

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

Thursday, 25<sup>th</sup> March 2021

The House met at 2.30 p.m.

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

**PRAYERS****PETITIONS****SAFEGUARDING PUBLIC INTEREST IN  
USE OF KANGAITA TEA FARM LAND**

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Hon. Speaker, I thank you for giving me this chance to present Public Petition No.010/2021.

I, the undersigned, on behalf of tea growers from Kangaita Tea Factory, Kirinyaga Central Constituency in Kirinyaga County, draw the attention of the House to the following:

THAT, the Kenya Tea Development Agency (KTDA) is in the final stages of setting up Africa's first Japanese specialty green tea production factory at Kangaita Tea Farm in Kirinyaga County as part of its long-term product diversification strategy that will be used to pilot the processing of the specialised Japanese Sencha Green Tea;

THAT, this new factory is being constructed adjacent to the premises and vicinity of the already existing and fully operational Kangaita Tea Factory which processes the traditional black CTC (crush, tear, curl) tea;

THAT, in addition to the black CTC, the existing Kangaita Tea Factory already has an operational branch that processes orthodox teas and other specialty teas such as Kangaita White Teas/Silvery Needles and Kangaita Rare Purple Teas;

THAT, the production of these brands of high value rare tea has been supplementing the tea growers' income without unnecessary additional costs of production to the farmers;

THAT, the sprawling 600-acre Kangaita Tea Farm is part of tea estates managed by the KTDA and are subsidiary owned by the individual smallholder tea farmers, through their investment in the Kangaita Tea Factory Company;

THAT, the land in use for the Japanese specialty green tea production is on lease to the KTDA by the County Government of Kirinyaga as a demonstration and research farm;

THAT, the KTDA has made a number of decisions involving this farm independently without consulting the Kangaita Tea Growers, which is contrary to the law and has led to the perception that it is an in-house project;

THAT, the decision to construct a new factory for the Japanese Specialty Sencha Tea has raised concerns from the tea growers of Kangaita as to whether the new factory will be able to sustain itself since the supply of produce will only come from the 600-acre Kangaita Tea Farm;

THAT, the machinery for processing this tea would have been accommodated in the already existing Kangaita Tea Factory especially since the project is still in the pilot stage;

THAT, the shareholders of Kangaita Tea Factory Company are of the view that the poor conducting of feasibility study on the Japanese Specialty Sencha Tea Factory project is likely to occasion unforeseen costs to the shareholders;

THAT, the tea growers are apprehensive that the existing Kangaita Tea Factory may be rendered economically unsustainable due to reduced volume of the tea processed, which may result in reduced earnings;

THAT, efforts to have the matter resolved by the leadership of the of Kangaita Tea Factory tea growers in consultation with the KTDA have not been fruitful; and,

THAT, the matters presented in this Petition are not pending before any court of law or any constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Agriculture and Livestock:

(i) inquires into the legality of establishment of the Japanese Specialty Green Tea Production Factory at Kangaita Tea Factory with a view to:

(a) suspend the coming into operation of the new factory;

(b) recommendations that KTDA engages and addresses concerns raised by the Kangaita tea growers;

(c) the KTDA names the collaborating partners in the project and accounts for funds used;

(d) finds out the rationale of constructing the new factory within the vicinity of the existing factory and what are the anticipated impacts to the existing factory and the tea growers' earnings;

(ii) establishes and determine the ownership of Kangaita Tea Farm and rightful beneficiaries of the proceeds generated from the tea farming activities within the farm; and,

(iii) makes any other recommendations it deems appropriate in the circumstances of the petition.

And your humble Petitioners will ever pray.

**Hon. Speaker:** The Petition will be referred to the Departmental Committee on Agriculture and Livestock to act. Before we can allow for comments, there is another Petition by the Member for Busia County, Hon. Florence Mutua.

#### DEVOLUTION OF PENSION SERVICES

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Thank you, Hon. Speaker. I have public Petition No.009/2021 regarding devolution of pension services.

I, the undersigned, on behalf of aggrieved pensioners across the country, draw the attention of the House to the following:

THAT, the Pensions Department under the National Treasury is mandated by law to ensure timely and efficient grant of pensions, gratuities and other retirement benefits to eligible public service retirees in order to ensure a dignified and secure livelihood once they leave public service.

THAT, contrary to expectation, most senior citizens are forced to make multiple, non-ending and fruitless follow-up visits to Bima House upon retirement in a bid to secure pensions rightfully due to them after many years of serving the public.

THAT, there have been repeated cases of pensioners' files mysteriously disappearing, or being adjudged as incomplete ostensibly on account of lack of sufficient personnel to handle thousands of pensioners' files, resulting in inordinate delays in processing of pension payments.

THAT, these highly inconveniencing delays are a constant source of stress and depression for many pensioners who are compelled to spend their dwindling finances travelling between Nairobi and their far-flung home areas, with a number of them having to borrow transport money from friends because they no longer have any monthly income.

THAT, regrettably, some pensioners end up dying without having obtained their pensions for which they toiled for years, thereby leaving their next of kin in squalor, in addition to making them vulnerable to unscrupulous pension officers who contest their kinship status and delay the pension payments even further.

THAT, the Auditor-General's reports on the Pensions Department have repeatedly recommended the urgent reorganisation of the department in view of the perpetual inefficiencies, bottlenecks and unnecessary bureaucracies that continue to cause multiple inconveniences, complaints and outcries from pensioners and their families.

THAT, given the aforementioned systemic inefficiencies bedeviling the Pensions Department, devolution of pension services to counties is the only practical approach to salvaging the management of pensions and safeguarding the welfare of pensioners.

THAT, efforts to have the matter resolved by the Pensions Department have not borne any fruit; and

THAT the matters raised in this Petition are not pending in any court of law in Kenya.

Now, therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Finance and National Planning:

(i) investigates the matter of pending pension payments with a view of obtaining the status of pension payments at the Pensions Department.

(ii) seeks detailed outline of measures being implemented by relevant authorities in dealing with perpetual delays in processing pensioners' dues.

(iii) recommends the urgent devolving of pension services to counties and initiates this devolution of pension services through legislation; and,

(iv) makes any other recommendation that it deems fit in the circumstances of the Petition.

And your petitioners will forever pray.

Thank you.

**Hon. Speaker:** Well, it is referred to the Departmental Committee on Finance and National Planning given that the COVID-19 situation has allowed that our doors remain open. I can see the Chairperson of the Departmental Committee on Finance and National Planning following the proceedings directly from the television out there.

*(Laughter)*

Hon. Members, I can see there are some interventions. I do not know whether they are on this one or not. Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I want to comment on the first Petition by my brother, Hon. Munene Wambugu, the Member for Kirinyaga Central. I am familiar with the location that has been referred to. That is where my in-laws come from. This is a major concern. Having two factories erected at the same area and targeting the same farmers could easily result to a conflict. That needs to be looked at seriously.

I also take note that there has been lack of consultation by some of our parastatals, bodies and institutions in as far as the farmers are concerned. We have assumed farmers for a long time. We have assumed that they have got only one role of producing what they are supposed to produce. Take note that, even the land that we are talking about is held by those institutions on behalf of the farmers who are the ultimate owners of that land. Issues surrounding the Kenya Tea Development Agency which keeps on going to court over everything, needs to be looked at before our tea farmers suffer.

On international investments, we like them. They are good, but we need to have detailed information on such investments. At the end of the day, as representatives of the people, we are accountable to our people. When our farmers get into problems they turn to us. In my own place in Mwea, there are some international investors who come with good plans on how to buy rice. However, at the end of the day, we need to understand some of these companies, their sustainability and if they went under, who we will turn to. Otherwise, we may end up having cases similar to pyramid schemes which come up well, but end up inflicting suffering on the people. Therefore, I support that Petition and hope that the Ministry of Agriculture is either having information about that particular factory or it is going to undertake serious investigation to prevent further suffering of farmers.

Thank you.

**Hon. Speaker:** Very well. Hon. Members, because these are comments and short statements - sometimes seeking clarifications - they are comments upon a presentation of a Petition, there will be a report that will come from a Committee which, if need be, could be debated. We have only a maximum of 30 minutes and we have two petitions. So, we will be limited to two minutes of contributing. Just keep watch on the light. If it turns yellow, know you have a balance of one minute. If it turns red, you will have a balance of 30 seconds. If you do not organise yourself, you will find yourself speaking to a disconnected microphone.

*(Laughter)*

Let us have the Member for Kathiani.

**Hon. Robert Mbui** (Kathiani WDM-K): Thank you, Hon. Speaker. I rise to comment on the second Petition by Hon. Florence Mutua on payment of pensions. It is an unfortunate situation. The fact remains that when you have energy, you work so hard. However, we are advised to keep some money for that time when we shall not be able to work in our older days. Unfortunately, a lot of times people have kept this money and when they retire, they are not paid. In fact, it is so bad as I have heard from my colleague, Hon. Kaluma, that there is money that is released from the Treasury to the departments for onward transmission to those people that qualify to be paid

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pension, but the money is not given to them. So, I would like to urge that as we deal with this Petition, we take it with the seriousness it deserves. Almost every week in the newspapers, you will see a certain group of people complaining about non-payment of their pension. So, it is really a big problem and we need to deal with it. We must respect old people. They gave their best when they were young and so, as they age, we must respect them. We must ensure they get what is rightfully, theirs.

I support that Petition. Thank you.

**Hon. Speaker:** Very well. Member for Tharaka, kindly have the Floor.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Speaker.

I wish to comment on both Petitions. In regards to the first Petition, it is timely. What is of great concern is that the people of Kangaita, Kirinyaga Central have not been consulted.

Public participation is extremely important. Before we do anything or undertaken any development or projects, we should discuss with the local people so that we know what is best for them. I, therefore, agree with Hon. Munene Wambugu that this should be investigated, and a solution found.

As to the second Petition by the Hon. Member for Busia, it is vitally important that this country takes its senior citizens seriously. It is a pity. I go to Bima House to pursue cases for my constituents and I meet elderly people moving up and down trying to find out how far their pension process has reached. It is high time we gave them priority to have access to their money. Our senior citizens ought to lead decent lives.

It is timely, and we should get a good report from the Committee so that we are able to talk to the Ministry.

Thank you.

**Hon. Speaker:** The Member for Funyula, kindly, have the Floor.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker.

I also stand to support the Petition by the Woman County Representative for Busia which is my County.

In Busia, our big concern are teachers with their unpaid pension. Half of the time I am in Nairobi, I spend my time chasing after pension for teachers and others from various Government departments. It is like you are going to a dead office. You will be tossed from one point to another without much help. They have continuously said they are procuring a pension management system. I say so because I sit in the Public Accounts Committee(PAC) and many a times their accounting officers appear before us. It has been a long story. We hope one day the story will have an ending so that they will have an expeditious process of ensuring the retirees get their money.

It is very disheartening that you toil all your life knowing that you have a pension somewhere, but you go and languish in the villages without any money, meet an untimely and bitter death, live with bitterness and let your dependants hate the Government and leaders for no apparent reason.

I support the Petition, and I hope the Committee will do justice to it.

**Hon. Speaker:** This House, for the longest time, has debated this issue of delayed pension payments. It is high time this House took a definitive decision. If it is an issue of procuring a pension management system, which Hon. Oundo says should happen...You are the House that deals with budgets. Surely, it cannot be that Members of Parliament day in, day out go to these offices to follow pensions for their constituents.

*(Hon. Shakeel Shabbir's phone rang)*

Those of you with gadgets, please, throw them out. We do not need them here. We are discussing serious matters.

*(Loud consultations)*

I hope it is not Hon. Wang'a who is... Is it Hon. Shakeel? Please, do not watch videos in the Chamber

*(Loud consultations)*

Hon. Members, very soon we will be dealing with Budget Estimates. I know that each one of you, at some point or the other, has been approached to try and help out someone with regard to pension dues. This is a problem across the country. Parliament should now rise to the occasion. If it is that pension management system that is required, let Parliament during this coming Budget take this as a matter of priority, allocate funds and insist that within a definite period, the system should be in place.

Hon. Members, I see some of these reports every day. It cannot be that Members of Parliament are the ones who go to chase pensions. Some of these pensions are for people who retired before some of you even left high school; the likes of the young Member, Nominee 001. I am sure some of these pensioners retired when he may have not left school. He is now supposed to chase their pension. He would have to go and dig a lot of history most of which may be alien to him.

*(Hon. Sankok spoke off-record)*

Point noted, Hon. Sankok

**Hon. Speaker:** Hon. Duale, kindly have the Floor.

**Hon. A.B. Duale** (Garissa Township, JP): Hon. Speaker, first, I want to thank the Parliamentary Service Commission under your leadership. Members of Parliament who left get their pension promptly, that I can confirm. I met one last week and he confirmed that he gets Kshs120,000 every month.

I want Members to read the PAC Report. We have engaged with the Pensions Department and they are talking about an integrated system which I think has already been budgeted for. As the Committee deals with this Petition, it should also look at what Hon. Wandayi has tabled and what we recommended.

Secondly, as much as we need to help our senior citizens get their money which they must, we should also not forget that this House allowed the National Treasury to reduce pension budget by Kshs17.5 billion in the last financial year from Kshs104 billion to Kshs86 billion. The House sometimes also needs to know what is going on.

Thirdly, and more importantly, we need to be very assertive. Teachers get their pension from the Teachers Service Commission. However, people who work for the civil service suffer.

I like the way you are handling this matter. It is a serious matter and we must get to the bottom of it and solve it. There are many Kenyans who even use pension to buy their drugs. If they do not get the money, they will die.

This Committee must work and hold to account officers involved by making sure our retired senior citizens, who are also our fathers and mothers who served this nation, get what is due to them legally.

I support.

**Hon. Speaker:** Member for Migori County.

**Hon. (Ms.) Pamela Ochieng** (Migori CWR, ODM): Thank you, Hon. Speaker for giving me this chance.

I stand to comment and support the Petition by Busia Woman Representative. The issue of pension is a thorn in the flesh of all Kenyans. In fact, as you put it, some of these pensioners started looking for pension before some of us were born. Contrary to what Hon. Duale has just alluded to, the teaching fraternity is the most hit by this issue. TSC processes all their dues but the National Treasury never releases their pension.

In reference to the report, and talking of pension integrated system, what is happening in Kenya is pointing to a serious lapse in strategic human resource management systems. The moment somebody is employed their dues should be worked up to the time they are retiring. Nobody can understand what goes on in Kenya.

It is my appeal that Kenyans respect their senior citizens and not subject them to unnecessary suffering. Some of these people get their dues long after they have died. Most pensioners never get an opportunity to enjoy their sweat.

I support.

**Hon. Speaker:** I only hope they do not receive their dues when they have already died.

*(Laughter)*

They do not receive. It means they have not received.

**Hon. (Ms.) Pamela Ochieng** (Migori CWR, ODM): It is their dependents or their relatives which should not be the case.

**Hon. Speaker:** Absolutely. Member for Igembe Central, you have the Floor.

**Hon. Kubai Iringo** (Igembe Central, JP): Hon. Speaker, even as we talk about the National Treasury not availing money for pensioners, we have another problem of people processing these files. People processing pension behave as if they will never retire themselves. They keep on demanding money from pensioners.

I had a teacher who told me that for a teacher to get his or her pension processed, they have to pay Kshs50,000. One of them came to borrow that money from me so that he can pay those officers for the file to be availed. If you do not pay, it is hidden forever. Some of them will even die before they get it.

As we look for money, we should also find out who sits in these offices. They should be disciplined, overhauled or even sacked! They should not behave as if they will not retire themselves. Thank you Hon. Speaker.

