

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 24th February, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE

Mr. Midiwo: Mr. Speaker, Sir, I beg to move:-
THAT, pursuant to the provisions of Standing Order No.158, the following be appointed Members of the House Business Committee:-

1. Hon. Stephen Kalonzo Musyoka, MP;
 2. Hon. Uhuru Kenyatta, MP;
 3. Hon. (Prof.) George Saitoti, MP;
 4. Hon. Mutula Kilonzo, MP;
 5. Hon. Beth Mugo, MP;
 6. Hon. Martha Karua, MP;
 7. Hon. (Dr.) Boni Khalwale, MP;
 8. Hon. Adan Keynan, MP;
 9. Hon. Musikari Kombo, MP;
 10. Hon. George Thuo, MP;
 11. Hon. (Prof.) Peter Anyang'-Nyong'o, MP;
 12. Hon. Musalia Mudavadi, MP;
 13. Hon. (Dr.) Sally Kosgei, MP;
 14. Hon. Henry K. Kosgey, MP;
 15. Hon. Charity Ngilu, MP;
 16. Hon. Maalim Mohamud Mohamed, MP;
 17. Hon. Ali Mohamed Mahmud, MP;
 18. Hon. Thomas Ludindi Mwadeghu, MP;
 19. Hon. (Dr.) Joyce Laboso, MP;
 20. Hon. Charles Onyancha, MP;
 21. Hon. Jakoyo Midiwo, MP; and,
 22. Hon. Kenneth Marende, MP – Speaker (*Ex-Officio* Member)
- Mr. Thuo:** Mr. Speaker, Sir, I beg to second.

(Question proposed)

POINT OF ORDER**MOTION ON APPOINTMENT OF HBC NOT IN COMPLIANCE
WITH S.O. 158**

Mr. Imanyara: Mr. Speaker, Sir, this morning, a number of issues were raised and among them was one of the reasons why the Motion in the morning was withdrawn. The Motion was not in compliance with Standing Order No.158 to the extent that it does not, on the face of it, indicate the parliamentary parties to which these hon. Members belong. That is an issue that was raised in the morning and that is why the Motion was withdrawn. I see that has not been rectified and I have not heard any explanation.

(Applause)

(Mr. C. Kilonzo stood up)

CONSIDERED RULING**MOTION ON APPOINTMENT OF HBC IS LEGITIMATELY
BEFORE THE HOUSE**

Mr. Speaker: Order, Mr. C. Kilonzo! Hon. Members I have heard what Mr. Imanyara has said with respect to the form of the list and constitution of the House Business Committee (HBC) as provided for under Standing Order No.158, which the hon. Member has kindly referred to.

Hon. Members will bear with me because we need to read it so that we understand it. The provisions of it are important to give us guidance on how we shall proceed with this matter.

Subsection 1 provides:

“There shall be a Select Committee to be designated the House Business Committee consisting of not less than 15 and not more than 21 Members, who shall be nominated by each parliamentary party and approved by the House at the commencement of every Session reflecting the relative majorities of the seats held by each of the parliamentary parties in the National Assembly:

Provided that the party or parties forming the Government shall have a majority:

1. Provided further that at least thirty per cent of the membership of the House Business Committee shall be Members who are not Ministers.
2. In nominating Members to the House Business Committee, each parliamentary party shall include its whip into the membership.
3. The Speaker shall be an *ex-officio* member of the House Business Committee.”

In essence, Standing Order No.158, and the paragraphs that I have read, provide for the constitution of the Committee, inclusive of the character of it and the party representation on the House Business Committee, covering the respective strengths of the political parties.

The Tenth Parliament, as constituted, has two mainstream sides representing the respective political parties. It is a matter of common knowledge and, as a matter of fact, we must take judicial notice of the fact that this House has operated on the basis that there is the Party of National Unity (PNU) and its affiliates and there is the Orange Democratic Movement (ODM) and its affiliates.

