold your horses. Let me propose the Question then you can move your amendment.

(Question of the amendment proposed)

Before we kick off, there was a point of order from Hon. (Dr.) Chris Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Chairman. I am seeking your direction because the Order Paper has been rearranged in an illogical flow. My humble request is that when a Member is proposing an amendment, it will be better if they cite the page so that Members can be able to follow. It is as simple as that. That is why points of order normally take precedent. I have struggled, but in the long run, I have realised that the amendment was on page 1660. That is what I meant. Members should be able to follow and debate accordingly.

The Temporary Deputy Chairman (Hon. Christopher Omulele): That is in order. We shall now have contributions. The first one will be Hon. Opiyo Wandayi, Member for Ugunja.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Deputy Chairman, even before I make any comment on Hon. Mutunga’s proposal, we all agree that we are at the Committee of the whole House, and extraordinary times call for extraordinary measures. If we move like this, then considerably we will not be able to finish. My suggestion is: Why can we not go by the amendment

proposals as they appear on the Order Paper, without having to call the Mover to read and explain. The amendments are self-explanatory. We can all understand what the...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wandayi, this is the advice from the Chair; all the amendments that we are considering here are listed in the Order Paper. If you have a copy of the Special Sitting Order Paper, you will see them.

Hon. Opiyo Wandayi (Ugunja, ODM): I can see them.

The Temporary Deputy Chairman (Hon. Christopher Omulele): We will just follow procedure. We will not be afraid to sit here until midnight if we have to. Do not be afraid.

Hon. Opiyo Wandayi (Ugunja, ODM): I am guided. Having said so, the proposal put forth does not make sense. There is no way you will have every party have a dominant colour because these colours are not infinite in number. In one way or the other, parties will share colours. With due respect, I oppose.

The Temporary Deputy Chairman (Hon. Christopher Omulele): The next contribution is by Hon. Kositany, Member for Soy.

Hon. Caleb Kositany (Soy, JP): Hon. Temporary Deputy Chairman, for us to proceed, I ask that you put the Question.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, is it the mood of the House that we put the Question on this?

Hon. Members: Put the Question!

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, the Member for Soy has requested that we put the Question on this. Is it the mood of the House that we do so?

Hon. Members: Yes!

(Several Members stood up in their places)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, just hold your horses. Order! Order, Member for Dagoretti South! Order, Members! Hon. Members, just hold your horses. Order, Members.

Hon. Members, let us have order. This is the direction, the Question that was put was on whether to put the Question on Hon. Mutunga's amendment. Now we shall proceed to consider the proposed amendments by Hon. Mutunga by putting the Question on it. What Hon. Kositany had requested was whether the Question was to be put. That is what the Chair did. Now we shall proceed to put the Question on Hon. Mutunga's...

(Loud consultations)

Hon. Members, just hold your horses and this Chair will be fair. Hon. Members, listen. This is now the business.

(Several Members stood up in their places)

Just retain your seats. I am on my feet.

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

(Applause)

Hon. Members: Division! Division!

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, the Members who voted yes have raised the numbers for Division. We shall now proceed to vote by Division. You have the numbers.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we shall have tellers. We will follow the procedure that was followed in this House last week. Just prepare yourselves.

I direct that the Division Bell be rung. It will ring for five minutes for the convenience of the House. As we prepare for this, the “Ayes” and “Nays” sides should each provide two tellers. After five minutes, I want to see two tellers from each side.

(The Division Bell was rung)

Order, Members. The time for ringing the Division Bell has lapsed. I want to see the tellers. Hon. Pukose and Hon. Gladys Shollei are the tellers for the “Ayes”. The teller for the “Nays” is the Member for Teso South. They are all here. Let us make progress.

Order, Member for Kikuyu and Member for Kajiado! Let us have order in the House. Members, we are now ready to vote. We will now proceed to vote. You will just come, state your name and vote. Order, Members who are in the Gallery. Let us proceed to vote. Voting is going on. You just come forward and vote. It will be recorded. The “Ayes” are on my right and the “Nays” on my left. Let us vote. State your name and indicate how you are voting.

(Voting in progress)

Order! Order! Hon. Members, take your seats. Just hold on. You will dance. Resume your seats. We have closed the voting and tallying is going on. We will announce the decision as soon as the tallying is done. Just resume your seats. Everyone to go back to their seat. Member for Aldai, you are out of order. Go back to your seat. *Wacha mchezo wewe*. Resume your seats. Nominated Member, Hon. Sankok, go back to your seat. Hon. Kabeabea, resume your seat. Resume your seats, Members!

(Several Members stood along the gangways)

Serjeant-at-Arms, remove these Members. Send them back to their seats. Tallying is going on. Once it is completed, we shall make a pronouncement on the vote.

DIVISION

(Question put and House divided)

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Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Temporary Deputy Chairman, the manual results of the Division on Clause 3 to be amended as proposed by Hon. John Mutunga are Ayes 123 and Noes 118.

(Applause)

(Several Members stood up in their places)

(Hon. James Lomenen stood in his place and spoke off record)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, take your seats. Order Members! This is the business of the House. Hon. Members, decisions in this House are made by the votes of the Members. Hold your horses. Member for Turkana South, this is not a war zone. It is a debating Chamber. Take your seat. I want to advise the Member for Turkana South. Even if you jump 20 metres into the air, you will not scare me. Hon. Members, I want to give direction. Because the virtual vote was not displayed in this House, it will not count in this particular Division.

(Applause)

(Hon. (Ms.) Joyce Korir stood up in her place)

Therefore, I want to guide the Office of the Clerk. Virtual voting is part of the process of this House. Take your seat, Member for Bomet! Because it was not displayed, it will not count in this Division. Therefore, as it stands now, the vote is Ayes 123 and the Noes 118. The Ayes have it.