**Hon. Speaker:** Hon. Sossion.

**Hon. Wilson Sossion** (Nominated, ODM): Hon. Speaker, I rise to comment and support the petition by Hon. Florence Mutua.

It is, indeed, sad as a country that we still subject our pensioners to a lot of suffering. While looking at the law, I remember there was a Pensions Bill that was pushed by Hon. Musila in this same House that it is incumbent upon employers, if the employees retire before getting their

pensions, then they must be maintained on the payroll. This aspect of the provision of the law must be enforced.

Secondly, the seamless transfer of public officers or workers from the main payroll to the pension payroll is also provided in law. Therefore, we are discussing a matter that is already provided for in our pieces of legislation. What matters is proper enforcement of the laws that we have made in this country. From the data that we have, majority of the workers, whether teachers or civil servants - and I really make that correction by Hon. Duale that teachers are paid pension by the Teachers Service Commission, that is not true and all the workers are paid pension by the Director of Pensions - majority of them stay out for two, three years before getting pension and data indicates that many of them have actually died.

Hon. Speaker this is a very urgent Petition that needs to be expedited and due justice given to the retirees in this country.

**Hon. Speaker:** You are absolutely right. That amendment proposed by Hon. David Musila was either due in the 8<sup>th</sup> or the 9<sup>th</sup> Parliament. Moreover, it was very difficult those days to push through even a simple amendment like that one yet as you say, it is not being followed. It became law. Finally, on comments in petitions, Hon. Sankok.

**Hon. David Ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker, for giving me this opportunity and from your earlier comment I may be young in spirit, but of course not younger than those cerelac partners.

I support the petition by the Member for Busia County because pensioners are suffering. Most of them have joined my club of disability and they really need assistive and mobility devices. Some of them are just asking for their pension to purchase crutches or wheelchairs. You have given directive and it is a high time we take this House seriously. Your directive should even translate into law now that you have given directive that we go and make sure that that system is fully funded. I urge the House to make sure that as we appropriate the budget, the system is fully budgeted for and that it is up and working.

Hon. Sossion has talked about teachers who have stayed for long without getting pension. It is a shame that, as Members of Parliament, our pension is given on time while those who elected us do not get their pension. I support and hope that this will not again lay on the shelves like that of Hon. Musila. I support.

**Hon. Speaker:** Very well. The two petitions are referred as earlier on directed. Next Order!

## PAPERS

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

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House today Thursday, 24<sup>th</sup> March 2021, Afternoon Sitting.

The 12<sup>th</sup> Edition of the bi-annual report of the status of alcoholic and drug abuse control in Kenya

Report of the Auditor-General and Financial Statements in respect to the following institutions for the year ended 30<sup>th</sup> June 2019 and the certificates therein:

- (i) Dedan Kimathi University of Technology.
- (ii) State Corporation Appeals Tribunal.
- (iii) The Kenya Space Agency.

Thank you Hon. Speaker.

**Hon. Speaker:** Next Order!



## ORDINARY QUESTIONS

**Hon. Speaker:** First Question by the Member for Igembe Central. Hon. Kubai.

*Question No. 113/2021*

## STATUS OF MURINGENE- IRINDII- ATHIRU STAGE ROAD

**Hon. Kubai Iringo** (Igembe Central, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works, the following Question:

- (i) Could the Cabinet Secretary explain the status of construction of the *Muringene- Irindii- Athiru stage road* in Igembe Central Constituency despite procurement having been done and the contract awarded?
- (ii) What has caused the delay in the construction of said road to bitumen standards as directed by the President in 2017?
- (iii) When is the construction expected to commence and what is the expected completion date for the project?

**Hon. Speaker:** That will be replied to before the Departmental Committee on Transport, Public Works and Housing. The next question is by the Member for Mumias East. He wrote to request that Hon. (Dr.) Pukose asks the Question on his behalf.

Hon. (Dr.) Pukose, proceed.

*Question No. 114 of 2021*

## ASTRA ZENECA COVID-19 VACCINE (AZD1222)

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, on behalf of the Member for Mumias East, Hon. Benjamin Washiali, I beg to ask the Cabinet Secretary for Health the following Question:

- (i) Could the Cabinet Secretary confirm whether the Oxford made - *AstraZeneca COVID-19 vaccine (AZD1222)* against COVID-19 has any notable adverse side effects that include alleged cases of blood clotting amongst others when administered to persons, leading to banning of its use in some countries?
- (ii) Could the Cabinet Secretary explain the benefits of the said vaccine, the level of protection and efficacy to individuals after being administered, and indicate whether any adverse side effects have been reported in the country?
- (iii) Could the Cabinet Secretary explain how long the vaccine underwent research in the country before being approved for administering to Kenyans considering the side effects allegedly being experienced in other countries?
- (iv) What is the Government's position on the continuous use of the vaccine considering the slow pace of uptake by Kenyans and the side effects reported in other countries and is the Government making any plans to procure alternative vaccines for Kenyan citizens?

Thank you Hon. Speaker.

**Hon. Speaker:** Sorry. Hon. Members, you know it is very difficult when you pay attention to... It will be replied to before the Departmental Committee on Health. The next Question is by the Member for Galole, Hon. Hiribae Said.

*Question No.118 of 2021*

DEPLORABLE STATE OF BOJI ROAD (B89)

**Hon. Said Hiribae** (Galole, FORD-K): Hon. Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary explain the plans the Ministry has to address the deplorable state of the Boji Road (B89) that serves Galole and Ijara constituencies?
- (ii) What plans does the Ministry have to construct the said road to bitumen standards and by when?

Thank you Hon. Speaker.

**Hon. Speaker:** To be replied to before the Committee on Transport, Public Works and Housing. Next Question is by the Member for Rangwe.

*Question No.128 of 2021*

STATUS OF KIMIRA OLUCH SMALLHOLDER FARM  
IMPROVEMENT PROJECT (KOSFIP)

**Hon. (Dr.) Lilian Gogo** (Rangwe, ODM): Hon. Speaker, I beg to ask the Cabinet Secretary for East African Community and Regional Development the following Question:

- (i) What is the status of construction and performance of Kimira Oluch Smallholder Farm Improvement Project (KOSFIP), a National Government irrigation project funded by ADB and GoK which began in February 2007 and was expected to be completed in September 2013?
- (ii) Could the Cabinet Secretary state the original cost of the project at inception was, the total cost as of today and how much is owed as pending bills, detailing the list of the persons or firms owed and the scope of the work done by each and explain the benefit of the project to the farmers, if any?
- (iii) Could the Cabinet Secretary explain why the Ministry operated as both the oversight and implementing agency on the project, and state whether the Ministry has the technical capacity to implement the project?
- (iv) Could the Cabinet Secretary list the names of the technical officers handling the project and state how long they were seconded, and the identity and qualification of the project's team leader?

**Hon. Speaker:** The Committee that deals with matters to do with East Africa is not the Departmental Committee. Therefore, the reference to the Departmental Committee on Defence and Foreign Relations is misplaced. I will refer this Question to the Committee on Regional Integration. Who is the Chair of that Committee? Is it Hon. Ali Wario, so that they can get the Cabinet Secretary responsible for matters to do with the East African Community and Regional Development to appear and respond? If it goes to the Committee on Defence and Foreign

Relations, you may not get an appropriate response. These are matters of regional development. It is about irrigation projects.

How come there is so much interest, including interest from the Member for Yatta? You oversee regional development? Very well, go and deal with it then. You will invite the Cabinet Secretary for East African Community and Regional Development to appear before the Departmental Committee on Defence and Foreign Relations.

Proceed, Nominated Member, Godfrey Osotsi.

*Question No.133/2021*

DECLINING NATIONAL REVENUE PERFORMANCE

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for Treasury and National Planning the following Question:

- (i) Could the Cabinet Secretary explain the cause of declining national revenue performance that has led to Exchequer and budgetary challenges in Government and confirm whether any organisational and managerial challenges being experienced at Kenya Revenue Authority (KRA) have also contributed to the decline?
- (ii) Could the Cabinet Secretary provide a detailed list of all top management positions at KRA indicating the positions, names of current holders, county of origin, ethnicity, academic and professional qualifications of holders and number of years of service?
- (iii) Could the Cabinet Secretary further explain why the tax appeal and disputes mechanism has occasioned questionable and irregular tax reduction and avoidance in favour of some potentially large taxpayers, leading to massive national revenue decline?
- (iv) Could the Cabinet Secretary provide a report on the status of investigations on senior KRA officials alleged to be engaging in tax fraud and confirm whether KRA management ordered a thorough and professional lifestyle audit on its staff?
- (v) Could the Cabinet Secretary provide details on how much the country lost in terms of national revenue following the recent migration of the ICT Platform from Legacy Environment to iTax at KRA and how the loss was mitigated?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Finance and National Planning.

Lastly, the Question by the Member for Mathira.

*Question No.134/2021*

CRIMINAL GANGS IN MATHIRA CONSTITUENCY

**Hon. Rigathi Gachagua** (Mathira, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) Could the Cabinet Secretary explain what action the Ministry is taking against an organised, vicious and well-coordinated criminal gang operating in Mathira Constituency, Nyeri County that targets *boda boda* riders by killing and stealing motorbikes?

- (ii) Could the Cabinet Secretary explain what measures are being taken by the Ministry to ensure that the police in Mathira Constituency do not appear to be unable, unwilling or reluctant to apprehend the criminal gang members that cause fear among *boda boda* riders and the public?
- (iii) Could the Cabinet Secretary provide an update on the status of investigations into the abduction and subsequent murder of the following *boda boda* riders: Anthony Miano Wanjiru of ID No.33025624; Eliud Wambu Waruguru of ID No.27140710; Timothy Wanjohi of ID No.37831050; William Kirii Gathu of ID No.23045966; Elija Wahogo Gathogo of ID No.34200516; and Alex Wambugu Gichuki of ID number 32971905, which was committed on diverse dates in 2020 and 2021 within Mathira Constituency and the actions taken to apprehend the perpetrators of the heinous act?
- (iv) Could the Cabinet Secretary explain what measures the Ministry has put in place to guarantee the safety of *boda boda* riders and the general public so as to address their fears arising from the insecurity incidences in the area?

**Hon. Speaker:** I am informed that the Member had requested for deferment and the request is acceded to.

*(Question deferred)*

### REQUESTS FOR STATEMENTS

**Hon. Speaker:** The first request is by the Member for Garissa Township.

#### KENYA POWER'S INFLATED POWER PROCUREMENT COSTS

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Energy regarding Kenya Power's inflated electric power procurement costs.

Hon. Speaker, sustainable industrialisation of any country is dependent upon regular and reliable access to sufficient and affordable energy. That kind of energy is a critical driver of manufacturing, transport and other key sectors of the economy. However, rather than pursuing the objective of supplying the Kenyan economy with affordable electricity, the Kenya Power and Lighting Company (KPLC) has on the contrary presided over a massively inflated power supply regime that has regressive effects on the already overburdened taxpayers and businesses. Reliable data indicates that KPLC procures electric power from independent electricity power producers (IPPS) at an inflated rate of Kshs23 per kilowatt hour. In this irregular arrangement, the IPPS normally purchase electricity from Ken-Gen at approximately Kshs0.50 per kilowatt hour before offloading it to Kenya Power at an inflated rate of Kshs23 per kilowatt hour.

**Hon. Members:** Shame! Shame!

**Hon. Aden Duale** (Garissa Township, JP): Am I being ashamed or KPLC? So, it is KPLC and not me.

**Hon. Members:** Yes.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, it is on account of these undertakings that threaten the long-term growth of our country that I seek a Statement from the Chairperson of the Departmental Committee on Energy on the following:

- 1) At what rate does KenGen supply electric power to Kenya Power?

- 2) At what rate does Kenya Power procure electric power from Independent Power Producers?
- 3) What is the basis for the huge difference between the rate charged by KenGen and the rate charged by IPPS?
- 4) Could the Chairperson provide a list of all IPPS including their stakeholders, directors and addresses?
- 5) How much money has been paid to each of the IPPS by KPLC and the Ministry of Energy since commencement of their respective contracts with the Government of Kenya and/or KPLC?
- 6) What urgent measures is Kenya Power taking to reduce the cost of electricity to households, businesses, factories and other consumers with a view to supporting the Government's Big Four Agenda of enhancing Manufacturing?

Hon. Speaker, even if this is a Statement, I want to indulge you that it becomes an inquiry where the Committee brings a Report for debate in this House.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson, Departmental Committee on Energy. I can see some Members raising their hands up. I do not know who they are. Are they Chairpersons or imposters? There is a Member who is agitated up there. Are you the Chairperson or representative in the title of Chairperson? Is that Hon. Atandi? I thought he is a Member of the Finance and National Planning Committee.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): I am not the Chair of the Departmental Committee on Energy neither am I Member of the Departmental Committee on Finance and National Planning. I wanted to make a comment on that Statement, if you allow me.

**Hon. Speaker:** No. The request for Statement will be channeled through the Office of the Leader of the Majority Party to give an indication on it. The next request is by the Member for Mvita.

REQUEST TO REFER A MATTER TO JOINT COMMITTEES OF THE HOUSE  
UNDER S.O 218(2): PETROL PRICING PARAMETERS

**Hon. Abdullswamad Nassir** (Mvita, ODM): Asante sana, Mhe. Spika. Kupitia Kanuni za Kudumu za Bunge 218(2), naomba upeane amri kwa Kamati husika ya Nishati alimaarufu *Energy* na Kamati ya Sheria za Kukabithiwa alimaarufu *Delegated Legislation* waweke uchungunzi wa Pamoja kuhusu mikakati inayotumiwa na Energy and Petroleum Regulatory Authority (EPRA) kuweka bei za jumla na rejareja za mafuta, ikiwa hawaja fahamu petroli katika nchi hii yetu.

Sote tunakubaliana yakuwa hamna uchumi uliostawi katika nchi yoyote, isipokuwa bei ya mafuta iwebei iliyotulia. Bei zimetulia licha ya bidhaa kuzidi ama kupungua na wala sio masoko ya mafuta kuingiliwa na ujanja. Tunawasiwasi kwa sababu petroli na bidhaa zake zimepanda kwa bei haijawahi onekana katika nchi hii kwa muda wa miaka tisa. Leo lita moja ni takriban Ksh122. Ni aibu kwangu. Mwisho wa bei hii ulikuwa November 2011.

Hii kupanda bei bila mipangilio imeadhili bei ya chakula, usafiri, utengenezaji wa bidhaa na bei ya kila kitu kwa jumla imepanda. Wakenya wanaumia na hawawezi kujimudu kimaisha. Wengi wanahisi ikiwemo walioko katika Jumba hili kuwa EPRA wameshindwa na jukumu lao kubwa zaidi kuifadhi Wakenya, licha ya sheria ya kenya kipengele 10(hh) ya Energy Act 2019 kuwapatia nyadhifa za kuweza kuwalinda Wakenya.

Bei kupanda zaidi za petroli ni vigezo ama *parameters* zinazotumiwa na EPRA ambazo hazieleki, hazikosawa na hazina mpangilio. Mpaka bei ya mafuta hapa Kenya iko juu na hailingani na bei za nchi zingeni katika dunia nzima. Ili Wakenya waweze kupunguziwa mizigo ya bei ya mafuta naomba uwelekezo wako kupitia kwa Kanuni za Kudumu za Bunge 218(2):

- (a) Kwanza, kamati hizi mbili zichunguze na kuingilia kwa undani EPRA kuangalia njia za kubadilisha viegezo vilivyowekwa na *Energy (Petroleum Pricing) Regulations 2010* na *the Energy, (Petroleum Pricing) (Amendment) Regulations 2012*.
- (b) Ningeomba kwa unyenyekevu kwa niaba ya Wakenya wasizidi siku 30 waweze kurejea katika Bunge hili na kupeana ripoti yao ambayo itakuwa yenye kufahamika kwa watu wote.