Since this Parliament has taken cognizance of that fact, this House has, therefore, operated with two joint Government Whips by reason of the unique nature in which this Parliament runs. As the Tenth Parliament, we have a Coalition Government. That is a matter of law and fact. It is entrenched, anchored and provided for in the Constitution.

We have operated as such having two joint Whips namely: Mr. George Thuo and Mr. Jakoyo Midiwo. The House has accepted them as such, operated as such, worked as such and, therefore, the practice of this House has taken cognizance of that fact.

Hon. Members, communication to the Speaker from the respective political parties is through the Whips of the parliamentary parties. The Whips that this House has recognized for purposes of the business of this House have been those two. The two Whips forwarded lists this morning to my office which I, exercising my powers as Speaker, as provided for in the Standing Orders, approved.

It is my presumption, therefore, legitimately that the requisite consultations have taken place and this is why the parties have communicated to the Office of the Speaker through the Whips.

Further, with respect to the point raised by Mr. Imanyara; with respect to the list bearing alongside the names, the name of the party, this is not necessary because it is implicit in the act of the Whips that they have, in fact, consulted with their respective parties, which they represent. At any rate, there is no express provision in the Standing Orders that the parties must be named on the list. It is inherent and implicit that in fact that has happened.

Hon. Members, this Motion as presented by the first Whip who moved the Motion, Mr. Midiwo, and seconded by Mr. Thuo---

Hon. Members: The first Whip!

Mr. Speaker: There is no "first" and "second"; they are equal!

The Motion is legitimately before the House. The Motion is competent and the House, therefore, can proceed with debate on this Motion.

Mr. C. Kilonzo: Mr. Speaker, Sir, I have heard your ruling on this issue but I want to raise an issue on the same basis of Standing Order No.158 and in particular on the composition of the Members of the House Business Committee.

I want to refer to Section 2 of Standing Order No.158 which states as follows:

"In nominating Members to the House Business Committee, each parliamentary party shall include its Whip into its membership."

Mr. Speaker, Sir, my party is ODM(K). For that matter, as constituted in this list, the Whip is not included. I do not intend to contradict your ruling but these Standing Orders provide a right to every party to have membership in the House Business Committee. In that sense, even if my party was not in the Government, we would still be entitled to a position in the House Business Committee and the Whip of our party, Prof. Kaloki, would be entitled to sit in this Committee.

I wish to seek your ruling on that matter. This is an obvious issue.

Mr. Ruto: Mr. Speaker, Sir, further to the Motion that is on the Floor, Standing Order No.158 envisages, and he has indicated that it is assumed that there has been consultation. Since the House rose early today at around 10.00 a.m., we have not had enough time for appropriate consultations. That is why a lot of questions are being raised here.

MOTION

ADJOURNMENT OF DEBATE ON APPOINTMENT OF HOUSE BUSINESS COMMITTEE

Mr. Ruto: Under Standing Order No.25, I submitted to you a notice of Motion for adjournment and I have complied with the provisions of that Standing Order.

I beg to move that the debate be now adjourned until tomorrow at 2.30 p.m., so that we can get adequate time to consult and sort out some of the issues that appear to be of serious concern to Members of Parliament.

Mr. Speaker: Hon. Members, indeed I have received a notice of a Motion for Adjournment by Mr. Ruto and he is moving that Motion properly.

Hon. Members, I will allow debate on that Motion of adjournment as moved by Mr. Ruto and he requires a Seconder for that Motion because Mr. I. Ruto has properly moved that Motion and he has given me notice of it prior to taking the Floor and moving the Motion.

Does he have a seconder?

Mr. Imanyara: Mr. Speaker, Sir, I am happy and privileged to second the Motion for the reasons given. But more importantly, this morning, when an identical Motion was withdrawn, it was withdrawn because the Whips conceded that there has not been any consultation. Your ruling has been on the basis that we presume that there has been consultation. That presumption---

Mr. Thuo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Thuo! Shall we hear the Member for Imenti Central Constituency?

