

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 6<sup>th</sup> July, 2016

The House met at 2.30 pm

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

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum. Can the Quorum Bell be rung?

*(The Quorum Bell was rung)*

We have quorum now. We can now begin business. I will give my Communication at Order No. 7.

MESSAGES

APPROVAL OF MOTION ON ESTABLISHMENT OF  
A JOINT PARLIAMENTARY SELECT COMMITTEE ON  
MATTERS RELATING TO THE IEBC

**Hon. Speaker:** Hon. Members, please take your seats. This is a Message from the Senate.

Hon. Members, pursuant to provisions of Standing Order No. 41(4) of the National Assembly and Rule 9(2) of the Houses of Parliament Joint Sittings, I wish to report to the House that I have received a Message from the Senate on the approval of a Motion on the establishment of a Parliamentary Select Committee on matters relating to the IEBC. The Message reads in part:-

“The Senate, by way of a resolution passed on Tuesday, 5<sup>th</sup> July 2016, approved the Motion on the establishment of a Joint Parliamentary Select Committee on matters relating to the IEBC, electoral laws and processes.”

Hon. Members, you may recall that during today’s morning Sitting, the National Assembly approved a similar Motion. As you may be aware, the Select Committee has 30 days within which to execute its mandate and report to both Houses. In this regard, the co-chairpersons are advised to consider convening the Committee’s first sitting as a matter of urgency. Further, the Clerk of the National Assembly is directed to facilitate the operations of the Committee in the terms contained in the Motion.

Thank you, Hon. Members.

**PETITION****LOW QUALITY SUBSIDISED FERTILISER SUPPLIED BY NCPB**

**Hon. Speaker:** Hon. Members, Standing Order No. 225(2)(b) requires that the Speaker reports to the House any Petition, other than those presented through a Member. I, therefore, wish to convey to the House that my office is in receipt of a Petition signed by one, Mr. Kipkorir arap Menjo, a director at the Kenya Farmers Association (KFA), on behalf of representatives of maize growers in Uasin Gishu County.

Hon. Members, the Petitioners allege that the National Cereals and Produce Board (NCPB) inordinately delayed distribution of Government subsidised fertiliser to farmers for the planting season that commenced in February 2016. The Petitioners further allege that the subsidised fertiliser which was later distributed was substandard and adulterated; thereby causing seedling failure that has subjected farmers to heavy losses. He avers that the representatives of maize growers in Uasin Gishu County have raised the matter with NCPB to no avail.

The Petitioners pray that the National Assembly:-

- (i) Investigates the alleged adulteration of fertiliser and recommends appropriate action against the management of NCPB if found culpable.
- (ii) Recommends an assessment of losses incurred by the farmers as a result of seedling failure and recommends commensurate compensation to the affected farmers.
- (iii) Recommends that the Government puts in place a seamless and watertight mechanism for timely distribution of the subsidised fertilisers to farmers across the country.
- (iv) Amends laws to provide stiffer penalties to culprits propagating the menace.
- (v) makes any other order or direction that it deems fit in the circumstances of the case.

Hon. Members, pursuant to the provisions of Standing Order No. 227, the Petition stands committed to the Departmental Committee on Agriculture, Livestock and Co-operatives for consideration, as stipulated. Are there Members who want to comment?

**Hon. Members:** Yes.

**Hon. Speaker:** No Member will comment for more than two minutes. Hon. Chrisantus Wamalwa.

**Hon. Wakhungu:** Thank you, Hon. Speaker. I want to thank Mr. arap Menjo for that Petition. When you go to Trans Nzoia, it is, indeed, a disaster. It is unfortunate that the subsidised fertiliser which was given to the farmers this year could not meet the standards. The crops are stunted. They are already flowering at knee height. I had brought a Bill on the Floor of the House to establish a fertiliser board which was assented to by His Excellency the President. The Executive must move with speed and implement the fertiliser board. Its core business will be to deal with matters of fertilisers. The core business of the National Cereals and Produce Board (NCPB) has nothing to do with fertiliser.

We have had a lot of scandals in the procurement of fertiliser. We have unscrupulous business people who want to make money. So, we call upon the Departmental Committee on Agriculture, Livestock and Co-operatives to investigate this matter, so that stern action can be

taken against those people who have taken advantage of their networks to take the subsidised fertiliser, and to cheat farmers. It is not only a loss to the farmers, but also an issue to do with the food security in this country. As we look at Galana Kulalu Project, that subsidised fertiliser will help the farmers, particularly in North Rift, where God has given us arable land. We have good rains. We do not need irrigation. The Government should invest more and provide subsidised fertiliser. The farmers from that region rely on farming to pay fees for their children. It is very unfortunate that poor quality fertiliser is being provided to the farmers. Stern action must be taken against those unscrupulous business people.