Asante sana, Mhe. Spika.

**Hon. Speaker:** Very well. As requested by the Member for Mvita, the request for Statement will be handled by a Joint Committee of the Departmental Committee on Energy and Committee on Delegated Legislation. You requested the two committees? The next request is by the Member for Nyando.

#### PLANNED ELECTIONS BY KENYA TEA DEVELOPMENT MANAGED TEA FACTORIES

**Hon. Jared Okelo** (Nyando, ODM): Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding the planned elections by the Tea Factory Companies managed by the Kenya Tea Development Agency (KTDA) as directed by the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives.

Hon. Speaker, following recent changes on the legal framework on tea sector, KTDA is now owned by 54 tea companies with more than 600,000 small-scale farmers as individual shareholders by which their participation on decision making is of great importance. Recently, the tea factory companies managed by the KTDA were directed by the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives to conduct their elections. The Cabinet Secretary was implementing the President's directive through an Executive Order No.3 of 12<sup>th</sup> March 2021 directing the Tea Board of Kenya (TBK) to conduct elections in all tea factories within 60 days. However, the courts gave conservatory orders until two cases are heard and determined. This thus restrains the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives, the Agriculture and Food Authority (AFA) and any other persons from conducting the said elections.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock on the following:

- (i) Could the Chairperson provide an update on the planned elections noting the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives directive and the court conservatory orders?
- (ii) What measures has the Ministry undertaken to ensure that the plight of more than 600,000 small-scale farmers who are individual shareholders are not hindered during participation and decision making on matters tea?

Finally, I also take judicial notice of the fact that the Executive Order No.3 of 12<sup>th</sup> March 2021 by the President has so far been bestowed by a competent court of law. I thank you.

**Hon. Speaker:** Let us have the Chairperson of the Departmental Committee on Agriculture and Livestock. All Chairpersons are absent except the Chair of the Budget and Appropriations

Committee, the Departmental Committee on Lands, the Departmental Committee on Administration and National Security, the Departmental Committee on Communication, Information and Innovation and the Departmental Committee on Labour and Social Welfare. The body movement by Hon. Chepkut almost suggested that he is the Chairperson of the Departmental Committee on Agriculture and Livestock.

*(Laughter)*

The request will be channeled through the Office of the Leader of the Majority Party. Hon. Members, I am waiving the provisions of Standing Order No.43 to allow Hon. Shakeel to issue a general statement on recognition of diverse religious practices.

### PERSONAL STATEMENTS

#### TOLERANCE TO DIVERSE RELIGIOUS PRACTICES

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Speaker, pursuant to Standing Order 43, I wish to make a general Statement regarding the gesture of great religious tolerance and recognition of religious diversity exhibited by His Excellency the President of Republic of Kenya, President Uhuru Muigai Kenyatta.

Hon. Speaker, being the convener of the Parliamentary Muslim Group and on its behalf, I wish to highlight the great respect that His Excellency Hon. Uhuru Kenyatta, EGH, accorded the Muslim religion during the funeral service of the late His Excellency Hon. John Pombe Magufuli, President of the United Republic of Tanzania.

Hon. Speaker, on 22<sup>nd</sup> March 2021, His Excellency the President passed his tribute to the deceased at 12 noon to observe silence when the call for prayer known as Adhan was called. In doing so, the President displayed great religious tolerance, recognition of diverse religious practices and coexistence by the said gesture. This has resulted in great accolades to our President, the East African Community and worldwide. We, therefore, wish to applaud His Excellency Hon. Uhuru Kenyatta for this great act and stand in solidarity with him for the great respect that he showed in observing silence when the Adhan was called.

I thank you, Hon. Speaker.

*(Applause)*

**Hon. Speaker:** I similarly allow Hon. Rozaah Buyu, the Member for Kisumu County, to make a statement.

#### MANHANDLING OF FEMALE HAWKER BY KISUMU COUNTY LAW ENFORCEMENT OFFICIALS

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Hon. Speaker, pursuant to provisions of Standing Order No. 43, I wish to make a general Statement in raising a concern on a grave matter regarding a recent happening in Kisumu County on the manhandling of a female hawker by the county law enforcement officials.

Hon. Speaker, there has been a huge public outcry in dismay on all forms of media regarding this sad situation that occurred in my county of Kisumu. In recent times, Kisumu County has been undergoing some development activities which have led to numerous demolitions displacing many small business traders. In an unfortunate turn of events, one of these, a female hawker, in an attempt to sale her wares, was accosted by the county officials. Her wares were confiscated and she was dragged behind a moving vehicle on a tarmac road for a distance of about 500 metres. Hon. Speaker, this is totally unacceptable and borders on attempted murder as the woman could have easily lost her life.

The difficult economic times occasioned by the Coronavirus pandemic has left majority of small traders and the populace at large economically helpless and unable to fend for their families. In fact, the ultimate goal of any development activity is to enhance lives of the people. If, therefore, the said trader was displaying and selling her wares in an area that was not designated for such trade, the county officials should have been more humane in redirecting the trader to where she should have been. The action already taken by the county government in suspending these officials must also go further to include offering appropriate and adequate training to all the newly recruited county enforcement officials to inculcate proper behaviour and actions towards the people of Kisumu as they carry out their duties thus making the city safe and environmental friendly to all.

Hon. Speaker, I thank you for this opportunity.

**Hon. Speaker:** There is no occasion for debate. As you may wish to appreciate, Hon. Shakeel, I can see you are raising your hand up. Even though both of you claim to rise under Standing Order No.43, I merely waived the requirements of the Standing Orders. Otherwise, this is only allowable on Tuesdays. Today is not Tuesday. I have allowed you to make those statements so that, at least, they go on record on the *Hansard*. We do not want to deal with mayors. You start saying you are a mayor of Kisumu. Now that is difficult. These are responses. There is one by the Departmental Committee on Administration and National Security to a request by the Deputy Speaker.

## STATEMENTS

**Hon. (Ms. Fatuma Gedi (Wajir CWR, PDR):** Hon. Speaker, thank you. I have three responses. Should I proceed with the three or I just respond to the one by the Deputy Speaker?

**Hon. Speaker:** Proceed.

**Hon. (Ms. Fatuma Gedi (Wajir CWR, PDR):** Thank you. Hon. Speaker, with your indulgence, I want to remove my mask because the Statements are long. With your indulgence, Hon. Speaker.

**Hon. Members:** No!

## FACILITATION OF VILLAGE ELDERS IN THE COUNTRY

**Hon. (Ms. Fatuma Gedi (Wajir CWR, PDR):** Okay. Hon. Speaker, the Deputy Speaker of the National Assembly, Hon. Moses Cheboi, sought for a Statement regarding the facilitation of village elders in the country. He particularly sought to be informed on:

1. The details on the number of village elders engaged per constituency in the country.
2. The details on terms of services and remuneration policy for the village elders in Kenya.
3. The measures that the ministry has put in place to ensure that the village elders are adequately facilitated while they undertake these notable duties.

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I wish to state as follows. The role of the village elders cannot be over-emphasised by giving their immense contribution over time in fostering peaceful cohesive society. The Ministry has consulted the Public Service Commission (PSC), Salaries and Remuneration Commission (SRC) on the facilitation of the village elders and was advised that the elders are not civil servants and therefore, the issue of the payment of salaries and any issuing of allowances does not arise as this does not fall under their mandate for the necessary approvals.

Further, majority of them are beyond the legal employability age by the Government. The Ministry is currently developing a policy framework on the recruitment of remunerating village elders. The policy is aimed at establishing terms of engagement, functions of the village elders, the criteria for recruitment, regulations scheme, termination of engagement, disciplinary procedures since they are not civil servants, conditions and procedures of exit and vacation of office. Owing to the above issues, the Ministry will commence the process to define and establish the number of villages, considering the various geographical, socio-cultural and security orientation including developing mechanisms for major towns and cities. It is envisaged that once the process is finalised, the same will be forwarded to Parliament to consider.

Experience over time has shown that villages continue to expand as the population grows. This is a natural phenomenon that has not been keenly evaluated to establish the numbers. However, we have established that as a result of migration patterns, new villages grow in areas that were not previously inhabited as earlier mentioned. Therefore, the process the Ministry has initiated, will define the unit of administration known as 'village' to eliminate any contradictions to the same. This framework will determine the number of villages and the budgetary implications for remunerating the elders who will be recruited in a more organised and structured manner.

Thank you, Hon. Speaker.

Signed by Mr. Fred Matiang'i, Cabinet Secretary, Ministry of Interior and Coordination of National Government.

#### INCREASED CASES OF SEXUAL VIOLENCE AGAINST CHILDREN IN KIBWEZI

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I once again want to respond to request for a Statement from Hon. Jessica Mbalu, the Member for Kibwezi East Constituency. The Statement is about increased cases of sexual violence against children in Kibwezi.

Hon. Speaker, the Member of Parliament for Kibwezi East, Hon. Jessica Mbalu sought for a Statement on sexual violence against children in Kibwezi. She particularly sought to be informed on:

1. Measures in place to guarantee the safety of children especially the boy child in the country, particularly in Mutito Andei area in Kibwezi East.
2. The status of investigation into the cases of sexual violence against children as has been reported and whether the relevant authorities conducted medical investigations of the assaulted children with a view of establishing whether they were infected with sexually transmitted diseases and putting them under medication.
3. Plans in place to offer counselling services to the affected boys and their parents as well as other people and students.
4. Measures to be put in place by the Ministry to curb the increased cases of sexual assaults and to bring to book the perpetrators of the heinous acts.

I wish to state that the Government in conjunction with the stakeholders have put in place various measures to guarantee safety of the boy child in the country, which are:

1. Free education to ensure every child gets through formal education.
2. Provision of subsidized secondary school education to provide the vulnerable poor families access to education.
3. Provision to secure environment free from violence of all including the boy child.
4. Create safe environment free of sexual violence and measures have been put in place to limit access to explicit sexual content through media, to protect the boy child and other children.
5. Conduct a prompt investigations and prosecutions of the offender.
6. Provision of counselling services though stakeholder.

Various cases have been reported and are at different stages for investigation. This include defilement contrary to Section 8(1)...

**Hon. Speaker:** Hon. Fatuma, did you give the Member a copy of the Statement.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Yes, Hon. Speaker.

**Hon. Speaker:** She does not have it. The Statement has quite a number and I think given the numbers, it would be good just to table the Report.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Can I just...

**Hon. Speaker:** Go to page five, there are quite a number of those cases listed.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Speaker. The complainant and the victims were all taken to hospital for examination and there was no sexually transmitted diseases. The victims, however, were put under psychosocial support and given normal treatment for victims of sexual violence following a support that has been given to victims and their families, counselling and guidance on sexual offense, offering education to children on cases and effects of the sexual violence, help them to develop or regain their self-confidence, addressing the fears and concerns of the guardian or the parent for the child's survival, and identifying options for improving the situation.

The Cabinet Secretary has put the following measures in place to curb cases of sexual violence.

1. Capacity building initiative for criminal justice officers dealing with cases of sexual violence.
2. Investigations and prosecutions.
3. Inter-agency coordination and cooperation with other relevant actors.
4. Preventions and other operation measures.
5. Public information awareness campaign.

Thank you, Hon. Speaker. Let me share the Statement.

**Hon. Speaker:** Do you have a response for Qalicha Gufu.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Yes, Hon. Speaker.

**Hon. Speaker:** You can read it also so that Members can be given a chance to respond.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Speaker. This one is quite long, but you will bear with me. It has a lot of detail.

#### ATTACK OF FUNAN IDHA, FUNAN QUMBI AND ELBOR AREAS IN MOYALE CONSTITUENCY

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I rise to respond to Hon. Qulicha Gufu from Moyale Constiency, Marsabit County. Hon. Wario, The Member of Parliament sought a Statement and he wished to be informed on the following;

1. Whether investigations were carried out into the attack of Funan Idha, Funan Qumbi and Elbor areas in Moyale Constituency that led to the loss of two lives, injuries, livestock theft and displacement of residents.

2. Measures that the Government is putting in place to ensure that schools in the affected areas are reopened, displaced residents living in deplorable areas are settled.

3. The action that the Ministry is taking to ensure that the administrative and security officers on the ground serve the residents of the two sub counties fairly, equitably without favour including proper coordination, sharing of information among others.

The measures that have been put in place by the Ministry to curb the increased cases of insecurity in Funan Idha, Funan Qumbi and Elbor area in particular from external attackers. I wish to state as follows.

*(Loud consultations)*

Hon. Speaker, protect me. There is a lot of noise coming from behind.

The investigation commenced late last year following the attack where 11 cows were stolen followed by attack of Gabra herders in Gabra Gudo area by attackers from Funan Idha, Borana Community, who are the immediate neighbors bordering from Sololo Sub-county. Subsequent events of talks of thefts between the two communities led to peace meetings which never bore fruits. The failure to reach peaceful settlement was largely attributed to dishonesty exhibited by the Borana Community. The Borana Community was not willing to return the stolen livestock. Whenever a date was set for discussion, they would sabotage it by attacking and stealing from the Gabra Community to stall peaceful negotiations. One of the attacks which were meant to stall peaceful negotiations took place on 14<sup>th</sup> January 2021 where Borana raiders attacked and stole 155 goats in Halo Dadacha from Gabbra herders. Immediately thereafter, the Gabbra staged a counter-attack and stole 92 heads of cattle and two donkeys. In the process, two people from Borana community were killed.

Prior to this unfortunate activities, there was a peaceful agreement between the two sub-county security teams and the elders that on the 15<sup>th</sup> January 2021, all the livestock stolen from both sides were to be returned. However, the Borana community planned a staged attack which made it impossible to execute the peace plans. The planned peace meeting on 15<sup>th</sup> January 2021 did not take place and instead, the community held burials at Funan Idda for the two herders killed during the attacks. The Governor of Marsabit and Hon. Qalicha Gufu, the Member for Moyale, graced the occasion.

On 27<sup>th</sup> January 2021, following an initiative by the county security team, a peace meeting was held between the elders from the two sub-counties and the two sub-county security teams to bring the two communities together. However, as the meeting was going on, the Borana community attacked and killed a Gabbra herder and stole 150 heads of cattle while grazing along Funan Qumbi. The meeting ended prematurely.

Hon. Speaker, the government has deployed specialised units: General Service Unit (GSU) and Border Police Unit (BPU) within the affected areas. Multi-agency operations have been intensified along the volatile boarder and normalcy is slowly returning on the Turbi side. This can be attested to by the fact that the previous deserted and closed Turbi Shopping Centre and the schools, respectively, have been re-opened.

However, the residents of Funan Idda, Funan Qumbi and Elbor, all in Sololo Sub-county, Moyale Constituency, are yet to return to their manyattas. This has largely been attributed by the

local leadership problems. Worth noting is that after local militia attacked a police officer on patrol and subsequent recovery of an AK-47 rifle in Elbor, the residents started vacating their manyattas.

Following persistent threats and attacks of Turbi residents and police officers by criminals operating from the hilly grounds, a joint operation was carried out to root out the criminals. During the operation within the seemingly deserted manyattas from Funan Idda, there is an active militia camp which was dismantled. Inside the militia camp, several government stores, including assorted military attires, assorted government drugs, assorted Oromo Liberation Front (OLF) uniform, relief food, assorted civilian clothes, assorted household goods, gym equipment and Cooperative Bank book of Oromia in Ethiopia among others were recovered in the said camp believed to be predominantly occupied by the Ethiopia militias known as OLF, who have been causing attacks in the neighbouring Gabbra community in full knowledge, blessing and funding from politicians of one community.