(Question carried by 123 votes to 118)

AYES: Hon. (Dr.) Robert Pukose, Hon. David ole Sankok, Hon. George Gitonga, Hon. Christopher Nakuleu, Hon. John Paul Mwirigi, Hon. Cornelly Serem, Hon. Ali Wario, Hon. (Ms.) Gladys Boss Shollei, Hon. Caleb Kositany, Hon. Kimani Ichung'wah, Hon. Didmus Barasa, Hon. (Ms.) Jayne Kihara, Hon. Kimani Ngunjiri, Hon. Vincent Tuwei, Hon. Peter Lochakapong, Hon. Lodepe Nakara, Hon. (Ms.) Faith Gitau, Hon. (Ms.) Beatrice Nyaga, Hon. Lokiru Ali, Hon. John Waluke, Hon. Ndindi Nyoro, Hon. David Gikaria, Hon. William Kisang, Hon. William Cheptumo, Hon. Joshua Kandie, Hon. Mugambi Rindikiri, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Lilian Tomitom, Hon. James Wamacukuru, Hon. (Ms.) Florence Mutua, Hon. Owen Baya, Hon. Mwambu Mabongah, Hon. James Gakuya, Hon. Gabriel Kago, Hon. Oscar Sudi, Hon. (Ms.) Liza Chelule, Hon. Wilson Sossion, Hon. Gideon Keter, Hon. (Dr.) Tecla Tum, Hon. Kareke Mbiuki, Hon. Hilary Kosgei, Hon. (Ms.) Peris Tobiko, Hon. George Sunkuyia, Hon. Lemanken Aramat, Hon. Nimrod Mbai, Hon. Gideon Koske, Hon. Mathias Robi, Hon. Dominic Koskei, Hon. Leonard Yegon, Hon. (Ms.) Joyce Emanikor, Hon. (Ms.) Jane Chebaibai, Hon. Rigathi Gachagua, Hon. Vincent Musau, Hon. Michael Muchira, Hon. Julius Melly, Hon. Korei ole Lemein, Hon. (Ms.) Rehema Jaldesa, Hon. (Ms.) Alice Wahome, Hon. Majimbo Kalasinga, Hon. Samuel Moroto, Hon. (Ms.) Anab Gure, Hon. Fred Kapondi, Hon. Japheth Mutai, Hon. Moses Lessonet, Hon.

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Daniel Wanyama, Hon. Ali Amin, Hon. Ronald Tonui, Hon. Marwa Kitayama, Hon. Daniel Nanok, Hon. Feisal Bader, Hon. Kubai Iringo, Hon. Benjamin Mwangi, Hon. Kinuthia Gachobe, Hon. George Kariuki, Hon. Shadrack Mose, Hon. Nelson Koech, Hon. Ali Rasso, Hon. Joash Nyamoko, Hon. Daniel Rono, Hon. Ali Sharif, Hon. Kathuri Murungi, Hon. Hassan Hulufu, Hon. Benjamin Tayari, Hon. (Ms.) Nasri Ibrahim, Hon. Khatib Mwashetani, Hon. Josphat Kabeabea, Hon. Kipsengeret Koros, Hon. Sylvanus Maritim, Hon. (Ms.) Halima Mucheke, Hon. John Njuguna, Hon. John Kiarie, Hon. Joseph Tonui, Hon. George Koimburi, Hon. Vincent Kemosi, Hon. Katoo ole Metito, Hon. Ahmed Kolosh, Hon. Daniel Tuitoek, Hon. (Ms.) Gathoni Wamuchomba, Hon. James Murgor, Hon. Omar Mohamed, Hon. John Nyaga, Hon. Kangogo Bowen, Hon. (Ms.) Charity Chepkwony, Hon. Eric Njiru, Hon. Gichimu Githinji, Hon. (Ms.) Rehema Hassan, Hon. (Ms.) Janet Sitienei, Hon. (Ms.) Beatrice Kones, Hon. Joseph Limo, Hon. Nixon Korir, Hon. Ibrahim Abdi, Hon. (Ms.) Soipan Tuyua, Hon. Gabriel Tongoyo, Hon. Patrick Mariru, Hon. (Ms.) Cecily Mbarire, Hon. Charles Kamuren, Hon. (Ms.) Aisha Jumwa, Hon. Moses Kirima, Hon. John Mutunga, Hon. Aden Duale, Hon. Benjamin Washiali and Hon. (Ms.) Janet Teyiaa.

NOES: Hon. Geoffrey Omuse, Hon. Jeremiah Kioni, Hon. Peter Kimaru, Hon. Marselino Arbelle, Hon. (Ms.) Jane Njiru, Hon. Ali Guyo, Hon. (Ms.) Jerusha Momanyi, Hon. Sammy Seroney, Hon. Ferdinand Wanyonyi, Hon. T.J. Kajwang', Hon. Jared Okelo, Hon. Caleb Luyai, Hon. Clement Kigano, Hon. (Dr.) Irene Kasalu, Hon. (Ms.) Edith Nyenze, Hon. (Ms.) Fatuma Gedi, Hon. (Ms.) Beatrice Adagala, Hon. Rachael Nyamai, Hon. Wafula Wamunyinyi, Hon. Julius Mawathe, Hon. Charles Kilonzo, Hon. (Ms.) Esther Passaris, Hon. Kanini Kega, Hon. Jimmy Angwenyi, Hon. Adan Keynan, Hon. Onyango Oyoo, Hon. (Ms.) Ruweida Obo, Hon. Peter Masara, Hon. Maoka Maore, Hon. Kassait Kamket, Hon. Geoffrey Odanga, Hon. (Ms.) Mercy Wanjiku, Hon. Joseph Manje, Hon. John Owino, Hon. Elisha Odhiambo, Hon. (Dr.) Otiende Amollo, Hon. William Mwamkale, Hon. Mohamed Hire, Hon. John Mbadi, Hon. Gichuki Mugambi, Hon. Richard Onyonka, Hon. Pavel Oimeke, Hon. (Ms.) Wanjiku Kibeh, Hon. Justus Kizito, Hon. Danson Mwashako, Hon. (Ms.) Rozaah Buyu, Hon. Tom Odege, Hon. Johnson Naicca, Hon. Godfrey Osotsi, Hon. Junet Nuh, Hon. Stanley Muthama, Hon. Bady Twalib, Hon. Ken Chonga, Hon. Opiyo Wandayi, Hon. Charles Ong'ondo, Hon. Paul Abuor, Hon. (Prof.) Zadoc Ogutu, Hon. (Dr.) Wilberforce Oundo, Hon. Samuel Arama, Hon. (Dr.) James Nyikal, Hon. Joseph Nduati, Hon. Memusi ole Kanchory, Hon. Munene Wambugu, Hon. Adipo Okuome, Hon. David Ochieng', Hon. Paul Katana, Hon. Teddy Mwambire, Hon. Omboko Milemba, Hon. (Ms.) Pamela Ochieng', Hon. Charles Nguna, Hon. Anthony Oluoch, Hon. Benard Okoth, Hon. Samuel Atandi, Hon. Andrew Mwadime, Hon. Aduma Owuor, Hon. Oku Kaunya, Hon. Bernard Shinali, Hon. (Ms.) Mishu Mboko, Hon. (Ms.) Naisula Lesuuda, Hon. Amos Kimunya, Hon. Babu Owino, Hon. George Aladwa, Hon. Stephen Mule, Hon. Isaac Ndirangu, Hon. Chachu Ganya, Hon. Mark Nyamita, Hon. Erastus Nzioka, Hon. Jackson Lekumontare, Hon. (Prof.) Jacqueline Oduol, Hon. Anthony Kiai, Hon. Jude Njomo, Hon. Maina Kamanda, Hon. Mohamed Duale, Hon. (Ms.) Florence Mutua, Hon. (Mr.) Christopher Aseka, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Mary Njoroge, Hon. Martin Owino, Hon. Ngunjiri Wambugu, Hon. Ayub Angatia, Hon. Patrick Makau, Hon. (Ms.) Zuleikha Hassan, Hon. (Ms.) Shamalla Jennifer, Hon. (Dr.) Chris Wamalwa, Hon. Josphat Kabinga, Hon. Silas Tiren, Hon. (Dr.) Eseli Simiyu, Hon. Peter Kaluma, Hon. Gideon Mulyungi, Abdi Shurie, Hon. Kipruto Moi, Hon. Mohamed Mohamud, Hon. Yusuf Hassan, Hon. (Ms.) Gladys Wanga, Hon. Emmanuel Wangwe, Hon. Richard Tong'i, Hon. Peter Mwathi and Hon. Robert Mbui.