I thank you, Hon. Speaker.

**Hon. Speaker:** Member for Chuka/ Igambang'ombe.

**Hon. Njuki:** Thank you, Hon. Speaker, for giving me the opportunity to comment on this Petition. Agriculture in this country is the backbone of most farmers. Unfortunately, most farmers normally till very small pieces of land which are not arable. Therefore, rejuvenating the soil using fertilisers or manure is what we depend on to have any productive activity in agriculture. Unfortunately, subsidised fertiliser does not mean cheap or low quality. This is coming in the light of what happened in the NCPB recently, where all board members were sent home because of scandals which were there. This has nothing to do with the suspension of those board members. If there is corruption that has crept into that sector, then we expect it eat its way all the way to the farm, where the poor farmer is trying to eke a living out of simple agriculture.

I support the Petition and ask the Committee to not only look at the possibility of having imported very cheap fertiliser, but also the issue of having diluted the quality right here in Kenya in the NCPB board stores. That is a possibility.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Makueni.

**Hon. Maanzo:** Thank you, Hon. Speaker. I am a member of the Departmental Committee on Agriculture, Livestock and Co-operatives. This matter of subsidised and poor quality fertiliser has been brought to us before in the last two years. We dealt with it and it has recurred. Although agriculture is devolved under the Constitution 2010, the NCPB continues to deal with fertiliser, through a clause on food security. It is a national issue which should be done by the national Government. There is a new law. Although quality is dealt with by a totally different body, the Kenya Bureau of Standards (KBS), it will be very important for all the bodies concerned to work together, so that farms are not poisoned by poor quality fertiliser. According to the report we had at that time, the fertiliser could not dissolve at all. It remained lumpy on top of the soil and then it poisoned it. As a committee, I am sure we will do our level best, but it is good for the Government to relook at the matter so that all the concerned organs can do their job properly.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Igembe North.

**Hon. M'uthari:** Thank you, Hon. Speaker. I rise to support the Petition. We know the importance of fertiliser in agriculture. The fertiliser is adulterated every year. That is a serious matter that requires to be followed up. It is important to follow the allegations to be sure whether it is true or it is a matter of politicking with serious activity and commodity of significance like fertiliser.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Kanduyi.

**Hon. Wamunyinyi:** Thank you very much, Hon. Speaker. I wish to stress one important point. The process of having food security starts with farming. What the farmers are doing and the support we give them to produce maize and other cereals is a result of good farming practice. They should have good fertilisers which have adequate and necessary nutrients. If this is not done, it will take us to a situation where our people in this country will do without food. This Petition comes at a time when my constituency in Bungoma has also suffered. Many farmers got fertiliser which could not dissolve. Apart from being bad fertiliser, it came in late. So, the Government should take steps to ensure that the activities and functions which are so important are taken seriously.

I wish to agree with Members that when looking at this Petition, the Committee should be broad, open and look at related issues which affect food security in our country. NCPB deals with the function of supplying fertiliser as a national function. It is important that we implement the Fertiliser Act which was sponsored by Hon. Chrisantus Wamalwa, so that we can produce our fertiliser, and deal with these issues to ensure that there is enough food.

I thank you, Hon. Speaker.

**Hon. Speaker:** Member for Marakwet East.

**Hon. Bowen:** Thank you, Hon. Speaker, for giving me this chance to add my voice to this Petition. I want to appreciate the Petitioner, Mr. Menjo. When our agriculture is threatened, food security is also threatened in the country. It is good that the Government puts these measures in place, so that fertiliser is always available in the NCPB during the planting season. When farmers go to the NCPB, they do not get fertiliser. There is a cartel in NCPB which get the fertiliser cheaply and then they sell it at a higher price. I want to ask the Committee which will scrutinise this Petition to look at it very critically, so that our farmers cannot be conned. They should benefit from subsidised fertiliser.

I support the Petitioner.

**Hon. Speaker:** Member for Kaiti.

**Hon. Makenga:** Thank you, Hon. Speaker. I rise to support this Petition. I want to urge the Departmental Committee on Agriculture, Livestock and Co-operatives to look into this matter because it is very serious. NCPB is entrusted to supply fertilisers to farmers. It is supplying fertiliser which is of poor quality.