Keen analysis of the situation points out that existence of these manyattas, especially on Funan Idda, greatly pose a security threat to the residents of Turbi Sub-County and motorists as well along the Turbi Moyale highway. On several occasions, reports have been received from motorists of the existence of militia within Funan Idda, who have been posting sentries to monitor police movement. It can therefore be concluded that the former inhabitants of the said manyattas were not Kenyan citizens and they were hired goons. It is also imperative to note that the residents of these areas Funan Idda, Funan Qumbi, and Elbor were not displaced by anyone. All the vacated manyattas are still intact and they were vacated for fear of revenge attacks by communities they have been attacking.

Hon. Speaker, the government has posted two specialised units — GSU and BPU— along the tensed border. Joint patrol is being carried out to neutralise threats posed by militias from both communities and to provide members of the public security. The general duties officers from Sololo and Turbi Sub-Counties are also incorporated during these patrols.

It is the duty of the members of the National Police Service (NPS) officers to provide services and assistance to the members of the public when in need. To this end therefore, NPS officers are impartial in discharge of their duties. The criminals are and will always be subjected to the same treatment without any fear or favour of any kind. There is a cordial relationship between the security teams in the two sub-counties and out of these harmonious relationship, there is a free flow of information that has led to forestalling several attacks from militia from both sides.

The Statement is signed by the Cabinet Secretary for Interior and Coordination of National Government, Mr. Fred Matiang'i.

I thank you.

**Hon. Speaker:** This appears to be quite a fairly long one. Can we get the response from Hon. Moses Cheboi.

**Hon. Moses Cheboi** (Kuresoi North, JP): Thank you, Hon. Speaker. I must thank the Committee for bringing in this Statement response quickly. I also like the fact that the Cabinet Secretary has indicated that the Ministry is currently developing a policy for recruitment and remuneration of elders. That makes me happy because it means that there is something going on.

The only thing that I would have really wanted from the Committee and the CS is to simply indicate the number of elders who have been recruited nationwide. That would help us, including the National Assembly, to consider giving a small budget for them to be assisted. So, in future, if this could have been done, I believe between the CS, the Committee and the National Assembly, all of us are in unison, interested, in helping this hardworking members of our constituencies. I am happy with the Statement, other than the bit that we should have had a little more details.

I thank you.

**Hon. Speaker:** Well. The Statement was sought by the Deputy Speaker and he has indicated happiness. Obviously, without checking which direction, I know the Member for Kiminini must ask something about village elders.

*(Laughter)*

Is Hon. (Dr.) Chris Wamalwa in the House? Member for Kilifi North, is it about elders?

**Hon. Owen Baya** (Kilifi North, ODM): Thank you, Hon. Speaker. About elders, we have engaged with the Ministry of Interior and National Coordination at the Implementation Committee level. Their take is that we need a law to make an amendment in the Chief's Act to bring in the village elders there so that they can also be remunerated and properly elected.

I did submit a law which I went ahead to make a presentation at the Budget and Appropriations Committee but the Budget and Appropriations Committee, one year down the line, has never brought any response whatsoever on the same yet the Ministry was in agreement that we do a law that supports payment and taking care of the village elders. So, to say that the Ministry will actually take care of the village elders and all that will not happen if there is no law that backs it. I did that as a duty to my country but I have not seen any response. I have always been talking to the Chairman of Budget and Appropriations about this thing but he keeps on shifting from one place to the other. I have also talked to the Clerk. He has not given me any response, and yet I made a very good presentation at the Committee. No report has been presented to me or this House.

**Hon. Speaker:** It is not the beauty of the presentation. It is because it obviously revolves around resources. As beautiful as it might be, you may need to go and convince Hon. Kanini Kega and the Cabinet Secretary for the National Treasury, so that they can comply with the requirements of Article 114. It could have been very beautiful. I appreciate that. I know you make very beautiful presentations. I suspect the problem might have been with Article 114 of the Constitution and, perhaps, to the extent that those are public resources, they might want to hide under Article 230 on the Salaries and Remuneration Commission. You still have some ground to cover.

Hon. Owen Baya, what is the matter?

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Speaker, I would like to see a report. Please order that they bring a report, whether there is money or not. We want to see a report on the same. Many Members have brought Questions about the payment of village elders. At the end of the day, they just say the same things. However, we would know whether or not it would happen if we got the reports from the Budget and Appropriations Committee and the National Treasury. The Budget and Appropriations Committee can allocate money. We calculated it to around Kshs5 billion per year. The Government can afford to pay those village elders.

**Hon. Speaker:** Unfortunately, that can only come from the Cabinet Secretary for the National Treasury. The Member for Kilifi North may be very knowledgeable about the ability of Government, but certainly, not with the authority to confirm to the House. Nevertheless, your sentiments have been noted by the Committee. They can bring a report stating what the National Treasury has advised.

Let us have the Member for Funyula. I am sure you want to speak on the village elders.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, I want to speak on the village elders. All of us here must acknowledge that village elders actually do the donkey work in the sub-locations, locations and various devolved units. It is extremely unfortunate that they commit their lives and time, yet there is not even a token of appreciation.

**Hon. Speaker:** Hon. Oundo, I am not stopping you, but you mentioned the devolved units. I am sure if you look at the County Governments Act, there is provision for village officers and administrators. Can it not be cascaded to the lowest level possible? As you say, it is true they play a crucial role in resolving myriads of problems at the grassroots level. Proceed.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, the most interesting part is that village councils attached to the village administrators get some allowances. The question village elders attached to the assistant chiefs are asking is: If they are serving the same Government and people, how come members of the village council are being paid some honoraria, yet they who serve the national Government, which has the biggest share of the national revenue, cannot even be appreciated?

As Hon. Baya said, the Budget and Appropriations Committee has a duty to this House to bring a report. It is Parliament that makes and approves budgets. It is Parliament that makes laws. For somebody somewhere else to stall the budget-making process is an affront to the Constitution of Kenya and the role of this Parliament. I request and beseech you to prevail upon the Budget and Appropriations Committee to bring a report, so that the House can take charge of it and make the relevant decision.

**Hon. Speaker:** The Chief Whip of the Majority Party is a Member of the Budget and Appropriations Committee.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker. With all due respect to my colleague, Hon. Oundo, what he is saying could be right and well-said, but it is not in law. The Budget and Appropriations Committee can only allocate money within the provisions of the Public Finance Management (PFM) Act. The PFM Act states that you can only allocate money where the law provides for it. If there is no law that provides for us to allocate the funds, we are not able to do so.

**Hon. Speaker:** What about the legislative proposal by Hon. Baya? Hon. Baya made a legislative proposal. He needs to hear what the status of that legislative proposal is. Is it tenable? What is the view of the Cabinet Secretary for the National Treasury and others who may be involved in those processes?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker. On that one, I will follow up with the Committee. Maybe I can respond later on.

**Hon. Speaker:** Maybe Hon. Makali Mulu, who is a ranking Member of the Committee, can comment on it.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Speaker. I sit on both the Budget and Appropriations Committee and the Departmental Committee on Administration and National Security. In the Departmental Committee on Administration and National Security, we have a draft Bill which is trying to address this matter and see how we can harmonise the main one under the assistant chief and the ward administrators. We are working on that. I am very sure within a very short time of not more than two months, the Committee should propose a Bill to be debated. I urge Members that when the Bill comes, we should fast-track and pass it. I remember at one point there was such a Bill in the Senate. The Senate had already passed it. I do not know where it disappeared to between the Senate and the National Assembly.

We need to take this matter seriously. I agree with those Hon. Members who said that the kind of work village elders do in this country is not done by the chiefs and assistant chiefs. A research was conducted and it was confirmed that village elders are the first stop when you want to achieve justice in this country. They deal with marital relationship issues and child-father

relationships. When any matter arises, that is where you first go. We need to take this matter seriously and assist them to get an allowance. When that Bill comes, let us fast-track and pass it.

I submit.

**Hon. Speaker:** Very well. We cannot just deal with the issue of village elders. I am sure Hon. Wamalwa would want to tell me that they are called *Omukasa* or *Liguru*.

*(Laughter)*

Whatever they are called, they are village elders. The information by Hon. Makali Mulu should suffice for the time being. We will just talk because it is fashionable to open our mouths. There is so much else to be responded to.

Let us have Hon. Jessica Mbalu.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Thank you, Hon. Speaker. I wish to express my dissatisfaction with the Statement by the Committee. I had sought a Statement on increased cases of sexual violence against children in Kibwezi East Constituency. I have received general policies covering the whole country. I expected the Committee, through the Ministry, to give me detailed explanations on the issue of Kibwezi East Constituency and the area of Mtito Andei, as read out very well by the Vice-Chairperson as he captured the general information.

The first question was on the guarantee of safety of the boy-child. I expected to be given detailed information on the status, together with the measures being taken with regard to the recent cases in Mtito Andei.

On the second question, I was seeking information on the different stages of investigation. As much as the Committee has done a good job, they have just highlighted many cases. Out of the 14 cases of investigation, it is surprising that it is only in two cases where the accused is in remand. The rest are pending before court. The Committee has not stated which courts those are and who those were. They could just give a name. When highlighting the complainant, for instance, they say that he was a male who was 18 years old. Whose are these? They are names. There is a male complainant who is 18 years old. The accused is Mr. Christopher Muhinga who is a male adult aged 26 years whose case is pending before court. We do not have a person named Muhinga in Kibwezi East Constituency. Hon. Speaker, in my request in the Statement, I expected the cases to be narrowed down to Kibwezi East Constituency, and especially the area I cited which is Mtito wa Andei. I am sure that my constituents will feel better when the cases are explained by the Ministry as they had sent me as their representative.

The only one I can see is a 12 year-old Kamba woman who is a complainant. She accused Mr. Alfonse Mutinda aged 21 years. The case is pending before court. I am not convinced that these cases are in Kibwezi East Constituency because the Committee generalised the response of the measures that have been taken. Through your guidance and indulgence, I seek that you order the Committee to narrow down the explanation in the Statement to my request on the cases in Kibwezi East Constituency because they gave a general response.

I thank you.

**Hon. Speaker:** This case can only be sorted out if Hon. Jessica Mbalu appears before the Committee on a date when the Cabinet Secretary or whoever comes to respond to the specific issues that have been raised. I agree that when you say that the case is pending under investigation and in court, that is too general. This cannot convince a toddler. Those are very useless responses. It is not the Committee which responded. We know the difficulties in this process. They got a

Statement that was written by a chief in a village with the help of a village elder. They wrote the names.

Because we acknowledge that village elders do a good job, they may have helped to collect names and say that some are pending in court. They may not know the details of the court cases. Hon. Vice-Chair, you can give an undertaking that when the CS appears before the Committee, you will invite Hon. Jessica Mbalu, so that she can raise those specifics. I am sure you do not have the details. Give the undertaking.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Speaker. I will invite Hon. Jessica to appear before the Committee, so that she can get adequate response from the CS.

Thank you.

**Hon. Speaker:** That is okay. Hon. Qalicha Gufu Wario, the Member for Moyale, there was a reference to something called Oromo Liberation Front (OLF).

*(Loud consultations)*

**Hon. Qalicha Wario** (Moyale, JP): Thank you, Hon. Speaker. First, I am disappointed with what we have just heard in this House. My questions are very direct.

The first one is whether there is any investigation which was carried out on the attack in Nagombi Elebor areas in Moyale Constituency. I expected to be told that investigations were done, the findings, the people or the culprits were arrested and the displaced people were assisted to go back to their homes.

My second question is in regard to the re-opening of schools. I earlier said that students are doing exams. People are displaced. There are Internally Displaced Persons (IDPs) in Kenya. I asked what could be done, so that those schools are re-opened.

The third question is on the action the Ministry is taking to ensure that the administrative and security officers on the ground serve the residents of the two sub-counties equally and fairly, namely, Sololo Sub-County and the newly created Turbi Sub-county. There is no mention of that completely.

The fourth question is on the measures that have been put in place by the Ministry to curb the increased cases of insecurity in Funanida. The reply that we have heard is one-sided. The Borana Community, but not individuals, has been called dishonest in this House. This should not be said in this House. A community is not individuals. The Committee should expunge such a Statement from their report.

I got the Statement and I went through it. We were supposed to have a virtual meeting with the CS yesterday. I was fully prepared, but the meeting was called off because there was no quorum in the Committee. I have been following up these issues for a number of times. In a nutshell, the report shows that there are a lot of insecurity issues in my area which I am not aware of like OLF. I am not aware whether there is any OLF or anything like that in Kenya. If the Departmental Committee on Administration and National Security can give this honourable House such a statement, I do not know where we are going.

*(Several Hon. Members spoke off-record)*

They went further and said that OLF is being funded by some politicians. The Chair should come out clearly and tell this House who are those politicians. The identity of Kenyans is known by anybody in the world. I asked for this Statement because of the issues that happened in my



constituency. It is not something that I collected from the roads and brought it here. The unfortunate thing that is happening is that my people whom I represent are called goons. They even went further and said that they are not Kenyans. I totally disagree with this Statement which is one-sided. I do not think this is information the Government can give. It is cooked. I disagree with it.

Thank you.

*(Loud consultations)*

*(Several Hon. Members raised their hands)*

**Hon. Speaker:** We may not go to any kitchen where statements are cooked. It is very clear that those who have raised their hands want to fuel what the Member has said. Hon. Wario has spoken his heart out. The Vice-Chairperson is not the owner of that Statement. When she concluded reading it, she indicated very clearly that it was signed by the CS, who is responsible. You cannot say that the Committee should have expunged certain parts. If that is the work of a Committee, we are dealing with the wrong situation. The Committee cannot expunge. In order to address the issues that you have raised, Hon. Wario...

*(Several Hon. Members raised their hands)*

Now that you are raising your hands, what do you want to say? The Committee or the Chairperson is not in possession of worthy information for the responses to the questions he is raising. So, even if I allow all of you to clap and say that this is unfair...

*(An. Hon. Member spoke off record)*

If you want to comment about anything, the best resolution is for again, Hon. Wario, and I do not know why it is that you were ready yesterday... What you had planned to do yesterday was the right thing.

*(Loud consultations)*

Is it about the Committee or? I do not want anybody to revisit the issues.

**An. Hon. Member:** There was no quorum in the Committee.

*(Loud consultations)*

**Hon. Speaker:** Who is a Member of the Committee apart from the Vice-Chairperson? Hon. (Dr.) Makali Mulu, you just said you are a Member of that Committee.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): Hon. Speaker, yes, I am a Member of that Committee. I think in Hon. Wario's Statement, he mentioned that there was supposed to be a virtual meeting yesterday which was not possible for lack of quorum.

Hon. Speaker, we need to put the record straight. After that meeting, the Principal Secretary tweeted that the Committee was not in attendance yet he was fully prepared for the meeting. I want it to go on record that we boycotted that meeting.

*(Applause)*

Why did we do that? We have just concluded the Supplementary Budget. As a Committee, we made proposals to reallocate money from one place to another. I want to quote specific examples. If you go to our Report as a Committee, there was a proposal to reallocate money, Ksh1 billion, from the Prisons Department to the Police Department. This money was meant to pay for salaries for promoted prison officers.

*(Applause)*

Secondly, this Committee has been going round the country visiting police stations. As a result of the visitations, a Report was tabled here and one of the key findings was that there is need for counselling services for our police officers. So, on the basis of that, the Committee proposed the reallocation of Kshs50 million to the Police Service Commission to have seed money to start that important exercise.