ABSTENTION: Hon. (Ms.) Janet Nangabo.

(Applause)

*(Hon. (Ms.) Jerusha Momanyi, Hon. (Prof.) Zadoc Ogutu
and Hon. (Ms.) Aisha Jumwa stood up in their places)*

We will move on to the next clause. Hon. Members, please, take your seats. The Members who are in the gangways, kindly take your seats so that we can make progress. Hon. Momanyi, Member for Borabu and the Member for Malindi, Hon. Jumwa, kindly take your seats. Serjeant-at-Arms, please assist the Members in the gangways to take their seats. Member for Borabu and Hon. Jumwa, take your seats so that we can make progress.

Hon. Members, we shall now consider the amendment by Hon. Wahome, Member for Kandara. Hon. Alice, can I see you? You have the Floor.

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Chairman. Noting the fact that Hon. Mutunga's amendment has gone through and it was adding value to the clause, I wish to withdraw my amendment.

(Proposed amendment by Hon. Alice Wahome withdrawn)

(Applause)

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well, Hon. Alice. Hon. Sankok, what is out of order?

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairman. The COVID-19 protocols have not yet been reviewed. We are breeding ground for COVID-19 here.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Sankok, can you lower your crutches?

Hon. David ole Sankok (Nominated, JP): I cannot do that because I have seen Hon. Babu Owino. He can run away with my legs again. I have to protect them. Unless you protect me, I cannot lower them.

The Temporary Deputy Chairman (Hon. Christopher Omulele): You are protected by Hon. Temporary Deputy Chairman, Hon. Sankok. Lower them.

Hon. David ole Sankok (Nominated, JP): Will you protect me?

The Temporary Deputy Chairman (Hon. Christopher Omulele): You are fully protected.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Chairman. The COVID-19 protocols have not yet been reviewed. We are overpopulated here. These Members will go back to every corner of this country. This is a breeding ground for COVID-19. We are at risk. Adjourn the House, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Sankok, take your seat.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, now that Hon. Alice has withdrawn her proposed amendment, we will take the vote on Clause 3.

(Clause 3 as amended agreed to)

(Several Members stood up in their places)

Hon. Members: Division! Division!

Hon. David ole Sankok (Nominated, JP): Good. Let us vote again. *Tuendelee. Wacheni maneno mingi.* Hon. Millie Odhiambo, *wachana na maneno haya. Kaa chini.* Hon. Babu Owino, do not come close to me. Stay there.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, that was the global Question on Clause 3.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairman, you have not ruled on my point of order. Adjourn this House. We will kill Kenyans. The blood of Kenyans will be on your hands. Adjourn this House. Rule on what I have raised. I have requested for a ruling.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, Clause 3 has passed with the amendments proposed by Hon. Mutunga. We are now moving on to Clause 4.

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is a proposed amendment by Hon. Alice Wahome to Clause 4.

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Deputy Chairman. Noting that I have withdrawn my amendment to Clause 3, I equally wish to withdraw my proposed amendment to Clause 4 because it relates to the question of symbols and slogans, which has already been passed through Clause 3.

I thank you.

(Proposed amendment by Hon. (Ms.) Wahome withdrawn)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The effect of the withdrawal of the proposed amendment by the Member for Kandara is that Clause 4 has no amendment. Therefore, I proceed to put the Question.

(Clause 4 agreed to)

Hon. Sankok, you cannot say “No” and “Yes” at the same time. You have to choose one. Let us proceed to Clause 5.

Clause 5

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we have four proposed amendments to this Clause. There are proposed amendments by Hon. Aden Duale, Hon. Didmus Barasa and Hon. John Mutunga. These are basically speaking to the same matter but the one by Hon. Osoro is proposing a deletion. Therefore, if the one by Hon. Duale goes

through, the ones by Hon. Didmus Barasa and Hon. John Mutunga will fall. So, we shall start with the one by Hon. Aden Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I want to ask the Clerk who is here that we use the register that we normally use instead of writing down our names. We should use the list of Members alphabetically. We will not write names.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale just move your amendment.