Mr. Imanyara: Mr. Speaker, Sir, I was pointing out that my understanding of your ruling was that, in fact, you have allowed this Motion because of the presumption that there has been consultation. A presumption is always reversible. We are telling you, as Members, that since the adjournment this morning, there has been no consultation. Therefore, it is only proper and right that this Motion be allowed, so that we can debate it tomorrow as we have indicated.

Mr. Midiwo: On a point of order, Mr. Speaker, Sir. I want to correct what hon. Imanyara has said because the Orange Democratic Party (ODM) had a Parliamentary Group meeting. We have just come from it and it is not right for him to say that there has not been consultation.

Mr. Speaker: Mr. Imanyara, are you a Member of the ODM?

Mr. Imanyara: Mr. Speaker, Sir, I am not a Member of the ODM.

Mr. Speaker: Hon. Imanyara, you may, therefore, resume your seat. Hon. Midiwo, your point of order is not valid because hon. Imanyara says that he does not have membership of your party. You expressly stated that the ODM had a PG and hon.

Imanyara denies membership of the ODM. Therefore, your explanation cannot be valid, I am afraid. That cannot stand certainly.

Hon. Imanyara, proceed!

Mr. Imanyara: Mr. Speaker, Sir, I had concluded.

Mr. Speaker: Anybody else interested? Yes, Mr. Kajwang'!

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Speaker, Sir---

Mr. Speaker: I am sorry, hon. Members. I was getting carried away in the heat of the moment. The heat of the moment was excessive.

(Question proposed)

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang') Mr. Speaker, Sir, I rise to oppose the proposed Motion for Adjournment on two points. First, Standing Order No.158 is clear on the basis that it is the parliamentary party that nominates. I think that the parliamentary parties are represented in this House by the Whips. I do not think that it is open either to the House or to any other body to go behind the parliamentary parties and check whether they consulted. The issue here is that they may or may not have consulted, but as long as the Whip who is authorized by that parliamentary party brings a list, the presumption is that consultation was done. So, it really matters not whether as a matter of fact there was consultation.

The second issue is that when a Motion of this nature, and I am apologetic that I was not here in the morning, is withdrawn, it is not the same Motion that is brought back. It may look similar, but this is a new Motion. A withdrawn Motion is withdrawn. Now, a new Motion is before us. We can only talk about what is before us and not the history behind this Motion. So, I want to end in very simple terms that this House cannot supervise political parties. It is up to the political parties to supervise themselves.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. Hon. Kajwang seems to be debating a completely different Motion. What is before the House is an Adjournment Motion. It is not about the list. He seems to be concentrating on the list and he generated it! Of course, it is obvious that they can lie that there has been consultation when there has been none! This is on record!

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Speaker, Sir, the basis of adjournment is that we go and consult on this list. So, you cannot separate the two. If the list is bad, we need to consult and amend it. I think that is what my brother was suggesting; you cannot ask this House to ask the parties to go and consult. This House has no supervisory power over parties. Parties act through their own mechanisms and bring that position to this House.

Lastly, if, of course, the House will vote like it will, and it finds that it is not happy with this list, the consequences are simple. The consequences are that this Motion will have been defeated and we go home for six months and maybe go home for elections!

(Loud consultations)

I am not willing to go home very early. However, if forced by the House, I will go home. I wish to oppose the Motion.

Dr. Eseli: Thank you, Mr. Speaker, Sir, for this opportunity. I wish to oppose the Motion that the debate be now adjourned. Parties had time during the recess to make their decisions and channel them through the Chief Whips. I think they have subsequently done so. During the opening of the House yesterday, your speech and the Speech by the Head of State, definitely implied that this House needs to make haste to pass certain legislations that are beneficial to this country. This continued haggling over the House Business Committee (HBC) is becoming a habit every time we open the House and it is dragging us behind. Once the list has come here, it is the property of the House and I think we can now leave parties out of it. The parties have, through their Whips, presented their lists. I do not think we should adjourn the debate. We should debate it and either defeat it or adopt it.