**An. Hon. Member:** So, what happened?

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): I will come to that. That is why I want to tell you why we boycotted the meeting. The same Ministry approved establishment of administrative units. This Committee, in their wisdom, decided to have some money set aside to operationalise some of these units.

*(Applause)*

We made a proposal, but what happened? After doing all that work in Committee meetings and even in hotels where taxpayer's money was used, at the end of the day, all the other Committee's reallocations were approved. Reallocations of this Committee were declined on the basis of a telephone call.

*(Applause)*

Hon. Speaker, what we are saying is this Committee represents Parliament; it is a Parliamentary Committee. In a situation where the Committee is being ignored, Parliament is being ignored. What has come out of this Committee is the 'big brother' - if you go to that Ministry, there is the so-called 'big brother' and some 'small brothers.' The 'big brother' in this particular Ministry is so unkind and inconsiderate that he only wants to take all the money and all the other 'small brothers' are left with nothing.

*(Applause)*

As representatives of the people, because we represent prison officers and police officers too, when we ask for fairness as an oversight Committee, we are told that we cannot move. What reason do we have to attend a meeting with such people?

Hon. Speaker, you can check our records as a Committee, we have been meeting for the last three-and-half years. I can say without any fear of contradiction that we have only met the Cabinet Secretary less than three times. The only time the PS comes with a full team is when we are discussing the budget. When we are discussing matters as important as these Questions from

Members, they are never there. I thought the Chairman would say all these things, but I think time has come when we must call a spade a spade and not a small spoon.

So, we are saying that if we have to engage as Parliament with this particular Ministry, then we must do our work as parliamentarians as provided in the Constitution and as they do their work. To make matters worse, one goes tweeting when you are only ready to attend a virtual meeting, not even a physical meeting. Security matters are never discussed virtually, they are discussed physically because they are confidential issues.

Hon. Speaker, as a Committee, we want your indulgence and your support. I know you tell us that we have what it takes to do our work, but as a House, this is no longer the time of a small Committee known as the Departmental Committee on Administration and National Security, this is a matter for the whole House.

I submit, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** I thought Hon. (Dr.) Makali has spoken for most of you. Let me hear from Hon. (Ms.) Rozaah Buyu.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Speaker. I will not apologise for the emotional delivery of Hon. (Dr.) Makali's speech.

**Hon. Speaker:** But you are a Member of the Committee.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): I am a Member of that Committee and represents the feeling of all Members of that Committee.

Hon. Speaker, I sympathise with Members when they come and almost shed tears about insecurity matters in their constituencies. Without security, nothing can move. Many times, the Committee has had to call off its meeting the very last minute, for instance, five or two minutes to, because of no reason. When Members complain about shoddy answers, it is because there has been no interaction and no time given to respond to the Questions and requests from the Members.

We know and we always say.

*(Loud consultations)*

Hon. Speaker, can you just give me an opportunity to say this? Most of the work in Parliament is done within committees. We all know that. Committees are made useless when they sit and come up with decisions based on valid rationales, and yet even when it comes to decisions on the budget, those rationales are not taken into account.

You have heard my colleague talk about the correctional services. It was sad for the Committee to sit and watch a grown officer weep because of the effect of no money being set aside for promotions of officers in correctional services. When the Committee unanimously agreed and decided that the Ksh1 billion should be left within correctional services, you have heard my colleague say that just a phone call changed all that. My question is what then is the work of the Committees in the budget-making process? That means we spend our time and taxpayers' money and whatever we come up with, based on the impact of the lives of Kenyans, is nullified and voided by just a phone call and a stroke of a pen. It is time to decide whether the committees will continue spending taxpayers' money when what they recommend is null and void. It is for this House to decide.

Hon. Speaker, thank you for giving me the opportunity.

**Hon. Speaker:** You people were here when we were doing the Supplementary Estimates. Member for Mbeere South, you are also a member of the Committee.

**Hon. Geoffrey Muturi** (Mbeere South, JP): Thank you, Hon. Speaker for giving me this opportunity. Matters to do with security are grave. Security is a matter of life and death and yet, the Ministry treats such matters frivolously and almost contemptuously.

**An Hon. Member:** Shame!

**Hon. Geoffrey Muturi** (Mbeere South, JP): We have been sitting and asking the cabinet secretaries to appear before us and many times, they do not show up. During the last meeting, Hon. Kamket was there. The Chief Administrative Secretary (CAS) came after the Committee had already dispersed. There is a lot of frustration. As we speak, more than 15 Questions are still pending. Some of them will expire next week before they are answered. In those Questions, Members are asking about human rights in the villages. As we speak, the same Ministry is planning to deploy 600 General Service Unit (GSU) officers to go and evict citizens from their *shambas* in my constituency.

**An Hon. Member:** Shame!

**Hon. Geoffrey Muturi** (Mbeere South, JP): They have not involved anybody. Instead, they talk in low tones, pretending that they are going to evict the citizens out of Tana and Athi Rivers Development Authority (TARDA) land. Nobody is in TARDA land in my constituency. They want to take over the Mwea Settlement Scheme. The citizens there are living in fear. It is about time the Ministry and the Cabinet Secretary are called upon to do their job. I hear others saying that *tumeshindwa* and that is why we are here. We are doing our jobs. Contempt to the Committee is contempt to this House.

I submit that the whole House should take up the matter of the Cabinet Secretary for Interior and Coordination of National Government and deal with it once and for all.

Thank you, Hon. Speaker.

**An Hon. Member:** Impeach!

*(Laughter)*

**Hon. Speaker:** Is everybody going to talk about their frustration? Hon. Kaluma, are you also frustrated?

*(Loud consultation)*

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Speaker. In the Departmental Committee on Administration and National Security, I am privileged, with the permission of the Members of the Committee, to chair the sub-committee dealing with Questions, Petitions and Legislation. I share the frustration of Members. These Members have appeared before the Committee. Like the meeting before the meeting which was boycotted by Members yesterday, the Members came. The issues raised were sensitive, Hon. Speaker. You remember the issue of Tiaty that was raised, and that of Moyale. Hon. Sankok and several Members came. They can confirm that we were there waiting one hour past the meeting time for just a Cabinet Secretary to come. This is a Committee in which I have sat for years and years without seeing the Cabinet Secretary appear before it. We only see the Principal Secretary (PS) during the Budget processes. After that, we do not see them again. We made a special request, because of the nature of the

Questions we wanted answered. We want the Cabinet Secretary and the Principal Secretary to appear before the Committee.

This brings me to the reason why we boycotted. They told us that they could only meet us virtually. How do we deal with sensitive issues like the one raised by Hon. Kamket; the issue of the curfew, among other issues that other Members have raised virtually? You do not know who will be listening.

Hon. Speaker, you need to give directions. The fact of the matter is that we boycotted because we have a problem with that Ministry. We have reached to the point of believing that the Committee is being disrespected. We will be requesting the House to join us in saying that there must be some very drastic actions taken. We are a Committee of Parliament .....

*(Loud consultations)*

As a Committee, we represent this Parliament. We have over-protected this Department. As a Committee we feel that, and Members will agree with us; we have over-protected this particular Department as a Parliament to an extent that the Cabinet Secretary and the Principal Secretary for Interior believe that they are superior to this House.

*(Loud consultations)*

They cannot be superior to Parliament. So, we did not deal with the matter yesterday, but we are doing it as a signal to the Ministry that they must treat matters that have been brought to this House with a lot of seriousness. As a Committee, we will be transacting such business as very serious representatives of this House.

Hon. Speaker, I request that we apologize to the Members, but those matters cannot be dealt with virtually. You made a ruling here that it is for each Committee to determine the issues for which a Committee needs a Cabinet Secretary and those that can be delegated.

Hon. Speaker, you will confirm that for the last three years, we have never required the Cabinet Secretary to appear before us unless it is very necessary. The one time he came, I remember, he was lecturing the nation through the Committee about court orders. I was not there. I have been in the Committee, but I have never seen him. The Principal Secretary has never been before the Committee. We do that because they say they are busy. If they give an answer, that is well and good. They have been giving us general answers and in helping Members and the nation, for whom we ask the Questions, we say that we need engagement with the Cabinet Secretary and the Principal Secretary in a manner that can give us answers that can be implemented and that, the same can be followed up and enforced.

Thank you, Hon. Speaker.

*(An Hon. Member stood up)*

**Hon. Speaker:** Who is that Member standing? Hon. Kaunya. You are a member of the Committee. Are you not?

*(Loud consultations)*

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Speaker. I am a member of the Departmental Committee on Administration and National Security. I support the views that have

been expressed by other Members, particularly with regard to Questions and Statements. We note that this afternoon, out of three Statements read by the Chairman, two were not satisfactory. That is an indication of what has been happening with Questions. The Ministry is handling Questions carelessly.

I want to emphasize that the conditions of work for security officers need to be looked into very seriously. We visited Industrial Area Remand Prison. The warders there, in terms of living conditions, live in worse conditions than the prisoners. When we visited, we saw some warders living in nylon paper structures.

Hon. Speaker, you are talking of Kshs 1 billion which was provided for in the Budget of the Kenya Prisons Service (KPS) for promotion of officers in the 2020/2021 Budget being shifted. Consider also that the Department concerned had undertaken the interviews for promotions based on the fact that the Public Service Commission (PSC) had approved the promotions. The National Treasury had provided funds for normal promotions. Members should note that the Prisons Department has not promoted any officers for the last 14 years. What this means is that there are gaps arising from deaths and retirement. In institutions of discipline as you know, the question of chain of command and management of human resource is very key. As it is, we have a situation where there are big gaps. The PSC recommended that normal promotion should be undertaken and re-organization of the Prisons Department to fit what is common practice in the police and military. The 14 tier structure was recommended. It was implemented.

Members are concerned with the way telephone calls from whichever offices can affect a whole decision made by the Committee after serious research and discussion. I emphasize that it is important to look at the welfare of security officers, police officers and prisons officers equally. You cannot shift money which was meant for promotions. The promotion interviews have been done. The officers are stuck. What it means is that there will be demoralization. That can be a recipe for problems in the disciplined forces. So, I urge that you give this Committee support and direction so that this House is able to ensure the Ministry respects the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, there must be closure. We cannot speak endlessly. We must look for a solution. None of you is suggesting a solution.

*(Hon. (Ms.) Charity Chepkwony raised her hand)*

Hon. Kathambi Chepkwony, do not raise hands here. I know most of you by your faces, even when you have masks.

Hon. Members, we must look for some solution to this matter. We cannot allow it to continue this way. It cannot be that Members will seek Statements and ask Questions and then no satisfactory answers are given. Somebody must be held accountable.

*(Applause)*

Before the House resolves one way or the other, I am directing that a meeting takes place, chaired by the Leader of the Majority Party, in the presence of Whip of the Majority Party and Members of the Departmental Committee on Administration and National Security, at which meeting the CS for Interior and Coordination of National Government and the Principal Secretary (PS) responsible....

*(Loud consultations)*

Just a minute. It is a House because it is a business of the House. Remember, whenever a chairman of a committee is not present; we channel issues through the Office of the Leader of the Majority Party. He is at liberty to invite as many of you as are capable of offering solutions and chase away those who may go to incite. At that meeting, please, let there be some way forward on how Questions will be handled.

It is not strange. This is not the first time what used to be called the Ministry of Internal Security is doing this. It always had the most Questions. Those of you who have some memory of what used to happen even in the past is that, that Ministry always had most Questions. Issues of security, administration and talking about village elders, prisons now, next time it will be immigration and all those - that office has always had most Questions before this House. It is only fair that, at that meeting, a way forward be found on how Questions are going to be responded to and how Statements are going to be processed, to the satisfaction of Members. It is not fair.

We have said this many times that she is only reading a statement that has been signed by somebody. When you tell her that this is the most useless statement, you may be right. It may be useless, but that is the best she has been given. A way must be found where the CS or their representatives will be available to appear in person. I would suggest that a meeting takes place inside this Chamber so that the fears about social distancing will be addressed. I do not expect that there will be as many people in attendance as we are today.

**Hon. Junet Nuh (Suna East, ODM):** *(Off-record)*

**Hon. Speaker:** It is not to incite only Members of the Committee. Hon. Junet wants to attend the meeting. Obviously, as a Whip and as a leader, you are at liberty to attend. It is a committee meeting. However, let this meeting be for purposes of discussing about how the responses from that Ministry are going to come to the Committee and from the Committee to the House.

*(An Hon. Member spoke off-record)*

Let that decision be made at that meeting. Let us not decide now because that will be whimsical also. Let there be a candid discussion because, if Members of the Committee are the ones expressing frustration, then it means that the matter is serious. That is why I am directing that the meeting takes place under the chairmanship of the Leader of the Majority Party who can then take over if things become as frustrating as they have appeared this afternoon. Hon. Fatuma Gedi merely read out what was presented to her. Remember the response she read out to the request by Hon. Cheboi, other than the issue of payments, Hon. Cheboi said he was satisfied. So, it is a way in which it is clear that some Questions are not being given as much attention as it would be desirable. I think those things should be discussed at that meeting. Hon. Fatuma and your team, liaise with the Leader of the Majority Party to agree on the date next week. Obviously, what the Hon. Wario had requested from what he has said, indeed, he has not been given what you would call justice to the issues that he had raised. It is only fair that, at some time not in the too distant future, he can get a proper response, not necessarily from you, Hon. Fatuma, but from those responsible; the ones who have signed the statement or those that may be in the villages giving the information. It may be that, that information has come from the village, but there must be a mechanism that even those at the headquarters are able to verify and ascertain the authenticity and

truthfulness of the responses that they get. With that, let us move on. Hon. Kolosh, I am sure now this could be Wajir issues. Please, let us be satisfied with this.

*(An Hon. Member spoke off-record)*

**Hon. Speaker** They will be dealt with that day. Even if you ask questions, you are asking me and I do not know anything about what is in your villages. The Chairperson is just here. You want to ask the Chairperson what happened in the village. She is here. Let this meeting happen. I am sure it will bring out, hopefully, a more cordial way of processing statements, responses, questions and answers. We will all go to the meeting with open minds. Hon. Otiende Amollo.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, you have given clear guidance on that issue. Therefore, I will not speak on the most substantive aspect. There are just two that, perhaps, are important to speak to because they affect more than just the Committee. I think it is important that even as the Chairs read statements as prepared in response, they look at the language. The language was rather intemperate. It is important that even as you respond with a given answer, you find a way of asking the responder to temper it.

The second procedural issue is what I heard Hon. Wario say. That, initially, he was to attend the meeting and the meeting did not happen. That begs the question whether the answer was right. It probably suggests that it should have been withheld until such a time of the meeting that you are now suggesting.

My last point is procedural. I raised it earlier and I thought I could raise it now. We are all aware that the Chair of the Committee is indisposed. We may have to consider at some point either as a House or through your discretion, under Standing Order No. 30(1), as read together with Standing Order No. 1, in terms of the sittings that we had extended. Because of the rising COVID-19 situation, our sister House has reduced its sittings to one day a week while we had increased ours to five. We may have to consider, especially the evening sittings. With the health protocols, given the time between the morning sittings, the afternoon sittings and the evening sitting, do we have sufficient time for fumigation? I think this point is something to ponder.

Thank you.

**Hon. Speaker:** That is an important observation which the House Business Committee is already seized with and grappling with what to do. We are seeking further technical advice from the Ministry of Health. I do not see Hon. T.J. Kajwang' here. I do not know whether there is a member of the Procedure and House Rules Committee who is in the House? The Hon. Pukose is not a member. Are you? Hon. Pukose, what is your point of order?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Yes, Hon. Speaker. Why are you disowning me, Hon. Speaker?