Hon. Aden Duale (Garissa Township, JP): No. Hon. Temporary Deputy Chairman, before I move my amendment, I have asked for a procedure which you did not give me. I want you to rule on that one while the Clerk is here...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale, move your amendment.

Hon. Aden Duale (Garissa Township, JP): No. We want fairness. I am only asking for something very small. Since the inception of Parliament, Members have always used the register that is available. We have not had cases where names of Members are written on pieces of paper. You must make a ruling on that one. If you do, I will move my amendment. We cannot allow this House to use foolscaps.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale, move your amendment.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I have all the rights to raise an issue of procedure. Before I move my amendment, I want you to guide the House. It is my right and the Clerk is here. It is a simple matter. Let us use the procedure we have always used. It is a parliamentary procedure. Just rule on that one so that I move my amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale, I presume that you do not desire to move your amendment.

Hon. Aden Duale (Garissa Township, JP): That is not the case, Hon. Temporary Deputy Chairman. I have a lot of respect for you. I am only asking for that simple thing and then I move my amendment.

(Hon. Ndindi Nyoro stood along the aisle)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Ndindi Nyoro, resume your seat. Hon. Duale move your amendment.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Chairman as you decide and make your ruling, I need your guidance. Do I move 2(a) and 2 (c) together or I move them separately?

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale, we are on Clause 5.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended by deleting paragraph (a).

Hon. Temporary Deputy Chairman, Clause 5 of this Bill seeks to amend Section 6 of the Political Parties Act to provide for application of professional registration, which must be accompanied by a statement on the ideology of a proposed political party.

Hon. Temporary Deputy Chairman, the law does not work retrogressively. I am speaking for those Kenyans who have intentions of registering political parties many years to come. This

Bill, in Clause 2, has defined a “statement of ideology” to mean a statement setting out what they call “doctrine, ethical ideals and principals of the party.”

Hon. Temporary Deputy Chairman, in the absence of a definition of what “doctrine” means or what “ideals of a party” means, this clause is subject to abuse. It can be used by the Registrar of Political Parties to deny the people of Kenya the rights given to them under Article 38 of the Constitution, which is on political rights. This negates the principle and the spirit provided for multipartyism in the Constitution.

Based on that lack of definitions, I move and ask the House to agree with me.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I will allow two Members from each side of the House to contribute on this amendment. The first Member to contribute will be Hon. King’ola Makau.

Member for Mavoko, proceed.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Temporary Deputy Chairman. Given the history of this country, this Bill is going to heal the problem that parties are facing. Having listened to what Hon. Duale said about the Registrar of Political Parties, I oppose the amendment.

(Applause)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Gachagua Rigathi. Leader of the Majority Party, just hold on. We are all in the House.

(Loud consultations)

Hon. Rigathi Gachagua (Mathira, JP): Thank you, Hon. Temporary Deputy Chairman. We are in support of the amendment.

Thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I rise to oppose this amendment because we are trying to create political parties that have certain ideology and direction. This amendment is seeking to send us back to the dark days when parties sprang up without any ideology except some sloganeering at public rallies. We want that sloganeering to be done within the ideology of a political party so that people can know whether to relate with a party or not.

I beg to oppose and urge the House to oppose this amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Leader of the Minority Party, Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Chairman, this amendment must be opposed and defeated by Hon. Members. Anyone wishing to form a party in this country must be clear on the ideology and principles of that party. That is the problem we have been having. People form briefcase political parties without even thinking what they stand for.

I oppose and ask all Hon. Members that this is something we must defeat.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Cheptumo.

Hon. William Cheptumo (Baringo North, JP): Thank you, Hon. Temporary Deputy Chairman. I rise to support this amendment. What has been said by Hon. Duale is critical. This is a House that is supposed to pass laws that are going to live beyond our time. You talk of an ideology of a political party and this Bill does not define “ideology.” That is why it is important that we allow this amendment. I support this amendment. If this Bill was crafted in a manner that defined these terms, it would be a different issue.

I support the amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, Hon. Duale rose on a point of order on the procedure of voting here. I just want to respond to him and allay his fears.

Hon. Members, you will recall that the substantive Speaker made a determination that voting on this particular business during this Special Sitting would be by the manner that was adopted by this House. I have no authority to change that position. We will continue with the voting the way it was done last week when the determination was made, and in the way you have voted since then. Hon. Members, we know each other, and this is our business. Therefore, we will proceed in the same manner.

Allow me to now put the Question.

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

Hon. Members: Division! Division!

The Temporary Deputy Chairman (Hon. Christopher Omulele): The “Ayes” have the numbers required to force a Division. Therefore, we shall go to Division.

Hon. Members, I direct that the Division Bell be rung for three minutes. Please, remember to wear your masks throughout. We will vote as per the numbers that are present in the House.

(The Division Bell was rung)

Hon. Members, three minutes have lapsed. I direct that the Bars be drawn now so that we proceed to vote. When we finish voting and you retain our seats, we shall have water being brought in so that Members can have water to drink. So, let us finish voting.

Tallying clerks, Hon. Washiali, Hon. Pukose, Hon. Mwathi and Hon. Kioni, let us proceed with voting.

(Voting in progress)

(Several Members stood along the gangways)

Hon. Members, kindly resume your seats so that the tellers can go to the Bar and then come and report the results. Hon. Members, kindly give the tellers leeway so that they can come and report the results.

(Hon. Silas Tiren and Hon. Julius Melly consulted loudly)

Order Members! Order, Hon. Tiren and the Member for Tinderet! Tellers, Proceed. You can report the results now. Give them the microphone.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, these are the results of the Division on Clause 5 of the Bill to be amended as proposed by Hon. Aden Duale.