The Assistant Minister for Roads (Dr. Machage): Mr. Speaker, Sir, the law of wisdom should prevail in this House. Dialogue is important and total acceptance may be of benefit to this House. Indeed, extending dialogue and consultation by just another 24 hours is of benefit to this country. We need to cultivate this way of behaviour because we have important matters coming to this House in form of the constitutional review. We need to move together without creating upheavals here and there, and causing unnecessary friction.

Well, somebody may say that we are wasting time as a practice. This House never wastes time as is known by the Standing Orders. This will be time spent well, for the legislators to have the proper people and for those who doubt the names that are on this Order Paper to satisfy themselves that they have the proper representation in the business of this House, so that work can be done properly. I beg that the Members of this House to give the benefit of the doubt to those people who would wish to look at this list for only another 24 hours.

I beg to support.

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, I rise to support this Motion. As the Standing Orders clearly stipulate, we need to consult before we make any appointments to Committees. I am from PNU and I was not consulted by anybody in the process of making this list!

Mr. Speaker: Order, hon. Jamleck I. Kamau! Is my memory right that you are the Vice-Chairman of the Party of National Unity?

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, your memory is extremely right. I am the Vice-Chairman of PNU and I was absolutely not consulted about the constitution of this list.

Mr. Speaker, Sir, I think it is important that when we are coming up with these names--- As the President said yesterday, we must at all times try not to politicize and personalize the appointments into these Committees. I can see some motive here because as you know, I have a Motion pending before this House – that of the Leader of Government Business.

Mr. Speaker: Order! Order! Mr. Jamleck I. Kamau, will you, please, be relevant? Our Standing Orders provide for relevance.

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, I see a plot or an intention to delay my Motion by creating a crisis in the House Business Committee. That is the reason I urge these parties to come up with the proper names after full consultation.

I support this Motion.

The Assistant Minister for Information and Communications (Mr. Khaniri): Thank you, Mr. Speaker, Sir. I rise to oppose this Motion.

Mr. Speaker, Sir, as much as I want to agree with those hon. Members who are agitating for full consultation in coming up with this list of the Members of the House Business Committee, I want to state here that we cannot consult forever. We had a recess of two-and-a-half months, where parties had an opportunity to make these consultations that have been stated here. We have important business ahead of this House. Postponing this Motion further is eating into the time that we should spend debating this important business that is awaiting us. Therefore, I want to suggest that, for the Members that are opposed to the list that has been presented by the Whips, I think we have a chance here to move an amendment. If the amendment is accepted, it will carry the day. If it is defeated, we go with the list that there is. Kenyans out there are eagerly waiting for us to embark on the serious business that I have just stated earlier.

Mr. Speaker, Sir, the Mover of this Motion, who is seeking more time for consultation, is a Member of ODM to which I belong. When the House rose this morning, we were all summoned for a meeting at the party headquarters to make the same consultations that he is asking for, and he did not show up! I wonder who he wants to go and consult. Secondly---

Mr. Ruto: On a point of order, Mr. Speaker, Sir. I want to put it on record that when the House rose at around 10.00 a.m., we were receiving the Draft Constitution from the Committee of Experts on Constitutional Review. I am a Member of the Parliamentary Select Committee on the Constitution. I did not run away from attending the so-called Parliamentary Group (PG) meeting! But I want to inform the hon. Member that the notice for a PG meeting was circulated at 11.00 a.m. They met at "Omondi House."

Mr. Speaker: Order, Mr. Ruto! You stood on a point of order. A point of order, as defined under the Standing Orders seeks to point out an omission or an act of fault on the part of the Member contributing, in his contribution. Up to where you went, there is no indication that there was anything out of order. Therefore, your point of order is not valid.