*(Laughter)*

**Hon. Speaker:** Very well. I am not disowning you, Hon. Pukose. I want to make some suggestion out of experience that I have gathered in some jurisdictions. We may need, in our Standing Orders, to revisit the question of when a meeting is to happen with people from outside Parliament. There is no vote being taken on whether there is a necessity to wait for quorum. If the Chairperson or the Vice-Chairperson has arrived, or if the two of them are not present and you have agreed that a Member can take over... Parliament is a house of records and, maybe, the person who is coming to appear before the Committee is not coming to answer a question, but to



give a presentation. The presentation will be left there. In some jurisdictions, as long as there is somebody chairing, witnesses give their testimony and leave.

*(An Hon. Member spoke off-record)*

**Hon. Speaker:** It happens. So, Members of the Procedure and House Rules Committee, this is something in our Standing Orders. I do not want to suggest about the Constitution because it requires a constitutional amendment. In our Standing Orders, that is something you may need to revisit. Think through it and see whether it makes sense. Due to improvement in technology, there will be situations where everything that will be said and there will be nothing to be written. Some of these rules which we have carried on were made when testimony would be taken through shorthand and things like those. So that sometimes, you question whether what has been recorded is exactly what was said by a witness. It is something that we need to think through. It will help in fast-tracking the work of committees.

Hon. Pukose, I know you want to raise something. Why can you not raise the one you wanted to raise?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. Just before I raise that one, at times, with the improvement in technology, Members can confirm through Short Message Service (SMS) or WhatsApp that they are on their way. If we can have that in our Standing Orders so that Members are able to...

*(An Hon. Member spoke off-record)*

No! If a Member can confirm and he is coming, it can be provided in the Standing Orders. Nevertheless, what I wanted to raise is that on 2<sup>nd</sup> May 2019, you directed that a Bill which I sponsored on the Kenya Food and Drugs Authority to the Departmental Committee on Health be stepped down. After that, the Bill came for the Second Reading and we agreed to step it down, when Hon. Duale said that he had a meeting with interested people who were stakeholders. We agreed and we were sponsored by both the Ministry of Health and the USA Government to go and see how the USA Food and Drugs Authority work. Since that time, that Bill has been left in abeyance. I thought it is a critical Bill, especially in the current situation where we are facing issues of COVID-19 and the approval of vaccines that are coming into the country. In fact, on the issue of surveillance and other matters concerning health, that is a Bill that can help this country address many of the issues we are currently facing. I request that you give direction on this. Considering that on Tuesday you gave direction that with or without a report the BBI Constitutional Amendment Bill should be tabled, can this Bill be also slotted on the Order Paper so that this House can dispense with it?

Thank you.

**Hon. Speaker:** I got your letter of concern. I am alive to the fact that, that Bill was read for the first time on 2<sup>nd</sup> May 2019. It was referred to the Departmental Committee on Health and the Committee has never considered the Bill. Obviously, it is almost close to two years and that does not speak well of that Committee.

My direction is that the Committee tables the report before the House on Thursday, 1<sup>st</sup> April 2021 for the Bill to be on the Order Paper on Tuesday the week after. The Clerk will implement that. I do not see the Chairperson. Chairpersons of Committees do not sit on Members' Bills. Sometimes, we are told that Ministries are preparing something similar and then nothing

happens. You frustrate Members when you do not want to process their Bills. Bring them here. We have sufficient expertise in the House.

There was a Statement which was to be delivered by Hon. Florence Mutua to Hon. Duale. I am told Hon. Duale is satisfied with the response.

*(Hon. Kimani Ichung'wah distributed yellow microphone shields to some Members)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, you need to confirm what Ichung'wah is distributing in the Chamber. I was telling Hon. Shamalla that you might be indoctrinated into the Mungiki sect without your knowledge. He is giving me paraphernalia, but I have refused. That is on a light touch.

I really want to thank the Chair and the Minister. I heard the Departmental Committee on Education and Research lamenting. I was given booklets. I asked three questions: Distribution of desks to schools and I was given a list for the whole country; school by school on how many desks the Government distributed.

I was given a voluminous whole booklet like the PAC reports and all the artisans who did the work in the country, including my own constituency. They have confirmed to me that that money was budgeted for. It is good we are coming from the Committee on Education and Research, but we are going to a Committee that is working very hard under the able leadership of Hon. Florence Mutua.

However, if you allow me, because that went out and because you have asked the Leader of the Majority Party to convene a meeting, I agree with Hon. Otiende Amollo on the Statement given. There was even an indication that there is a foreign militia – foreign power in our country. As they go discussing it, I urge you to expunge what was said today from the record of the House – the goons and all the last statements. Going forward, I think what Hon. Otiende Amollo said was true. Our Clerk, Chairs and Vice-chairs can also look at the statements. If there is some language that is demeaning, you can order them expunged. This is the reason why we should have Ministers here.

I remember the late Hon. Ojode, Hon. Saitoti and Hon. Michuki used to feel the heat from Members. We should not harass our colleagues who are Chairs and Vice-Chairs.

For record, I remember the Member for Chepalungu then, Hon. Isaac Rutto, one afternoon calling the Attorney-General who was an ex-official in the House, the most incompetent AG in the Commonwealth. When we went for tea at the launch, the ex-AG up to today, reminds me that he will never forget that Statement. Ministers, therefore, should be here. Their ego will be reduced. When they are outside, they have ego. However, if they appear here every afternoon to answer Questions from the people's representatives, it reduces their ego.

One of the reasons I support BBI is for Ministers to come and sit here to answer questions. We are harassing Chairs for no good reason. I want Hon. Florence to go and tell Prof. Magoha that I am satisfied with his answer. I also expect the statement I saw this afternoon on KPCL and the Independent Power Producers. Hon. Gikaria should go and tell Hon. Keter that we do not want the story of the Minister for Interior and Coordination of National Government. We want proper answers so that we know who owns those independent power producers and their shareholders.

Thank you.

**Hon. Speaker:** Very well. We may not order for expunging of what was stated because then, what was said by Hon. Otiende Amollo will not be referring to anything. Let us have it, but it is a pertinent point. As Chairs of Committees, you can look at certain responses and even ask a

Cabinet Secretary whether he or she would want to receive a statement or a response in a certain language. There are certain words which are so offensive. They just call for anger for no reason like, for example, referring to communities as goons and things like those. That is not a language that we expect in the House. Let us wait for this meeting so that we do not revisit that matter. Hon. Abdullswamad, please, let us just wait for this meeting to happen next week.

The next response is by the Chair of Labour and Social Welfare, Hon. Peter Mwathi, to a request by Hon. Wilson Sossion.

**Hon. Peter Mwathi** (Limuru, JP): The Statement is ready and I wish to read the response.

On 18<sup>th</sup> February 2021, Hon. Wilson Sossion, a Nominated Member, sought for a Statement from the Chairperson, Departmental Committee on Labour and Social Welfare.

**Hon. Speaker:** Sorry, Hon. Mwathi. Where are the Serjeant-at-Arms? Can you remove those yellow things I am seeing on Members microphones? They do not belong to Parliament. Confiscate them!

*(The Serjeant-at-Arms confiscated the microphone shields)*

*(Loud consultations)*

**Hon. Peter Mwathi** (Limuru, JP): I heard them saying they belong to UDA. I do not know what it is.

**Hon. Speaker:** They do not belong to Parliament. So, please, confiscate them.

*(Loud consultations)*

There is nothing out of order! I have given the order. If you do not want to surrender, please, take leave.

*(Loud consultations)*

**Hon. Speaker:** Proceed, Hon. Mwathi.

**Hon. Peter Mwathi** (Limuru, JP): Hon. Speaker, protect me from Hon. Ichung'wah.

**Hon. Speaker:** Why not seek assistance from Hon. Pukose?

*(Loud consultations)*

He cannot advise you to bring strange gadgets here.

*(Loud consultations)*

Do not engage me in that kind of argument, Members. You are the only one using that microphone. I have seen the things you have read and I know where you got them from. This is not business. Proceed, Hon. Mwathi.

**Hon. Peter Mwathi** (Limuru, JP): On 18<sup>th</sup> February 2021, Hon. Sossion - a Nominated Member - sought a Statement from the Chairperson, Departmental Committee on Labour and Social Welfare, pursuant to Standing Order No. 44(2) (c); regarding the gazettelement of agency

fees with respect to Collective Bargaining Agreements (CBAs) negotiated and concluded by 40 trade unions in the country in the period of 2017 to 2021.

The Member refers to Section 49 of the Labour Relations Act, 2007, which provides for payment of agency fees to trade unions by an employer after effecting deductions from an employee's salary. In particular, the Hon. Member sought information regarding five Questions which I will read out, and then I will read the response from the Ministry for each Question.

Part (i) of the Question was: Why the Cabinet Secretary (CS) for Labour and Social Protection has violated Section 49 of the Labour Relations Act 2007 by not gazetting agency fees that was negotiated and concluded in the CBS by Kenya National Union of Teachers (KNUT), University Academic Staff Union (UASU), Kenya National Union of Nurses (KNUN) and Dock Workers Union, among others.

The response from the Ministry is as follows:

The Ministry has not violated Section 49 of the Labour Relations Act of 2007 by not gazetting agency fees negotiated in the Collective Bargaining Agreement as alleged. The Cabinet Secretary has received a total of 37 applications for deduction of agency fees. The Ministry continues to process those applications for gazettelement and is keen to ensure fairness in procedure and compliance with the law."

In support of this part of the Question, the Ministry has attached Annex 1, which I will table after I finish with the Statement.

Part (ii) of the Question is: Why the Cabinet Secretary has ignored applications by unions for the agency fees despite the said unions fulfilling the requirements set out in Sub-Section 2 (a), 2 (b), 2 (c) and 2 (d) of Section 49 of the Labour Relations Act.

The Ministry's answer is:

"The Ministry has not ignored applications for issuance of agency fee by trade unions as alleged. The Ministry continues to process the applications in accordance with the provisions of Section 49 (1) of the Labour Relations Act."

In support of this answer, the Ministry has attached Annex 2, which I have here and will table after reading the Statement.

Hon. Speaker, part (iii) of the Question is: Why the Cabinet Secretary has failed to implement Section 49 of the Act while the employers continue to offload membership from union registers or withdrawing check-off, making it extremely difficult for unions to organize and conduct their programmes as provided for in Article 41 of the Constitution, despite some unions obtaining court orders compelling the Cabinet Secretary to award agency fees.

The answer from the Ministry is:

"(a) The Ministry has not failed to implement Section 49 of the Labour Relations Act as suggested. The Ministry identified various challenges which mainly concern lack of statutory form for filing an application for agency fees by trade unions. This has resulted in various challenges, which include inconsistency in documentation and information filed by parties. For example, inclusion of bank details like the branch and the bank and the application not filed, not showing the details of individuals or whether it is a common account for the union or for collection of dues.

(b) Great disparities in amounts payable between employers in the same union.

(c) Agency fee amount is equal to the union dues amount, creating confusion among workers whether they are members or not.

(d) Complaints by members for misappropriations or misuse of union funds in certain instances and several are in court in this regard. The Ministry is not aware of offloading of members of KNUT, UASU, KNUN and other trade unions. Should this arise, then parties have the

liberty to report such occurrences as labour trade disputes as is provided for under the law. Many such claims or disputes have been processed and amicably resolved by the Ministry under established mechanism in part (4) on dispute resolution and part (9) on adjudication of the Labour Relations Act 2007 for dispute resolutions. Any grievances relating to agency fees should be reported through the stipulated procedure under the Act, addressed accordingly and remedied.

In support of this response, the Ministry has attached annex 3, which I will table.

Hon. Speaker, part (iv) of the Question...

**Hon. Speaker:** I thought you said they were very short responses.

**Hon. Mwathi Peter** (Limuru, JP): Yes, they are. Just two more are remaining.

Part (iv) of the Question is: Why the Cabinet Secretary is undermining the role of trade unions in negotiation of labour matters, or why their members are violating labour laws Constitution and the International Labour Organization Conventions of 1998 on freedom and rights of trade unions

The answer is:

“The Ministry has neither undermined the role of trade unions in negotiations of labour matters for their members, nor has he violated labour laws or the ILO convention. He has continued to discharge his duties as mandated by law and put into place necessary measures to promote and protect freedom and rights of trade unions.

The Cabinet Secretary continues to register trade unions, process trade union disputes, conduct election of trade unions, constitute reconciliation and technical committees under alternative dispute resolution, provide labour advisories and conduct trainings on labour administration; and, involve trade unions as key stakeholders in view of labour policy and laws.

Hon. Speaker, finally, part (v) of the Question is: When the agency fees will be gazetted for all unions that have negotiated and concluded Collective Bargaining Agreements.

The answer is:

“The gazettement of agency fees has had its fair share of challenges and has been pending for some time. The Ministry sought guidance from the Head of Public Service and consulted the Ministry of the National Treasury and Planning and the Office of the Attorney-General. Arising from the consultation, it was realized that there were gaps relating to making of orders under Section 48 on union dues and Section 49 on agency fee. The gazettement of orders will have to wait for the completion of the law making process as they are still in consultations. Subsequently, the Ministry, in conjunction with the Office of the Attorney-General, prepared a Concept Paper on Draft Labour Relations, Trade Union Dues, and Agency Fees Regulations 2020 – which are to guide the procedure for gazettement of orders. This document, in accordance with the law, will be presented to the National Labour Board for direction. It is anticipated that those Regulations will not only address the attendant challenges, but will also streamline the process and ensure consistency in procedure, fairness, justice and legal compliance.

Hon. Speaker that marks the end of the Statement.

**Hon. Speaker:** Hon. Sossion, I hope you are not going to say again that you are very disappointed.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Speaker. The Statement rendered by the Chair of Labour Committee is, indeed, very disappointing! The Questions is clear. It is about compliance with the law; it is not about giving general narratives. In fact, if you look at these answers, it is worth answers that a Standard I child can answer on the first day in school.

Hon. Speaker, the role of the labour movement cannot be down-played in this country. What the Cabinet Secretary for Labour is doing is to deliberately asphyxiate the unions. In

addition, in terms of gazette of agency fee under Section 49 of the Labour Relations Act, the Cabinet Secretary ought to gazette without referring to any other process. The powers are vested in the Minister. What the Cabinet Secretary is alluding to is development of regulations to govern the labour movement.

Hon. Speaker justice delayed is justice denied. We are in the month of March 2021 and we are talking about the Collective Bargaining Agreements (CBAs) that were negotiated in 2017 that come to the end in the month of June. We cannot be engaged in these altercations for the entire period of four years.

Hon. Speaker, looking at the answers from the Cabinet Secretary, which we have shared with the various constituencies, they are very unsatisfactory. It only leads to killing of trade unions. One of the questions in offloading of membership, looking at various unions in this country, membership has been offloaded deliberately from UASU, Local Government Workers Union and UKCS from 70,000 to 30,000. The Kenya National Union of Teachers (KNUT) from 200,000 to 17,000, Kenya Medical Practitioners and Dentists Union (KMPDU) to zero, Kenya National Union of Nurses to zero, Clinical Officers Union to zero. There are deeper and grave issues that need to be answered by the CS. It is not an option and it is not a choice when it comes to gazette of agency fee.

Further, there are court orders compelling the CS to gazette. One of them that I have here is dated 23<sup>rd</sup> January, 2019 with respect to KNUT. It is an order of the court and it has not been appealed against by the CS. So, this is another frivolous and contemptuous response from the CS who is presiding, on behalf of the Government, in the killing of trade unions in this country.