Hon. Speaker, the Kenya Bureau of Standards (KEBS) should not have allowed sub-standard fertilizer into the country. So, they should also be held responsible. This is a very serious matter because farmers have lost money and they are not going to get enough harvest from their farms.

I urge the Departmental Committee on Agriculture, Livestock and Co-operatives to look into this matter very seriously and take action.

Thank you, Hon. Speaker.

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

**Hon. A.B. Duale:** Thank you, Hon. Speaker. As I support this Petition, I am not a very serious farmer. I rear camels and I have about 10 to 20 acres along the Tana River where I farm.

The Jubilee Government has done well on the issue of fertilizer. For the first time, we have a factory being built in Eldoret and the prices of fertilizer have been subsidised. But the Departmental Committee on Agriculture, Livestock and Co-operatives must come to this House and tell us how one company got a five year contract to supply fertilizers. That is the gist of the

matter. When you give me a five or 10 year contract, I can play around with the standards. This should have been an annual tender. If Members of the Departmental Committee on Agriculture, Livestock and Co-operatives are seated here, with their Chair, they are under an obligation to look at how one company based in Mombasa was given a contract to supply fertilizers for five years as if it is a Member of Parliament. The only people under the Constitution who have tenure of five years are Members of Parliament. Our job is for five years. So, that is where the issue is and that is why the Committee has been going to Mombasa. They go there and take pictures, pick the story but it disappears and does not reach the Floor of this House.

There were issues a number of times. As this Committee investigates--- The Committee should not get agitated. I am only saying that farmers complained about sub-standard fertilizer in 2013, 2014 and 2015. Now that a Kenyan, a very senior farmer and a representative of farmers has brought a Petition, the Committee must investigate how one company – and I do not know the name because I was given that information by a Member of a Committee - got a five year contract to supply fertilizers. That in itself is irregular. We cannot play around with the lives of Kenyans who depend on farming to pay their school fees, healthcare and shelter.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Petition stands committed to the Departmental Committee on Agriculture, Livestock and Co-operatives.

#### PAPERS LAID

**Hon. Speaker:** Before the Leader of the Majority Party tables the Papers, let me recognise the presence in both the Speaker's Gallery and in the Public Gallery, of students and pupils from the following institutions:-

St. Bakhita High School, Mbeere North Constituency, Embu County; AIC Moi Kapkuto High School, Nandi County; White Star Academy, Lang'ata Constituency, Nairobi County; Katwala Mixed Secondary School, Kitui County, Kitui Rural Constituency and St. Andrew High School, Maara Constituency, Tharaka Nithi County.

They are all welcome to watch the proceedings in the National Assembly.

*(Applause)*

Proceed, hon. Duale.

**Hon. A.B. Duale:** Hon. Speaker, from the outset, I want to table the court order and court pleadings on the matter of Hon. Wandayi as far as Standing Order No.111 of the National Assembly is concerned. The matter is between Hon. James Opiyo Wandayi, Kenya National Assembly, the Speaker of the National Assembly and the Attorney-General of the Republic of Kenya.

Hon. Speaker, I beg to lay the following Papers on the Table of the House today Wednesday 6<sup>th</sup> July 2016:-

The National Treasury Quarterly Economic and Budgetary Review for the third quarter of the Financial Year 2015/2016 for the period ending 31<sup>st</sup> March 2016. This is pursuant to Section 83 of the Public Finance Management Act, 2012

Final Report of the Judges and Magistrates Vetting Board on the vetting of judges and magistrates in Kenya

Reports of the Auditor-General on the Financial Statements in respect to the following institutions for the year ended 30<sup>th</sup> June 2015, and the Certificates therein:-

Small Enterprise Finance Company Limited.

Consolidated Bank of Kenya.

Constituencies Development Fund, Lamu East Constituency.

Constituencies Development Fund, Malindi Constituency.

Constituencies Development Fund, Sabatia Constituency.

Constituencies Development Fund, Lagdera Constituency.

Constituencies Development Fund, Fafi Constituency.

I urge my colleagues to check the audit report for their constituencies. It is good to check what the Auditor-General is saying about your constituency, so that you can follow up with your Constituencies Development Fund (CDF) officials and the Board before it comes to the Public Accounts Committee for scrutiny.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson, Departmental Committee on Defence and Foreign Relations.