The results are as follows:

AYES: 136

NOES: 150

ABSTENTIONS: Nil

(Applause)

DIVISION

(Question negated by 150 votes to 136)

AYES: Hon. (Dr.) Robert Pukose, Hon. Owen Baya, Hon. Mugambi Rindikiri, Hon. James Wamacukuru, Hon. Patrick Mariru, Hon. (Ms.) Soipan Tuya, Hon. David ole Sankok, Hon. John Paul Mwirigi, Hon. Caleb Kositany, Hon. Benjamin Mwangi, Hon. Kubai Iringo, Hon. George Ndung'u, Hon. Nelson Koech, Hon. William Kisang, Hon. Kimani Ngunjiri, Hon. Khatib Mwashetani, Hon. Kimani Ichung'wah, Hon. John Mutunga, Hon. George Theuri, Hon. Ali Wario, Hon. Cornelly Serem, Hon. Christopher Nakuleu, Hon. Lodepe Nakara, Hon. Charles Njagagua, Hon. Sylvanus Maritim, Hon. (Ms.) Rahab Mukami, Hon. Japheth Mutai, Hon. Ali Amin, Hon. Julius Melly, Hon. Wilson Sossion, Hon. Joshua Kandie, Hon. Korei ole Lemein, Hon. Wilson Kogo, Hon. Victor Munyaka, Hon. Michael Muchira, Hon. Ndindi Nyoro, Hon. Gideon Koske, Hon. Mwambu Mabonga, Hon. Leonard Yegon, Hon. George Gitonga, Hon. Vincent Musau, Hon. Majimbo Kalasinga, Hon. (Ms.) Catherine Waruguru, Hon. (Ms.) Halima Mucheke, Hon. Daniel Tuitoek, Hon. (Ms.) Liza Chelule, Hon. (Ms.) Faith Gitau, Hon. Eric Njiru, Hon. Ali Rasso, Hon. Ronald Tonui, Hon. George Kariuki, Hon. (Dr.) Tecla Tum, Hon. (Ms.) Rehema Jaldesa, Hon. (Ms.) Anab Gure, Hon. Rigathi Gachagua, Hon. Patrick Ntwiga, Hon. Feisal Bader, Hon. Lokiru Ali, Hon. Benjamin Tayari, Hon. (Ms) Gladys Shollei, Hon. David Gikaria, Hon. Fred Kapondi, Hon. Samuel Moroto, Hon. Daniel Wanyama, Hon. Nimrod Mbai, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Joyce Emanikor, Hon. James Murgor, Hon. Gideon Keter, Hon. Marwa Kitayama, Hon. (Ms.) Rehema Hassan, Hon. Alfah Ondieki, Hon. Joash Nyamoko, Hon. Mark Lomunokol, Hon. (Ms.) Joyce Korir, Hon. (Ms.) Nasri Ibrahim, Hon. Daniel Rono, Hon. James Lomenen, Hon. (Ms.) Jayne Kihara, Hon. (Ms.) Gathoni Wamuchomba, Hon. Lemanken Aramat, Hon. (Ms.) Alice Wahome, Hon. Omar Mohamed, Hon. (Ms.) Lilian Tomitom, Hon. George Sunkuyia, Hon. Shadrack Mose, Hon. Peter Lochakapong, Hon. John Nyaga, Hon. Gabriel Kago, Hon. Joseph Kipkosgei, Hon. (Ms.) Charity Chepkwony, Hon. Alexander Kosgey, Hon. John Njuguna, Hon. (Ms.) Beatrice Nyaga, Hon. Gichimu Githinji, Hon. Daniel Nanok, Hon. Kinuthia Gachobe, Hon. John Waluke, Hon. (Ms.) Janet Sitienei, Hon. Kareke Mbiuki, Hon. James Gakuya, Hon. Alfred Keter, Hon. Moses Lessonet, Hon. Vincent Tuwei, Hon. Hilary Kosgei, Hon. Mathias Robi, Hon. (Ms.) Beatrice Kones, Hon. (Ms.) Cecily Mbarire, Hon. Katoo ole Metito, Hon. Gabriel Tongoyo, Hon. (Ms.) Janet Teyiaa, Hon. Ahmed Kolosh, Hon. (Ms.) Jane Chebaibai, Hon. John Kiarie, Hon. Josphat Kabeabea, Hon. (Ms.) Aisha Jumwa, Hon. Hassan Hulufu, Hon. Vincent Kemosi, Hon. Dominic Koskei, Hon. Kipsengeret Koros, Hon. William Cheptumo, Hon. Ali Sharif, Hon. (Ms.) Janet Nangabo, Hon. Didmus Barasa, Hon. (Ms.) Florence C.K. Bore, Hon. Moses Kirima, Hon. Oscar Sudi, Hon. Kathuri Murungi, Hon. Sakwa Bunyasi, Hon. Nixon Korir, Hon. Joseph Limo,

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Hon. Kangogo Bowen, Hon. Benjamin Washiali, Hon. David Kiaraho, Hon. Aden Duale and Hon. Charles Kamuren.