Hon. Speaker, trade unions are essential for the growth of our economy and, of course, strengthening of good governance in this country. When a CS deliberately presides, on behalf of Government, in killing of unions, it should worry us. Hon. Speaker, I reject these answers. They are unsatisfactory and, probably, this is a CS who deserves to be impeached. This is because, when you violate the law, there is no other option. I would suggest the same CS is made to urgently appear before the Departmental Committee on Labour and Social Welfare and explain in details and answers these questions afresh. That is because once there is a court order and the CS has not appealed against...

**Hon. Speaker:** Now. I think the long and short of it and what you are asking is for the CS to appear.

**Hon. Wilson Sossion** (Nominated, ODM): Yes.

**Hon. Speaker:** All this discourse may be good; out there of course. It makes a lot of political mileage, but I suppose what you would want is for him to come so that you can take him to task. Is that not the case?

**Hon. Wilson Sossion** (Nominated, ODM): Yes.

**Hon. Speaker:** In the manner that you appear to be as agitated, including Hon. Kaluma and the Hon. Member for Seme.

**Hon. Wilson Sossion** (Nominated, ODM): Yes. Hon. Speaker, he killing of ...

**Hon. Speaker:** Hon. Members, I can see some of you are raising your hands. So, you want to talk to yourselves, because I am unlikely to be that CS, even though Hon Sossion says that is a CS who deserves to be impeached. Is the appearance of the CS the best thing?

Hon Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): *(Inaudible)*.

**Hon. Speaker:** Hon Sossion, I think you have made your case, even if it is for YouTube consumption. Your case is well made. I am going to give those directions as you have sought. So,

there is no need of flogging a dead horse. Is it not? Or you are trying to extract blood from a rock? Let us hear the Member for Seme once because he has been here since 2:30 p.m.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I rarely get agitated on this matter, but what we are seeing here is a deliberate structured effort to kill unions. If you look at these answers, the reason why they are not doing gazettelement is involving administrative matters such as bank accounts for collection. That is just a process of collection procedures. Then he says that this matter is pending and has been met with a lot of difficulties. He goes on to say that they have sought guidance. At the same time, they are saying they are doing a concept paper which will then be put forward for gazettelement.

Hon. Speaker, all these unions like KNUT, NUN, UASU for the universities and KMPDU for health workers... This offloading once they do that, then the people who are not members are treated differently. We saw that with KNUT so that they do not deduct, then they say you are not a member and they treat them differently and basically weakening the union. Unions stabilize industries.

Hon. Speaker, let the whole world know that there is a trend in this country to kill trade unions in virtually all service industries. That has to come out and let that CS come here and let some of us know and come. He may not know, but I am in a trade union and have an active background. I can see what is being done.

Hon. Speaker let me add this: You made an effort even in the last Parliament when you said this is something we have to look into. You made an effort. I know one time you even prepared where the ministers will sit to meet the requirements of the Constitution that they are not in the House. That was shot down. When the CS in charge of the National Treasury comes, how come that is acceptable? The other CS's can come and be exactly where that CS sits and then we can face them.

Hon. Speaker, that is a bigger picture that I think we need to look into. The Executive is increasingly becoming rather rouge.

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

**Hon. Speaker:** Now, who are you informing? The Hon. Nyikal has finished and has sat down. Hon. Ichung'wah, what is your point of order?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon Speaker. I really want to agree with what Hon. (Dr.) Nyikal, who in the recent past has defined what Government is to us. It is indeed true that there is a deliberate and calculated process of killing trade unions not just the teachers' trade unions, but even in the health sector where Dr. Nyikal has worked in.

I want to plead that besides the CS in charge of Labour...

Hon. Speaker, if you listened to the Chairperson of the Committee carefully, there are issues attached to the Head of Public Service. There are issues attached on the Attorney General, especially on the issues that Hon. Sossion is talking about regarding court orders that are not being followed. Then there is the Attorney-General, being the Government's Chief Legal Advisor. Hon Speaker, I want to appeal that you do direct besides the CS for Labour, the Attorney-General and the Head of Public Service, do appear before the Departmental Committee on Labour and Social Welfare so that, if it is the issues to deal with those directives that are being said in the statement that came from the Head of Public Service, he (the head of Public Service) can come and appear before the Committee to explain to Members why he is giving directives that are *ultra vires*.

Secondly, on issues to touch on court orders, I think it is only the Attorney-General who can properly guide the Government. This is because we may be crucifying the CS for Labour and, maybe, it is a general Government policy. Therefore, let the CS come with his Chief Legal Advisor,

who is the Attorney-General and the Head of Public Service. On a lighter note, Hon. Speaker, you did order my microphone to be removed because of the colour. I notice your gown has colour yellow and black.

Hon. Speaker, you also did indicate that those things were not parliamentary, including this mask. With all due respect to you, you are the Chair of the Parliamentary Service Commission, either you allow me to have the yellow cover for the microphone because of the fear I have for this COVID-19 pandemic and the use of these microphones, or you order the Parliamentary Service Commission and the Clerk's Office to provide either black with yellow or yellow with black covers or even green for that matter that the Clerks are wearing. I do not know whether you removed my microphone cover because it was yellow. In the recent past in this country, there has been a general fear of colour yellow. I do not know for what reasons.

As you can see, Hon. Shamalla was very kind and had given out one of her covers. She has a very beautiful past with colours of the flag, coat of arms and colour green. You know there are people who like colour green. I am just in love with colour yellow. Hon. Speaker, I may not see you clearly were it not for the yellow line on your gown. So, I plead you recede your decision of confiscating my cover. Otherwise, we will keep pushing these microphones away.

**Hon. Speaker:** That was a brief period of entertainment. No, they will not be returned because we do not know where they came from. The microphones we have are okay. I am sure everybody heard what Hon. Ichung'wah said without the yellow object he brought into the Chamber, without the leave of the Serjeant-at-Arms.

The Chair, Hon. Mwathi, do you want to respond to what Hon. Sossion has just said and help address the issues he raised. At this point without having heard the CS, let us not rush to invite other officials. This is because we may invite people to come, just sit there and the kind of response you have read may not be read.

**Hon. Peter Mwathi** (Limuru, JP): Hon. Speaker, earlier on, I engaged Hon. Sossion. He tried to take me to task and I told him these are the answers I received. I told him when he comes here and feels they are inadequate he says so. I promised him with your direction we can invite the CS. He also alluded to the fact that the CS received direction from other quarters, that is the Attorney-General and Head of Public Service. So, if they had presented a brief on what the Statement has, I think it would be okay. So, we are able to comprehensively address the concerns I am seeing Members are very interested in.

**Hon. Speaker:** If the CS is still insistent on the portion of response that there were circulars by some other people, he may just appear and while pressed by Hon. Sossion, he does not make that kind of statement. Then, you may have called another person or even the Attorney-General for no reason. If indeed, the CS attempts and makes the same admissions as contained in this response, then you, as a Committee are at a liberty to make a decision on who needs to be invited next. This is because it might not just be those two but also others. Hon. Mwathi.

**Hon. Peter Mwathi** (Limuru, JP): Hon. Speaker, I get the directions and I think we will go that way. We will take the shortest time possible to invite the CS and subsequent meetings will be informed by what he tells us.

**Hon. Speaker:** When you invite the CS, let Hon. Sossion be aware. But he is a member of the Committee.

**Hon. Peter Mwathi** (Limuru, JP): Hon. Speaker, I realized before I read the Statement that there are many other Members who are interested and are not members of the Committee. I think it is only fair they be allowed during those sessions. Previously, we have held a meeting here in



the Chamber on a Wednesday with payment service providers and social distancing was okay. We conducted business with Members who did not even belong to our Committee.

**Hon. Speaker:** True. So, proceed that way. There was a request by Hon. Gideon Ochanda.

**Hon. Gideon Ochanda** (Bondo, ODM): I wanted to bring a concern to the attention of the House. This is an issue that is not related to what we are doing at the moment. But in terms of what we are doing, there are issues. If some of us were in your shoes, we would be very worried if this happens when we are the leadership of the House.

My point of worry is the extent at which we need to relook at how we work on the budget. I think this is where there are problems. CSs attend and are very keen at the budget stage, but are not keen on other things. Since they are keen during the budget stage, the role of this House and Departmental Committees needs to be checked. What goes on between the House, the National Treasury and Departmental Committees is a big problem that needs to be checked.

Hon. Speaker, if you allow me, my issue is a concern I need to notify all MPs. As at now, there are things happening in your constituencies whether you know or not. There is recruitment and identification process of indigents. They are being identified for purposes of rolling over the Universal Health Coverage (UHC) to the National Hospital Insurance Fund (NHIF). It is happening now and you need to know there are figures placed per county. The only irony, and this is where we need your opinion and some guidance, is the role of the county governments in identifying the indigents on behalf of the entire country.

First, we allocate resources and in the Supplementary Budget we have placed Kshs10 billion for purposes of NHIF absorbing the first batch of indigents. NHIF got into an arrangement with the county governments. The persons identifying the indigents in the counties are from the Ministry of Health (MOH) and sub-county administrators. MPs are not involved and yet, this is national money for a national process and function. We are not aware that this is happening.

If one was to take time, I have data in terms of what is happening in the counties. For example, I realized Homa Bay that is close to me because of Hon. Kaluma, they are identifying 24,000 households to be recruited. Similarly, Busia is recruiting around 24,000 and Siaya 19,000 households. They are recruiting in every constituency. If you look at that average for example, in my constituency Bondo, they are identifying close to 6,000 and I do not know the process.

In terms of what I have received now, there is a problem. I wanted to bring this to the attention of the House. So, you can give guidance because we are giving money to NHIF knowing very clearly that county governments are a service provider. How comes a service provider that will benefit from this exercise is involved in identifying indigents. It is identifying the people who are supposed to be rolled in as NHIF members. So, I wanted to bring this to the attention of the House.

I do not know the kind of direction you may want to take. But I want to believe there must be a way, how we can be involved as MPs in identification of what is going on in our constituencies at the moment. It is true we have placed money to a function that is ours and is being done by others. Thank you.

**Hon. Speaker:** Perhaps, you should have directed this as a request for statement or sought the appearance of the leadership of NHIF before the Departmental Committee on Health, so that some of those issues can be canvassed.

**Hon. Gideon Ochanda** (Bondo, ODM): I have brought this up because I am a member of the Departmental Committee on Health. This has come up very many times and I saw it was not being responded to properly and other Members do not know.

**Hon. Speaker:** Do you want us to direct it to a different committee?

**Hon. Gideon Ochanda** (Bondo, ODM): I may not want to do that, Hon. Speaker, but for purposes of attention to all the Members that this is happening in their constituencies, I think it is important.

**Hon. Speaker:** Even in your own deliberations, I think it is important that we begin seeing what committee programmes are. A matter like this one is a matter that surely should form quite some serious discussion in the Committee and possibly even form some report that can be tabled here coming from the committee. That is the best route so that it is debated in plenary. I think it is the Departmental Committee on Health. Certainly, it is not the Departmental Committee on Administration and National Security. It might get lost.

Hon. Ochanda, you see this is the problem now. Hon. Oundo assumes that now we are in business. That is not business. There was a request by Hon. Mutua Barasa. He is not there. Let us have the Leader of the Majority Party.

#### BUSINESS FOR THE WEEK COMMENCING 30<sup>TH</sup> MARCH TO 1<sup>ST</sup> APRIL, 2021

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No. 44(2) (a), I rise to give the following Statement on behalf of the House Business Committee (HBC), which met on Tuesday, 23<sup>rd</sup> February 2021, to prioritize the business for consideration.

Hon. Speaker, on Tuesday next week at both the Afternoon and Evening sittings, we hope to continue with the following Bills, if we do not conclude with them today:

1. The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2020;
2. The Kenya National Blood Transfusion Service Bill, 2020;
3. The County Governments (Amendment ) Bill (Senate Bill No. 13 of 2018);
4. The National Cohesion and Peace Building Bill (Senate Bill No. 35 of 2018);
5. The Constitution of Kenya (Amendment) (No.3) Bill, 2019;
6. The County Statutory Instruments Bill (Senate Bill No. 21 of 2018);
7. The Impeachment Procedure Bill (Senate Bill No. 15 of 2018); and,
8. The County Law Compliance and Endorsement Bill (Senate Bill No. 25 of 2018).

In the Committee of the whole House, we will deal with the Referendum Bill and the Public Fundraising Bill, which were slotted in for the today but, at the request of the committees to just harmonize some of the amendments, we would want to carry forward to next Tuesday.

Hon. Speaker, we shall also prioritize consideration of the following reports should we not conclude them today.

- (ii) The Report on the Committee on Delegated Legislation on the Value Added Tax (Electronic Tax Invoice) Regulations, 2020;
- (iii) The Report by the Committee on Parliamentary Broadcasting and Library on the formulation of the parliamentary broadcasting channels; and,
- (iv) The Report of the Committee on Implementation on the implementation status on a petition regarding working conditions at Kwale International Sugar Company Limited.

Hon. Speaker, we also expect the report of the Joint Committee on the Constitution of Kenya (Amendment) Bill popularly known as the BBI Bill to be tabled on or before 1<sup>st</sup> April 2021. Thereafter, the Bill shall be considered for Second Reading, Committee of the whole House and Third Reading.

In accordance with the provisions of Standing Order No. 42(a) (5) and (6), I wish to convey the following Cabinet Secretaries are scheduled to appear before the departmental committees as follows:

1. The Cabinet Secretary for Energy will appear before the Departmental Committee for Energy on Wednesday, 31<sup>st</sup> March 2021, to answer Question No. 27 of 2021 from Hon. Murugara on the status of electrification of public schools in Tharaka Constituency; Question No. 96/2021 by Hon. Walter Owino on the status of connectivity for the 2.4 million people in the county at subsidized cost and Question No. 99 of 2021 by Hon. Geoffrey Omuse on the Last Mile Connectivity Programme in Teso South Constituency.
2. The Cabinet Secretary for Tourism and Wildlife will appear before the Departmental Committee on Sports, Tourism and Culture on Wednesday, 31<sup>st</sup> March 2021, to answer Question No. 34/2021 by Hon. John Munene Wambugu on the admission of Mr. Victor Nyaga Gathithi to Kenya Utalii College.
3. The Cabinet Secretary for Environment will appear before the Departmental Committee on Environment and Natural Resources on Tuesday, 6<sup>th</sup> April 2021, to answer Question No. 67/2021 by Hon. Charles Ong'ondo Were on pollution by the China City Construction Company in Kasipul Constituency and Question No. 83/2021 by Hon. Michael Kingi on the confiscation of property belonging to Marereni Timbers by Kenya Forest Service.

Hon. Speaker, the HBC will reconvene on Tuesday, 30<sup>th</sup> March 2021, at 11.00 a.m. to schedule the business for the coming week. I now wish to lay this Statement on the Table of the House. Thank you, Hon. Speaker.

*(Hon. Amos Kimunya laid the Statement on the Table)*

**Hon. Speaker:** Next Order!

## PROCEDURAL MOTION

### EXTENSION OF TIME FOR CONSIDERATION OF A SPECIFIED PETITION

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 227(2) (Committal of Petitions), this House resolves to extend the period for consideration of a Public Petition regarding Establishment of a Retirement Package for the Auditor-General presented by the Member for Dagoretti South (the Hon. John Kiarie, MP) by the Constitutional Implementation Oversight Committee by a further period of sixty (60) days with effect from 26<sup>th</sup> March, 2021

Hon. Speaker, this Petition was presented by Hon. Kiarie. As a Committee, we have heard him. We had very good and enriching engagements with him. We have heard the former Auditor-General and the Director of Pensions. We have covered substantial ground. We were at a point where we wanted to get the perspectives of the Treasury and, possibly, the Salaries and Remuneration Commission (SRC) because the matter of retirement benefits touches on their jurisdiction. Unfortunately, at that time we were to hear the Treasury and SRC, the Treasury confirmed they were dealing with the Supplementary Budget and the Budget Policy Statement. So, we were not able to meet. We have covered ground.