**Hon. Gethenji:** Hon. Speaker, I beg to lay the following Paper of the Table to the House today Wednesday 6<sup>th</sup> July 2016:-

Report of the Departmental Committee on Defence and Foreign Relations on the ratification of the agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning defence co-operation.

## NOTICE OF MOTION

### ADOPTION OF REPORT ON RATIFICATION OF AGREEMENT BETWEEN KENYA, UK AND NORTHERN IRELAND CONCERNING DEFENCE CO-OPERATION

**Hon. Gethenji:** Hon. Speaker, I beg to give notice to the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the ratification of the agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning defence co-operation, laid on the Table of the House on Wednesday, 6<sup>th</sup> July 2016 and, pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the agreement between the Government of the Republic of Kenya and the Government of the United Kingdom, Great Britain and Northern Ireland concerning defence co-operation.

## STATEMENTS

### BUSINESS BEFORE THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

**Hon. Speaker:** Hon. Johnson Sakaja.

**Hon. Sakaja:** Thank you, Hon. Speaker. Before I give a Statement on pending business before the Committee on National Cohesion and Equal Opportunity, allow me to take this opportunity to wish our Muslim brothers and sisters *Eid Mubarak*. May Allah accept your fast and answer your *duas*.

Hon. Speaker, this is the pending business before the Joint Committee on National Cohesion and Equal Opportunity as at 6<sup>th</sup> July, 2016.

Hon. Speaker there is a Penal Code Amendment Bill 2015 that has been published, and which has been sponsored by this Committee. The First Reading was done on 4<sup>th</sup> May, 2016 and has been committed to the relevant Committee - which is the Justice and Legal Affairs Committee. The Committee will place an advert for public hearings and submissions of memorandum next week.

There are no petitions currently before this Committee.

There are two foreign visit reports. One is the Report on the Committee's visit to Northern Ireland in the United Kingdom. Second is the Report on the Committee's visit to Australia and Newzealand. Those Reports have been adopted by the Committee and are waiting tabling forthwith any time from now. Other reports include the Report on Inter-community Cohesion Forums in the Counties of Turkana, Baringo, West Pokot and Samburu County. There is also a Report on the retreat by the Committee together with stakeholders on the review of the National Cohesion and Integration Act. Those Reports have been adopted and are ready for tabling. However, one of the challenges that joint committees face is that, such reports must be tabled concurrently in both Houses of Parliament - that is the National Assembly and the Senate.

There is no Motion pending before the Committee. Legislative proposals initiated by the Committee in addition to the Penal Code (Amendment) Bill are awaiting Second Reading in this House. There was a proposal on the Equality Bill that is under stakeholders review as well as a thorough review of the Disability Bill that is also under the stakeholder review process. There is also a proposal to amend the National Cohesion and Integration Act by NCIC. The Committee has gone through a consultative workshops and meetings with the National Cohesion and Integration Commission (NCIC), Director of Criminal Investigation (DCI) and the Ministry of Interior and Coordination of National Government. So, this Bill is still pending as a legislative proposal.

Other businesses before the Committee include:-

The Committee held a stakeholders workshop on the Equalisation Fund with the National Treasury, the Office of the Attorney-General, the NCIC, the Commission on Revenue Allocation (CRA), Controller of Budget and the State Department of Planning and Statistics. The resolutions of that workshop are part of what has been considered by the Budget and Appropriations Committee while disbursing the Equalisation Fund this year in terms of projects.

Secondly, the Committee is currently engaged in interrogations and consultations on how best to deal with the matter of hate speech and incitements as recently exhibited across the country, with a view to finding a permanent solution. The Committee is set to hold meetings with the DCI and the Director of Public Prosecutions (DPP). We will soon be inviting Members of Parliament, governors, political leadership of the political parties in this country, the DCI and all the other relevant stakeholders, including the inter-religious council, National Council of Churches in Kenya (NCKK), Supreme Council of Kenyan Muslims (SUPKEM) and civil society organizations (CSOs) to a conference in the month of August as we look at certain irreducible minimums towards the next election with respect to cohesion and hate speech.

Thank you, Hon. Speaker.