NOES: Hon. Sammy Seroney, Hon. (Dr.) Chris Wamalwa, Hon. Jimmy Angwenyi, Hon. (Ms.) Jane Njiru, Hon. Geoffrey Omuse, Hon. (Ms.) Beatrice Adagala, Hon. Paul Katana, Hon. (Dr.) Irene Kasalu, Hon. William Kamket, Hon. Jeremiah Kioni, Hon. Julius Mawathe, Hon. (Ms.) Sophia Noor, Hon. Teddy Mwambire, Hon. (Ms.) Pamela Ochieng, Hon. (Ms.) Esther Passaris, Hon. Ben Momanyi, Hon. Peter Kimaru, Hon. (Dr.) James Nyikal, Hon. (Ms.) Gladwell Cheruiyot, Hon. Mohamed Duale, Hon. Joshua Kivinda, Hon. Erastus Nzioka, Hon. David Ochieng', Hon. John Mbadi, Hon. Opiyo Wandayi, Hon. Geoffrey Odanga, Hon. (Ms.) Jerusha Momanyi, Hon. Ken Chonga, Hon. (Dr.) Otiende Amollo, Hon. Marselino Arbelle, Hon. Elisha Odhiambo, Hon. Onyango Oyoo, Hon. Kulow Maalim, Hon. (Ms.) Eve Obara, Hon. Patrick Makau, Hon. Justus Kizito, Hon. (Ms.) Rozaah Buyu, Hon. Samuel Atandi, Hon. Babu Owino, Hon. David Pkosing', Hon. (Ms.) Ruweida Obo, Hon. (Ms.) Rachael Nyamai, Hon. Godfrey Osotsi, Hon. Andrew Mwadime, Hon. Charles Nguna, Hon. Caleb Luyai, Hon. Yussuf Adan, Hon. Ezekiel Ombaki, Hon. (Ms.) Wanjiku Kibeh, Hon. Raphael Wanjala, Hon. (Ms.) Maison Leshoomo, Hon. Adan Keynan, Hon. (Ms.) Beatrice Mbeyu, Hon. Samuel Arama, Hon. Tom Odege, Hon. Peter Masara, Hon. Munene Wambugu, Hon. Chachu Ganya, Hon. Paul Nzengu, Hon. (Dr.) Lilian Gogo, Hon. Bady Twalib, Hon. William Mwamkale, Hon. Johnson Naicca, Hon. John Owino, Hon. Joseph Oyula, Hon. Pavel Oimeke, Hon. Omboko Milemba, Hon. Benard Okoth, Hon. (Ms.) Shamalla Jennifer, Hon. Isaac Ndirangu, Hon. Ferdinand Wanyonyi, Hon. Rashid Kassim, Hon. Simon King'ara, Hon. Abdi Tepo, Hon. Jared Okelo, Hon. Clement Kigano, Hon. Peter Kaluma, Hon. Benard Shinali, Hon. Abdi Shurie, Hon. Ngunjiri Wambugu, Hon. Thuddeus Nzambia, Hon. George Aladwa, Hon. Stephen Mule, Hon. (Dr.) Wilberforce Oundo, Hon. T.J Kajwang, Hon. (Ms.) Fatuma Gedi, Hon. Jude Njomo, Hon. Ali Wario, Hon. Gichuki Mugambi, Hon. Christopher Wangaya, Hon. Peter Nabulindo, Hon. Ayub Angatia, Hon. (Ms.) Mary Njoroge, Hon. (Dr.) Naomi Shaban, Hon. Charles Ong'ondo, Hon. (Ms.) Janet Ong'era, Hon. (Ms.) Edith Nyenze, Hon. Josphat Kabinga, Hon. Mark Nyamita, Hon. Joseph Nduati, Hon. Jackson Lekumontare, Hon. (Ms.) Naisula Lesuuda, Hon. (Ms.) Florence Mutua, Hon. Anthony Kiai, Hon. Stanley Muthama, Hon. Joseph Manje, Hon. (Prof.) Zadoc Ogutu, Hon. Daniel Maanzo, Hon. (Ms.) Gladys Wanga, Hon. Abdullswamad Nassir, Hon. (Ms.) Mishi Mboko, Hon. (Ms.) Aisha Jumwa, Hon. Kanini Kega, Hon. Yusuf Hassan, Hon. Mohamed Abdikhaim, Hon. Adipo Okuome, Hon. Memusi ole Kanchory, Hon. Charles Kilonzo, Hon. Danson Mwashako, Hon. Anthony Oluoch, Hon. Richard Onyonka, Hon. Joshua Kutuny, Hon. Mohamed Hire, Hon. Paul Abuor, Hon. (Ms.) Mercy Wanjiku, Hon. Joshua Mwalyo, Hon. Gideon Mulyungi, Hon. Kipruto Moi, Hon. Ahmed Gaal, Hon. Mohamed Mohamud, Hon. Martin Owino, Hon. Junet Nuh, Hon. (Ms.) Denittah Ghati, Hon. Wafula Wamunyinyi, Hon. Maina Kamanda, Hon. Tim Wanyonyi, Hon. (Ms.) Odhiambo-Mabona, Hon. Aduma Oduor, Hon. Emmanuel Wangwe, Hon. Oku Kaunya, Hon. (Prof.) Jacqueline Oduol, Hon. Maoka Maore, Hon. (Ms.) Elsie Muhanda, Hon. (Dr.) Eseli Simiyu, Hon. Silas Tiren, Hon. (Ms.) Zuleikha Hassan, Hon. Robert Mbui, Hon. Alfred Masadia, Hon. Amos Kimunya and Hon. Peter Mwathi.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, Order. Those Members dancing, please note that we have a long way to go. Why are you dancing when the music has not even started? Sit down. We have 100 clauses to go. Why are you dancing over one clause? We have a whole day to work.

Hon. Members, the results of the Division on Clause 5 to be amended as proposed by Hon. Aden Duale are: Ayes 136 and Noes 150. The Noes have it. Let us make progress.

Let the doors be opened.

Hon. Members, the result of that decision is such that the proposed amendments by Hon. Didmus Barasa and Hon. John Mutunga fail.

*(Proposed amendments by Hon. Didmus Barasa
and Hon. John Mutunga dropped)*

(Clause 5 agreed to)

Hon. Members: No! Division! Division!

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, the Ayes have the numbers, but we will again go to Division. So, I direct that the Bell be rung for three minutes.

(The Division Bell was rung)

Hon. Members, order! Resume your seats. The Bar to be drawn so that we can take the next Division Vote. Hon. Members, resume your seats. Order, Hon. Members! Hon. Kaluma, just relax. You will dance at the end of the day. Let us have the Ayes here and the Nays here. Serjeant-at-Arms, let us have the Division. Hon. Members, just hold on. Listen to this guidance. This is what we are voting on. There was a proposed amendment by Hon. Duale to Clause 5 which was rejected. What you voted on was the global Question on whether Clause 5 should be part of the Bill. That is the Question that you have now raised Division on, on whether Clause 5 should be part of the Bill. That is the Question that we are now voting on. The Nays will be here and the Ayes should be here on whether Clause 5 should be part of the Bill or not. Ayes is to my left and the Nays will be on the right. Let us vote. Can I have the tellers?

(Hon. Members proceeded to vote)

Order, Hon. Members. Please return to your seats. Tallying is going on. The tellers are doing their work. Please, return to your seats so that we can make progress.

(Voting in progress)

Hon. Members, order. Tellers can now retreat to the Bar and report the result of that Division.

(Loud consultations)

Tellers, proceed.