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In the nature of this matter, we may even require proposals to amend various legislations. It is for that reason that we are requesting for a very short extension. We are talking of 60 days, but I know we can do it within that duration if we can get the perspectives of Treasury and SRC. We have identified the laws we will be making the legislative proposals to. I beg to move. I crave your indulgence and the indulgence of your colleagues so that we table a conclusive report which can be implemented with this.

I beg the Leader of the Majority Party to second.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, it is a very straightforward matter. Time is of the essence. The matter is weighty. I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Indeed, this is a very important matter because, for the first time, the former Auditor-General has really pitched for this. I think it is important that going forward, as a country, we should have a law that governs the said matters.

*(Question put and agreed to)*

Next Order!

## BILLS

### *First Readings*

#### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.3) BILL

*(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)*

#### THE HEALTH LAWS (AMENDMENT) BILL

**Hon. Speaker:** There is a request by the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I wish to seek your indulgence and that of the House that we step down the First Reading of the Health Laws (Amendment) Bill to allow for some consultations. This is one of the Bills that have ended up in a public participation even before First Reading, and we need to figure out how all that is happening. Most importantly, we have organized a meeting on Tuesday next week with the Ministry of Health to first of all sort out a few things, and then we will decide at what point it comes to the House.

Perhaps, now that I still have the mic, I could also ask for your indulgence on business appearing as Order No.13 within the Committee of the whole House, that the second business appearing as the Public Fundraising and Appeals Bill. It should also be dropped from the Order Paper for today to allow for further consultations. There are so many amendments that need to be harmonized. The Refugees Bill and the Referendum Bill have been slotted for Evening Sitting and Members are still bringing in amendments. To allow the Committee to harmonize all those amendments, we ask that those two be deferred until we meet on Tuesday to reallocate a time for them.

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**Hon. Speaker:** I can only make a comment to what is on this Sittings' Order Paper. So we drop down First Reading of the Health Laws (Amendment) Bill and in Committee of the whole House, business appearing under (ii) Public Fundraising and Appeal Bill (National Assembly Bill No. 66 of 2019). Those two are dropped from the order paper.

*(Bills deferred)*

*First Readings*

THE LANDLORD AND TENANT BILL

THE PUBLIC PRIVATE PARTNERSHIP BILL

*(Order for First Readings read - Read the First Time –  
ordered to be read the Second Time tomorrow)*

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for the Committee read)*

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

IN THE COMMITTEE

*[The Temporary Deputy Chairlady  
(Hon. (Ms.) Soipan Tuya) took the Chair]*

THE BUSINESS LAWS (AMENDMENT) (NO.2) BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Order, Hon. Members. We are now in the Committee of the whole House to consider the Business Laws (Amendment) (No.20) (National Assembly Bill No.50 of 2020).

PROVISIONS RELATING TO THE LAW OF CONTRACT ACT, CAP. 23

*Section 3(6)*

*(Provisions relating to the Law of Contract Act,  
CAP. 23 as amended agreed to)*

PROVISIONS RELATING TO THE INDUSTRIAL TRAINING ACT, CAP. 237

*Section 5B*

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*(Provisions relating to the Industrial Training Act  
CAP. 237 as amended agreed to)*

PROVISIONS RELATING TO STAMP DUTY ACT, CAP. 480

*Section 117*

*(Provisions relating to Stamp Duty Act CAP. 480 as amended agreed to)*

PROVISIONS RELATING TO THE NATIONAL HOSPITAL INSURANCE FUND ACT  
(NO. 9 OF 1998)

*Section 15 (4)*

*(Provisions relating to the National Hospital Insurance  
Fund Act (No. 9 of 1998) as amended agreed to)*

PROVISIONS RELATING TO THE NATIONAL SOCIAL SECURITY FUND (NO. 45 OF 2013)

*Clause 13 – Section 20*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Mover.

**Hon. Peter Mwathi** (Limuru, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, the Bill be amended by deleting Clause 13 and substituting therefore, the following new clause 13—

“The National Social Security Fund Act is amended:

(a) in Section 20 by inserting the following new sub-section immediately after sub-Section 1 —

(1A) an employer shall pay the contribution under sub-section 1 on the ninth day of each month or on such later date as the Board may, in consultation with the Cabinet Secretary, prescribe;

(b) in section 27 by deleting the words “within one month after the end of the month in which the last day of the contribution period to which it falls” appearing in subsection 1 and substituting therefore the following “on or before the prescribed day on which the payment in respect of the any month is due”.

Hon. Temporary Deputy Chairlady, the Committee concurs with the proposed change of the date for remittance of NSSF deductions on the ninth of every month. The NSSF Act provides that the time and manner of payment for self-employed contribution is to be prescribed by the Cabinet Secretary in the regulations.

However, the Act is silent on the exact date of the remittance of mandatory contributions under Section 20. As it is presently, the Act grants a grace period of one month within which employers are to remit the contributions.

A uniform date is proposed for remittance of other statutory payroll deductions, including National Health Insurance Fund (NHIF) contribution, through the Kenya Revenue Authority

(KRA) unified payroll return. This will result in reduction of attendant cost of remittance of funds to different institutions, hence contributing to ease of doing business in the country.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): I see Hon. (Dr.) Wilberforce Oundo and then Hon. David ole Sankok.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairlady, the way the amendment is drafted brings obvious challenges. Under the Statutory Instruments Act, it is only the Cabinet Secretary who is authorized to make regulations. In this, they are delegating that duty to the board, which might be in contravention of the Statutory Instruments Act. Probably, the Chair of the Committee needs to consult and make sure that it ties in properly. What we are doing has got a force of law and comes with penalties. Probably he needs to relook at it.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Let us have Hon. David ole Sankok and then Chair. If you need to say something, you can have ago.

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Chairlady, the input of this amendment, because I am a member of the Departmental Committee on Labour and Social Welfare Committee, is that we need to make our country have ease of doing business by making sure that all remittances are done on a particular date, so that you do not keep on remembering and remitting this month and this date. It will be cumbersome for some of those institutions to be doing remittances every day of the month. That is why it is considered. That is the input. I do not think it is in conflict at all with any law. We looked at it and there is no conflict.

I thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Chairman, briefly, you can clarify the issues raised by Hon. (Dr.) Wilberforce Oundo.

**Hon. Peter Mwathi** (Limuru, JP): Hon. Temporary Deputy Chairlady, I alluded to the fact that the KRA unified payroll return requires that all statutory deductions are done at the same time so that it stops being cumbersome. Some are being done after one month, others at a different time. This is unified, not only for NSSF. It is going to be done for NHIF and any other statutory deductions. We considered this. We know regulations can be amended after this Act has been passed.

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

*(Section 20 as amended agreed to)*

*(Provisions relating to the National Social Security  
Fund Act, No. 45 of 2013 as amended agreed to)*

PROVISIONS RELATING TO THE COMPANIES ACT (NO.17 OF 2015)

*Clause 14 – Section 3*

*Clause 15 – Section 283(2)*

*Clause 16 – Section 285(1)*

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*Clause 17 – Sixth Schedule*

*(Provisions relating to the Companies Act,  
No.17 of 2015 as amended agreed to)*

PROVISIONS RELATING TO THE INSOLVENCY ACT (NO.18 OF 2015)

*Clause 18 – Section 474(5)*

*Clause 19 – Part IXA*

*Clause 20 – Section 636(1)*

*Clause 21 – Section 637*

*Clause 22 – Section 638*

*Clause 23 – Section 640*

*Clause 24 – Section 642*

*Clause 25 – Subheading*

*Clause 26 – Section 643(1)*

*Clause 27 - Section 644(1)*

*Clause 28 – Section 645*

*Clause 29 – Section 646(1)(3)*

*Clause 30 – Section 647(1)(2)(3)*

*Clause 31 – Section 648(1)(2)(3)*

*Clause 32 – Sub-heading*

*Clause 33 – Section 649(1)(2)(4)*

*Clause 34 – Section 651*

*Clause 35 – Section 653(1)*

*Clause 36 – Section 655(1)*

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*Clause 37 – Section 656(1)*

*Clause 38 – 657(2)(3)*

*Clause 39 – Subheading*

*Clause 40 – Section 658(1)(2)(3)(4)(5)*

*Clause 41 – Section 659(1)(2)(3)(4)(5)(6)(7)*

*Clause 42 – Section 660 (1)(3)*

*Clause 43 – Section 661(1)(3)*

*Clause 44 – Section 662(1)(2)(3)*

*Clause 45 – Subheading*

*Clause 46 – Section 663*

*Clause 47 – Section 664*

*Clause 48 – Section 665*

*Clause 49 – Section 666*

*Clause 50 – Section 667*

*Clause 51 – Section 668*

*Clause 52 – Subheading*

*Clause 53 – Section 669*

*Clause 54 – Section 670(1)(2)(3)*

*Clause 55 – Section 671(1)(2)(3)(4)*

*Clause 56 – Section 672*

*Clause 57 – Subheading*

*Clause 58 – Section 673*

*Clause 59 – Section 674(2)*

*(Sections 474(5), Part IXA, 636(1), 637, 638, 640, 642, Subheading, 643(1), 643(2), 643(3), 643(4), 643(5), 643(6), 643(7), 644, 645, 646, 647, 648, Subheading, 649, 651, 653, 655, 656, 657, Subheading, 658, 659, 660, 661, 662, Subheading, 663, 664, 665, 666, 667, 668, Subheading, 669, 670, 671, 672, Subheading, 673 and 674 as amended agreed to)*

PROVISIONS RELATING TO THE SMALL CLAIMS COURT ACT (NO. 2 OF 2016)

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Mover. I can see the Vice-Chair of the Departmental Committee on Justice and Legal Affairs, Hon. Otiende.

*Clause 60 – Section 34*

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 60 and substituting therefor the following new clause –

Amendment of Section  
34 of No. 2 of 2016

60. Section 34 of the Small Claims Court Act is amended in sub-section (1) by inserting the words “of the matter which shall be within sixty days from the date of filing the claim” immediately after the word “determination” appearing at the end of the sub-section.’

This is a technical amendment. The drafters made an omission. If you look at the Bill with the original provision, you will see that sub-section 1 talks of determination on the same day. Then, sub-section 2, which is the only section we seek to amend, talks of determination not later than three days. They changed this for the claim to be determined within 60 days, but they did not change sub-clause 1. These further amendments rationalize Clauses 1 and 2 for the intention that this determination must be within 60 days.

Thank you, Hon. Temporary Deputy Chairlady.

*(Question of the amendment proposed)*

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

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

*(Provisions relating to the Small Claims Court  
Act (No. 2 of 2016) as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Mover!

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Business Laws (Amendment) (No.2) Bill (National Assembly Bill No.50 of 2020), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): May we have the Chairperson of the Committee of the whole House to report to the House?

**Hon. (Ms.) Soipan Tuya** (Narok CWR, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Business Laws (Amendment) (No.2) Bill (National Assembly Bill No.50 of 2020), and approved the same with amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well, let the Mover of the Bill move the Motion for agreement with the Report.

**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 request Hon. Wangwe to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Yes, Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I second.

*(Question proposed)*

**An Hon. Member:** Put the Question!

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I am not in a position to put the Question for obvious reasons. Therefore, the Question for the adoption of the Report shall be put later when this Business is put in the Order Paper.

*(Putting of the Question deferred)*

Next Order!

## BILL

### *Second Reading*

THE NARCOTICS, DRUGS AND PSYCHOTROPIC  
SUBSTANCES (CONTROL) (AMENDMENT) BILL

*(Hon. Paul Koinange on 2.3.2020)*

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*(Resumption of Debate interrupted on 9.3.2021 – Afternoon Sitting)*

Do we have Hon. Ali Rasso who had a balance of eight minutes? Then with the absence of the Member, let me have the Member for Kathiani. Hon. Members, as a matter of procedure, we do not speak twice to any Motion or Bill.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support the Narcotics Drugs and Psychotropic Substances (Control) (Amendment) Bill, (National Assembly Bill No.27 of 2020).

The reason I support the Bill is that when we look at the Memorandum of Objects and Reasons of the Bill, we see quite clearly that it is an important step that we need to take as a nation. The purpose behind the Bill is outlined. The first one is to enhance penalties related to the offences of possession and trafficking in narcotics.

The other reason is to define precursors and chemical substances that are used in the manufacture of narcotics. Another one is to define who the law enforcement officers are in respect of the Act and another one is to prescribe offences for law enforcement officers who aid or abet in the distribution or trade in those narcotic drugs and to provide for offences arising out of that kind of conspiracy. It is also to give power to intercept communication between dealers and possible users of those drugs and finally to provide an obligation for anyone to give information when required.

This is an important Bill because what has happened in this country is that the future of our nation and the future of our children is clearly affected by the use of narcotic drugs. In fact, I beg to say that if we are to do statistics of how many of our children are affected by the use of drugs, it will be shocking to most parents. I have been involved in the education industry and I have some insights. In fact, if we remember some time back, some of our international schools were actually using sniffer dogs to check on the luggage of children as they reported in school just as they do in international airports. This vice is prevalent and predominantly in many of our institutions of learning. The only way we can put a stop to it is to ensure the punishment that is given is punitive enough to scare anyone from attempting to deal in drugs. It is unfortunate because the people who deal in drugs are interested in profits that could be short lived, but the future of the country, continent and the world is destroyed by people who are out to make money.

It is so unfortunate because what I have realized about a lot of drug use is that when one is older, it is not easy to get indoctrinated and get addicted. But young people are the main target. Our children in schools are the main target. It has reached a point where it is no longer just the boys. Even our daughters are getting involved in the consumption of narcotics. We need to find ways in which we can discourage the use and trade in narcotics. Obviously, extremely punitive laws will discourage the use of drugs and trade in them.

It is an unfortunate situation that the world over, it has become one of the ways people get rich. In the Forbes Magazine inventory that shows the richest people in the world, they never list the people who deal in drugs. They say that even the world's richest people are probably not anywhere near those dealing in drugs. So, it is a huge industry. It is an industry that has serious money. Obviously, that means they will attempt to interfere and influence the decisions made by anyone. That is why the law now proposes serious penalties for police and enforcement officers. What happens is that because of the amount of money that is being traded, it is easy to influence decisions and easy to influence enforcement officers so that they do not do their job as expected. That obviously means that the future continues being bleak.

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This is a timely Bill. As a nation, we must stand up to be counted. It is high time that we put in place the highest possible measures. In some countries, when anyone is found dealing in drugs, he or she is sentenced to life imprisonment. In some countries, they execute you. Maybe, it is time we asked ourselves whether it is the right time to execute those people that are proven, beyond reasonable doubt, to be dealing in drugs that are destroying the future of this nation.

With those remarks, I urge the House to support the Bill. As we move forward, let us look at how punitive we can be and how much we can do to discourage the use of narcotic drugs.

There have always been arguments about our privacy. It is true that we value our privacy. You do not want people to interfere and eavesdrop on your conversations. If you are a drug dealer, surely what rights....

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Mbui, I wish to interrupt your contribution at this point. When the debate resumes, you will have your four minutes. Just plan for your four minutes.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 6.30 p.m., this House stands adjourned until today at 7.00 p.m.

The House rose at 6.30 p.m.