Mr. Mbadi: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Hon. Khaniri, do you wish to be informed?

The Assistant Minister for Information and Communications (Mr. Khaniri): Yes, Mr. Speaker, Sir, I wish to be informed.

Mr. Mbadi: Mr. Speaker, Sir, I just wanted to inform the hon. Member that, actually, hon. Ruto sent an apology for the meeting which took place in Orange House, saying that he was going to attend a very important meeting. That apology was sent through the Chief Whip and it was accepted and recorded. I think hon. Ruto must abide by the decision of the meeting that took place in Orange House.

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Speaker, Sir, I would like to thank the hon. Member for the information which I think is very valid.

Mr. Speaker, Sir, the decisions that were taken at that particular meeting are binding, particularly to the Member who sent an apology. I believe that, that is the reason for sending an apology.

Mr. Speaker, Sir, I have listened to hon. Jamleck Kamau who, in your own observation, you noted that he is the Vice-Chairman of PNU. I think for him to come here and claim that his party has not consulted is a failure on his part. This is because as the Vice-Chairman of PNU, he should be the convener of the meeting that is supposed to make the consultations.

Mr. Jamleck Irungu Kamau: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Khaniri to come here and mislead this House that the vice-chairman of a party is the one who convenes meetings?

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Speaker, Sir, sitting in the executive committee of PNU, he is one of the conveners of any meeting of the party that is supposed to take decisions on crucial matters like this. Therefore, I would urge him to resign because I think he has failed in his duties!

Mr. Speaker, Sir, with those remarks, I beg to oppose.

The Minister for Tourism (Mr. Balala): Mr. Speaker, Sir, I beg to support the Motion.

I think the National Assembly is the centre of democracy. I want to assure you that we need to teach political parties a lesson so that they have a culture of consultation and start preaching democracy and not dictatorship. There is an issue of trying to replace a few individuals within political parties because of dissenting views, ideas and ideologies. This should be silenced and not tolerated. We can see that behaviour being practised in this House. I think it is the high time we sent the parties back to consult and come back and give us the right list and the criteria they used to identify individuals in that list.

Mr. Speaker, Sir, I beg to support.

Mr. Ogindo: Thank you, Mr. Speaker, Sir. I rise to oppose this Motion for Adjournment. This House was recalled out of the realization that this nation has a very serious agenda to be attended to. Having listened to you as you read out Standing Order No.158, which clearly defines how the House Business Committee is constituted and borrowing from hon. Kajwang's contribution, this House has no supervisory role over political parties. Nowhere in the Standing Orders is it explicit that parties need to consult. It is an assumption that the party Whips, having been elected by the party membership, always carry the position of the party. As we continue eating into our time, we beat the very logic why the House was recalled early. As such, knowing very well that we needed consultations on the ODM side, I can confirm to you, as a Member of ODM, that we met and consulted and agreed that the list presented here represents the position of ODM.

Therefore, I oppose the Motion for Adjournment.

Mr. Njuguna: Mr. Speaker, Sir, thank you for giving me this opportunity. I would like to make two points only. The first point is to thank you, Mr. Speaker, for the inspiring and patriotic Statement that you made yesterday. Secondly, I am in this House on a PPK ticket. That is the Peoples' Party of Kenya. My party has not been consulted. I am the leader of that party!

(Applause)

Finally, we pray and urge the two Principals to continue consulting one another to make the nation cohesive.

Mr. Musyimi: Mr. Speaker, Sir, I beg to support the Motion. Those of us who listened to you carefully yesterday, got the sense that it is desirable that we, as the National Assembly, commit ourselves to the paradigm of consultation. If you listen to the mood of the country, you will know that the country wants us to cross-run. The nation wants us to consult. We have a fairly weighty legislative agenda this Session. One of the items that are on our legislative agenda is the Constitution itself. The Constitution, as you well know, being a lawyer, is the high watermark of legislation. There can be no legislation greater than making of a Constitution. That is an enormous responsibility that we must undertake. If we will get anywhere with the Constitution, we surely must start by committing ourselves to the principle and the practice of consultation.