Hon. Jeremiah Kioni (Ndaragwa, JP): Hon. Chairman, the result of the Division is as follows:

AYES: 153

NOES: 134

DIVISION

(Question carried by 153 votes to 134)

AYES: Hon. (Ms.) Jane Njiru, Hon. (Dr.) Chris Wamalwa, Hon. (Ms.) Jerusha Momanyi, Hon. Sammy Seroney, Hon. Samuel Atandi, Hon. T.J Kajwang, Hon. David Pkosing, Hon. Jude Njomo, Hon. Jimmy Angwenyi, Hon. William Kamket, Hon. Paul Katana, Hon. Kulow Maalim, Hon. Ahmed Gaal, Hon. Geoffrey Omuse, Hon. Elisha Odhiambo, Hon. (Ms.) Beatrice Adagala, Hon. Opiyo Wandayi, Hon. (Dr.) Irene Kasalu, Hon. Ben Momanyi, Hon. Samuel Arama, Hon. Simon King'ara, Hon. Mohamed Hire, Hon. (Ms.) Esther Passaris, Hon. John Owino, Hon. Kanini Kega, Hon. Marselino Arbelle, Hon. Abdi Tepo, Hon. (Ms.) Gladwell Cheruiyot, Hon. David Ochieng', Hon. Teddy Mwambire, Hon. Peter Nabulindo, Hon. (Ms.) Florence Mutua, Hon. Stanley Muthama, Hon. Joshua Mwalyo, Hon. Geoffrey Odanga, Hon. (Dr.) Christine Ombaka, Hon. (Ms.) Wanjiku Kibeh, Hon. Onyango Oyoo, Hon. Bady Twalib, Hon. William Mwamkale, Hon. Joshua Kivinda, Hon. Jared Okelo, Hon. Caleb Luyai, Hon. (Ms.) Fatuma Gedi, Hon. (Ms.) Maison Leshoomo, Hon. Gideon Mulyungi, Hon. Godfrey Osotsi, Hon. Mohamed Mohamud, Hon. Rashid Kassim, Hon. Wafula Wamunyinyi, Hon. Jackson Lekumontare, Hon. Fred Ouda, Hon. (Ms.) Beatrice Mbeyu, Hon. (Ms.) Sophia Noor, Hon. George Aladwa, Hon. Tom Odege, Hon. Benard Okoth, Hon. Justus Kizito, Hon. Jonah Mwangi, Hon. Peter Masara, Hon. (Dr.) James Nyikal, Hon. Peter Kimaru, Hon. Stephen Mule, Hon. (Ms.) Rozaah Buyu, Hon. Charles Nguna, Hon. Thuddeus Nzambia, Hon. Richard Onyonka, Hon. Pavel Oimeke, Hon. Munene Wambugu, Hon. (Ms.) Shamalla Jennifer, Charles Ong'ondo, Hon. Yussuf Adan, Hon. Babu Owino, Hon. Anthony Oluoch, Hon. Mohamed Duale, Hon. Yusuf Hassan, Hon. Joseph Manje, Hon. Isaac Ndirangu, Hon. Ali Wario, Hon. Paul Nzengu, Hon. (Ms.) Rachael Nyamai, Hon. (Ms.) Wangare Mwaniki, Hon. Mark Nyamita, Hon. Raphael Wanjala, Hon. Memusi ole Kanchory, Hon. Alfred Masadia, Hon. Ayub Angatia, Hon. Johnson Naicca, Hon. Danson Mwashako, Hon. (Dr.) Lilian Gogo, Hon. Ezekiel Ombaki, Hon. Joseph Nduati, Hon. (Ms.) Pamela Ochieng, Hon. John Mbadi, Hon. Anthony Kiai, Hon. (Ms.) Edith Nyenze, Hon. (Ms.) Sabina Chege, Hon. Mugambi Rindikiri, Hon. Peter Kaluma, Hon. Ken Chonga, Hon. Mohamed Abdikhaim, Hon. Paul Abuor, Hon. Tim Wanyonyi, Hon. (Ms.) Denittah Ghati, Hon. Clement Kigano, Hon. Erastus Nzioka, Hon. Christopher Wangaya, Hon. Josphat Kabinga, Hon. Daniel Maanzo, Hon. (Ms.) Mishi Mboko, Hon. (Ms.) Asha Hussein, Hon. (Ms.) Ruweida Obo, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Janet Ong'era, Hon. Joseph Oyula, Hon. Ngunjiri Wambugu, Hon. (Ms.) Eve Obara, Hon. (Prof.) Zadoc Ogutu, Hon. Ferdinand Wanyonyi, Hon. Junet Nuh, Hon. Charles Kilonzo, Hon. Benard Shinali, Hon. Kipruto Moi, Hon. Abdullswamad Nassir, Hon. Richard Tong'i, Hon. Omboko Milemba, Hon. Joshua Kutuny, Hon. Sakwa Bunyasi, Hon. (Dr.) Otiende Amollo, Hon. (Ms.) Gladys Wanga, Hon. (Ms.) Naisula Lesuuda, Hon. (Ms.) Zuleikha Hassan, Hon. Adipo Okuome, Hon. (Ms.) Elsie Muhanda, Hon. Julius Mawathe, Hon. Patrick Makau, Hon. Amos Kimunya, Hon. Aduma Oduor, Hon. Oku Kaunya, Hon. (Dr.) Wilberforce Oundo, Hon. Emmanuel Wangwe, Hon. (Dr.) Naomi Shaban, Hon. (Prof.) Jacqueline Oduol, Hon. Maoka Maore, Hon. (Dr.) Eseli Simiyu, Hon. Silas Tiren, Hon. Martin Owino, Hon. Robert Mbui, Hon. (Ms.) Odhiambo-Mabona, Hon. Maina Kamanda, Hon. Chachu Ganya, Hon. Peter Masara and Hon. (Ms.) Safia Sheikh.