**Hon. Speaker:** Chair of Budget and Appropriations Committee.

BUSINESS BEFORE THE BUDGET AND APPROPRIATIONS COMMITTEE

**Hon. Musyimi:** Much obliged Hon. Speaker. Hon. Speaker, as you may be aware, the Budget and Appropriations Committee was reconstituted beginning of May 2016. As a matter of urgency, we held a retreat to discuss the strategy going forward because there was a lot of business that was pending. I am happy to report that the following legislative proposals have been dispensed with:-

Occupational Therapist Bill by Hon. Sang, Constitution of Kenya (Amendment) Bill 2015 by Hon. Savula; Crops (Amendment) Bill, 2015 by Hon. Irungu Kang'ata; the Anti- Corruption and Economic Crimes (Amendment) Bill 2015 by Hon. Namwamba; the Banking (Amendment) Bill 2015 by Hon. Midiwo; the Clinical Officers Training, Registration and Licensing Bill 2015 by Hon. Sang; Constitution of Kenya (Amendment) Bill by Hon. Namwamba; Elections (Amendment) Bill 2014 by Hon. Irungu Kang'ata; The Elevators Safety Authority Bill 2015 by Hon. Benjamin Washiali; Institute of Directors Bill 2015 by Hon. Ouma; Kenya School of Law (Amendment) Bill by Hon. Irungu Kang'ata; Motor Vehicle and Motorcycle Tracking Device 2015 by Hon. Shariff; National Police (Amendment) Bill 2014 by Hon. Kaluma, Refugees Bill 2016 by Hon. Agostinho Neto and Tobacco Control (Amendment) Bill 2015 by Hon. Rotino.

We have draft Motions that we have dispensed with. There is a Motion by Hon. Kaluma that the Government sets up, at least, one referral hospital in each of the 47 counties. That is dispensed with. The integration of village elders into NIS and compensating them with some emolument by Hon. Andrew Mwadime of Mwatate. Motion on Training and Arming of Police Reservists by Hon. Wario is also dispensed with. Motion on Exemption of Value Added Tax (VAT) from Farm Inputs by Kigo Njenga is also dispensed with and the Motion on Decentralization of Issuance of Marriage Certificate by Hon. Andrew Mwadime.

Hon. Speaker, apart from these legislative proposals and Motions, there are also Statutory Reports that my Committee has brought before this House in accordance with the Constitution and the Public Finance Management (PFM) Act, 2012. We have acted upon it as a Committee and as a House. The Budget and Appropriations Committee Report on Message from the Senate on County Allocation of Revenue Bill of 2016, was tabled and acted upon. Budget and Appropriations Committee Report on Approval of the Second Generation Formula was also tabled and acted upon. Budget Committee Report on Estimates of Revenue and Expenditure for the year 2016/2017 and the Medium Term was also tabled and acted upon. Review of the Annual Appropriation Bill 2016 was tabled and acted upon and, of course, the Budget Committee Report on the Supplementary Estimates (II) for 2015/2016 and, finally, the review of the Supplementary (II) Appropriation Bill 2015. We have one Report pending, that is the Controller of Budget Report on National Government Budget Implementation Review Report, Third Quarter for 2015/2016, which was tabled about three weeks ago and we shall be acting on it shortly.

With respect to the pending Bills, it is a long list of 30. I will just read it out, if I may. There is the Constitution of Kenya (Amendment) Bill, 2016 by Hon. Alice Wahome which is pending. The Housing (Amendment) Bill, 2016 by Hon. Namwamba; Kenya Trade Remedies Bill, 2016 by Hon. David Ochieng. They are pending. There is the Persons with Disabilities Amendment Bill 2016 by Hon. Isaac Mwaura; Presidential Archives and Records Bill, 2016 by Hon. Musimba;



Registration of Professional Foresters Bill, 2015 by Hon. Njogu Barua; Basic Education (Amendment) Bill 2015 by Hon. Winnie Njuguna; Basic Education (Amendment) Bill 2015 by Hon. Seneta; Basic Education (Amendment) Bill 2015 by Hon. Jemutai; Central Bank (Amendment) Bill 2015 by Hon. Waluke John; Constitution of Kenya (Amendment) Bill 2015 by Hon. Joe Mutambu; Employment Skills Development Bill 2016 by Hon. Agostinho Neto; Equalisation Fund Bill 2015 by Hon. David Pkosing; Industrial Training (Amendment) Bill 2015 by Hon. Jude Njomo; Kenya National Examination Council (Amendment) Bill by Hon. Agoi Masadia; National Authority for the Campaign Against Alcohol and Drug Abuse (Amendment) Bill 2015 by Hon. Waititu; National Coroners Service Bill 2016 by Hon. Okoth; Orthotists and Prosthetists Bill 2016 by Hon. Leonard Sang; Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities (Amendment) Bill 2016 by Hon. Wanyonyi; Proposed Basic Education (Amendment) Bill, by Hon. Rose Mitaru