Therefore, I beg to plead that we consult further and then we meet tomorrow to determine this matter.

The Minister of State for National Heritage and Culture (Mr. ole Ntimama): Thank you, Mr. Speaker Sir. First of all, I would like to say that some of these things are dependent on political parties. It is political parties that consult amongst themselves and make appointments like the ones we are quarrelling about.

Secondly, Parliament is supposed to be the supreme authority in the land. It is supposed to bring democracy, justice and lay down laws that are helpful to everybody. However, very recently, we have seen a Parliament that is divided. We have seen a Parliament that is following tribal affairs. We have seen a Parliament that cannot say it is clean from corruption. We have seen a Parliament that wants to live on wrangles and tribal problems. We all know that it is the parties that must do the nominations. However, they are bringing their own personal interests because they want the ODM party to break and their people to be criticised. The other party, which I do not want to mention by name, is ready to break ODM and probably other parties.

Yesterday, the President said that we should first deal with the issue of the Constitution. However, I can see that we have wrangles that will break this country. Other problems will also start emerging. Somebody said that we do not need any international community mediation. Where would we be today if it were not for the international mediation that came to this country and put us together? They want to bring these things back. Let me tell you! We are watching very carefully! If somebody does not want to be in a particular party, they should go home and come back on another party!

I oppose.

Mr. Chachu: Mr. Speaker, Sir, I rise to support the Motion for Adjournment. I support this Motion based on the fact that there were no genuine consultations in ODM. There were no genuine consultations until the House was adjourned this morning and we were invited for a meeting.

Mr. Ogindo: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to rise here and tell us that there were no consultations when we know very well that, as Members of ODM, we have just come out of a consultative meeting?

Mr. Speaker: That is a point of argument!

Mr. Chachu: Mr. Speaker, Sir, I said there were no genuine consultations on this issue. We were invited for a meeting this morning after the House was adjourned. As a

Member of PSC, we were receiving the Draft Constitution from the Committee of Experts. There is no way I would have left that national duty and rushed to our PG. If there was need for genuine consultations, we should have had it earlier before the list was brought to the Floor of this House this morning. In essence, we were forced by the direction of the Chair to consult. The consultation was not done in good faith and it was not genuine. On that basis, I support the Motion for Adjournment.

Mr. Speaker: Order! Hon. Members, we will take two more contributions because the direction which the House wants to take is now apparent.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I stand to oppose the Motion. When the House adjourned this morning, it was to allow political parties to go and consult. It was an urgent matter. We immediately sent messages to all Members of Parliament in ODM and stated the location of the consultations. Members did come there and those who could not come communicated to me personally in the lounge and gave me reasons why they were not coming. It is the cardinal law of democracy that when you consent to a meeting, then you must also consent to the consequences of that meeting. If indeed the consequence of that meeting does not favour you, do not turn around and negate the original agreement. There can be a dictatorship of the minority. Mr. Balala says that there were no consultations so there is a dictatorship. If people have consulted and you were not there, you can also decide to dictate that people consult again because you were not there. Therefore, the House must also be very conscious of the dictatorship by the minority. They are not part of the decision, so they want to dictate that people must consult *ad infinitum*.

Mr. Speaker, Sir, this nation is in a hurry to accomplish the agenda that the President put before us yesterday. When a decision is made by the Chair that Members go to consult, and you know that there is another sitting of Parliament in the afternoon, please take it seriously and consult. But you cannot escape the space of consultation and try to extend it when Parliament resumes again. That is not fair to Kenyans and to yourselves. Let us be honest. In ODM, we consulted for three hours at Orange House and people came and decisions were made. If a decision is not palatable to a Member of the party, there are other party organs to which we can go to and state that matter. But to hold the House hostage because of a magic word "consultation" which actually was undertaken but in your own minority way you feel was not undertaken, is undemocratic and in itself dictatorial!