NOES: Hon. Cornelly Serem, Hon. William Cheptumo, Hon. Caleb Kositany, Hon. (Ms.) Janet Sitienei, Hon. David ole Sankok, Hon. Ali Wario, Hon. James Wamacukuru, Hon. Mohamed Ali,

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Hon. Patrick Mariru, Hon. Ali Amin, Hon. William Kisang, Hon. George Theuri, Hon. (Ms.) Soipan Tuya, Hon. Vincent Tuwei, Hon. George Gitonga, Hon. Julius Melly, Hon. Korei ole Lemein, Hon. Ibrahim Nassir, Hon. (Ms.) Janet Teyiaa, Hon. George Koimburi, Hon. John Waluke, Hon. Benjamin Mwangi, Hon. Kimani Ichung'wah, Hon. Nimrod Mbai, Hon. Daniel Wanyama, Hon. John Njuguna, Hon. George Kariuki, Hon. David Gikaria, Hon. Japheth Mutai, Hon. (Ms.) Charity Chepkwony, Hon. Josphat Kabeabea, Hon. Ahmed Kolosh, Hon. Samuel Moroto, Hon. Alfred Keter, Hon. John Paul Mwirigi, Hon. Omar Mohamed, Hon. (Ms.) Rehema Hassan, Hon. Gideon Koske, Hon. John Mutunga, Hon. Christopher Nakuleu, Hon. Mark Lomunokol, Hon. Peter Lochakapong, Hon. John Nyaga, Hon. Lodepe Nakara, Hon. (Ms.) Rahab Mukami, Hon. Nelson Koech, Hon. (Ms.) Florence Mutua, Hon. Ali Sharif, Hon. (Ms.) Jayne Kihara, Hon. (Dr.) Tecla Tum, Hon. Mugambi Rindikiri, Hon. Patrick Ntwiga, Hon. (Ms.) Faith Gitau, Hon. James Lomenen, Hon. (Ms.) Rehema Jaldesa, Hon. Alexander Kosgey, Hon. Nixon Korir, Hon. Kareke Mbiuki, Hon. Charles Njagagua, Hon. (Ms.) Joyce Korir, Hon. Victor Munyaka, Hon. Wilson Sossion, Hon. Joash Nyamoko, Hon. Ronald Tonui, Hon. Majimbo Kalasinga, Hon. (Ms.) Beatrice Nyaga, Hon. Oscar Sudi, Hon. Eric Njiru, Hon. Gideon Keter, Hon. Sylvanus Maritim, Hon. Kinuthia Gachobe, Hon. Alfah Ondieki, Hon. Shadrack Mose, Hon. David Gikaria, Hon. Hilary Kosgei, Hon. Gideon Koske, Hon. Joshua Kandie, Hon. (Ms.) Lilian Tomitom, Hon. Benjamin Tayari, Hon. Feisal Bader, Hon. (Ms.) Joyce Emanikor, Hon. (Ms.) Alice Wahome, Hon. Fred Kapondi, Hon. Joseph Kipkosgei, Hon. (Ms) Gladys Shollei, Hon. (Ms.) Gathoni Wamuchomba, Hon. Geoffrey Muturi, Hon. Daniel Tuitoek, Hon. Gichimu Githinji, Hon. Marwa Kitayama, Hon. Lemanken Aramat, Hon. Hassan Hulufu, Hon. Kipsengeret Koros, Hon. Rigathi Gachagua, Hon. Khatib Mwashetani, Hon. Dominic Koskei, Hon. Ndindi Nyoro, Hon. (Ms.) Catherine Waruguru, Hon. Didmus Barasa, Hon. James Murgor, Hon. Wilson Kogo, Hon. Benjamin Washiali, Hon. (Ms) Liza Chelule, Hon. (Ms.) Peris Tobiko, Hon. John Kiarie, Hon. Ali Rasso, Hon. Katoo ole Metito, Hon. (Ms.) Beatrice Kones, Hon. Daniel Nanok, Hon. Joseph Limo, Hon. Kubai Iringo, Hon. James Gakuya, Hon. Leonard Yegon, Hon. Gabriel Kago, Hon. (Ms.) Janet Nangabo, Hon. Mathias Robi, Hon. Daniel Rono, Hon. George Sunkuyia, Hon. Michael Muchira, Hon. Kipyegon Ngeno, Hon. Kangogo Bowen, Hon. (Ms.) Halima Mucheke, Hon. Vincent Kemosi, Hon. Moses Kirima, Hon. (Ms.) Jane Chebaibai, Hon. (Ms.) Aisha Jumwa, Hon. Charles Kamuren, Hon. (Dr.) Robert Pukose, Hon. (Ms.) Cecily Mbarire, Hon. Aden Duale, Hon. Owen Baya and Hon. Gabriel Tongoyo.

ABSTENTION: None.

(Applause)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Members! Order! Order! Order!

(Several Hon. Members stood along the gangways)

The Member for Kisumu, resume your seat!

(Applause)

(Hon. Leonard Yegon stood up in his place)

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Resume your seats. Member for Konoin, Hon. Brighton Yegon, resume your seat. Hon. Members, on the Division that Clause 5 be part of the Bill, the Ayes are 153 and the Nays are 134. The Ayes have it.

(Applause)

PROGRESS REPORTED

THE POLITICAL PARTIES (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, listen to me for a minute. We have a long way to go. It is not a celebration of anything. This is a law-making process. Let us be a little orderly. I therefore call upon the Mover now to move reporting. I direct that the Bar be drawn and the doors unlocked.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move that the Committee reports to the House its consideration of Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) up to Clause 5 and its approval thereof with amendments and seek leave to sit again today.

Hon. Members, it is approaching lunchtime. So, we need to report progress to the main House so that we can have an opportunity to break and have the next session at 2.30 p.m. This is purely procedural. If we do not do this, we will not go for break and the next session will start. I beg to move, Hon. Temporary Deputy Chairman.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) in the Chair]*

Hon. Members: Division! Division!

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order Members! Hon. Mariru proceed.

Hon. Patrick Mariru (Laikipia West, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) up to Clause 5 and approved the same with amendments, and seek leave to sit again today.

(Hon. Members stood up in their places)

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Mover. Hon. Members, resume your seats.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. John Mbadi to second a Motion for agreement with the Report of the Committee of the whole House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. John.

Hon. Member: On a point of order under Standing Order No. 73, Hon. Temporary Deputy Speaker.

(Hon. David ole Sankok stood up in his place)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, resume your seat. Sit down! You are out of order!

(Question proposed)

(Question put and agreed to)

Hon. Members, it has been a tough morning but we have weathered it.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 1.45 p.m. this House stands adjourned until today at 2.30 p.m.

The House rose at 1.45 p.m.