Mr. Ruteere: Mr. Speaker, Sir, I rise to support the Motion. We have heard that one party consulted but we have not heard whether the other parties consulted at all. I belong to PNU and I was not consulted. There was no SMS. I was in Parliament but we never consulted. A crucial aspect is being represented here. Communities and parties must be represented. My community and my party are not represented.

I support the Motion.

(Mr. Nyambati stood up in his place)

Mr. Speaker: Order, hon. Members! Hon. Member for Kitutu Masaba, the only reason I am isolating you is that as I stood on my feet, you remained on your feet and that situation is not palatable.

(Question put and agreed to)

Hon. Members: Division! Division!

Mr. Speaker: Hon. Members, the threshold has been reached! I am afraid we will have to go to a Division. Ring the Division Bell.

(The Division Bell was rung)

DIVISION

(Question put and the House divided)

(Question carried by 71 votes to 55)

AYES: Ms. Abdalla S.; Messrs. Abdirahman, Abuchiaba, Ali B.A., Ali H.M, Baiya, Balala, Baya; Ms. Chepchumba; Messrs. Cheruiyot, Duale, Ethuro, Gabbow, Gaichuhie, Ganya, Gitau, Haji M. Y, Imanyara, Kabando wa Kabando; Prof. Kaloki, Messrs. Kamau Jamleck, Kambi, Kapondi, Keynan, Dr. Khalwale, Messrs. Kigen, Kiilu, Mrs. Kilimo, Messrs. C. Kilonzo, K. Kilonzo, Kipkorir, Kiptanui, Kutuny, Lagat, Lang'at; Ms. Leshoomo; Messrs. Lessonet, Linturi; Dr. Machage, Eng. Maina; Messrs. Mbai, Mbiuki, Mbugua; Mrs. Mugo; Messrs. Mungatana, Munya, Munyes, Muoki D.M., Mureithi, Musyimi, Muthama, Mwaita, Mwathi, Mwaura; Dr. Mwiria; Messrs. Mwiru, Ngugi, Nyammo, Nyambati, Nyamweya, Okemo, Ombui, Prof. Ongeru, Messrs. Ruteere, Ruto I., Sasura, Shitanda, Waititu, Wambugu; Dr. Wekesa and Mr. Wetangula.

Tellers of the Ayes: Messrs. K. Kilonzo and Ogindo.

NOES: Messrs. Ahmed S.A. , Akula; Prof. Anyang'-Nyong'o; Messrs. Anyanga, Chanzu; Dr. Gesami; Messrs. Githunguri, Godhana, Gunda, Kajwang', Keya, Kingi, Kizito, Koli, Konchella; Dr. Kosgei; Mr. Kosgey; Dr. Laboso; Messrs. ole Lankas, Letimalo, Litole, Magerer, Magwanga, Mbadi, ole Metito, Midiwo, Mohamed M.M, Mudavadi; Mrs. Noor, Maj-Gen. Nkaisserry; Messrs. Olago, ole Ntimama, Nyamai, Nyongesa, Obure, Ochieng, Odhiambo, Ms. Odhiambo, Messrs. Ogari, Ogindo, Ojaamong; Prof. Olweny, Messrs. Omollo, Onyancha C; Mrs. Ongoro; Messrs. Oparanya, Orengo; Dr. Otichilo, Otieno; Eng. Rege; Messrs. Simiyu, Sirma, Were, Yinda, and Zonga.

Tellers of the Noes: Messrs. Mbugua and Sirma.

Absentions: Ms. Karua; Messrs. Kenyatta and Thuo.

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until tomorrow, 25th February, 2010, at 2.30 p.m.

The House rose at 4.00 p.m.