The proposed Social Health Insurance Fund Bill, 2016 by Hon. Ababu Namwamba; the Quantity Surveyors Bill, 2015 by Hon. Lati Lelelit; Traditional Courts Bill by Hon. S.S. Ahmed; Traffic (Amendment) Bill, 2015 by Hon. Shariff; National Coroners Service Bill by Hon. Okoth; The Cancer Prevention and Control Bill, 2016 by Hon. Gladys Wanga; Basic Education (Amendment) Bill, 2016 by Hon. Mitaru; Scrutiny of the Revision of the Laws (Amendment) Bill, 2016 by Hon. Joyce Lay; National Authority for the Campaign Against Drug Abuse (Amendment) Bill, 2016 by Hon. Waititu; Law of Succession (Amendment) Bill, 2016 by Hon. Kigo and Breastfeeding Working Mothers Bill, 2016 by Hon. Sabina Chege.

Those 30 Bills are pending and they will be receiving priority attention as soon as possible. With respect to pending Motions, as I conclude, we have the Motion that the Government increases the number of selected hospitals receiving medical equipment from 2 per county to at least 4 per county in the Financial Year 2015/2016 by Hon. Joseph Gitari. There is a Motion that the Government subsidizes power supply for community water projects by Hon. Jacob Macharia. A Motion that the national and county governments invest in high-speed railway public transport system, by Hon. Muthomi Njuki. A Motion with respect to decentralization of Government offices, by Hon. Jared Opiyo and a Motion on power supply to community water projects by Hon. Ali Wario.

My Committee has embarked on dispensing with all these Bills and Motions. Obviously, priority was given to matters to do with the Budget given the deadlines that we were working with. I am glad to say that, that is now behind us. As soon as we get started, we will seek to dispense with this legislative proposal submission.

I would like to request hon. Members that when the time comes for us to call them to appear before the Committee, they be available so that we can have the benefit of their input.

Thank you.

**Hon. Speaker:** I hope Members were listening to the Report by the Chairman of the Budget and Appropriations Committee because several of you have Motions and other legislative proposals which, from time to time, because of your ignorance, you come to me to find out where they are without knowing that administratively, I do not deal with that particular aspect. You should go to the Office of the Clerk because the Clerk will tell you that such a matter is pending before a certain Committee or department. We have to struggle to call the Clerk to find out where those businesses are. For that reason, I thought Members should have paid attention to the Report by the Chairman of the Budget and Appropriations Committee. I can see the Member for Marakwet East. Hon. Kangogo rising. Do you want to make a comment?

**Hon. Bowen:** Thank you, Hon. Speaker. I want to appreciate the Chairpersons of the two committees for the briefs and appraisals that they have given us concerning the status of the business pending before their committees. As I appreciate the chairpersons, I have a problem with the House Business Committee (HBC). Many of us have taken Bills before our committees. They have been taken through all the legislative steps but when it comes to prioritising those Bills by HBC, it becomes a problem. Those sitting in the HBC prioritise their Bills and Motions. I did the Kenya *Uwezo* Fund Bill, 2014. It was approved, published last year and the First Reading was done this year in March. After that, I do not know where it went. We have been waiting for the Bill to be brought before this House. It was read---

**Hon. Speaker:** Very well. We have heard you but you must also appreciate that business has to be prioritised. The better part of this year, we prioritised business which had constitutional deadlines for purposes of passage by this House and onward transmission to the other House. Private Member's business takes the last priority. So, just relax. It will come one of these days, if you are lucky. If you think it is taking too long, feel free to raise the matter by way of a letter so that the members of HBC can also appreciate that the Member for Marakwet East would want to see something about *Uwezo* Fund or some other fund.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, Hon. Speaker.

**Hon. Speaker:** There is no debate on this and there is nothing out of order.

*(Hon. Angwenyi approached the Speaker)*

Hon. Members, it becomes very difficult for me to follow debate. If you want me to do administrative work from the Chair here, it is so difficult. Hon. Jude Njomo.

**Hon. Njomo:** Thank you, Hon. Speaker. As you are aware, I introduced the Banking (Amendment) Bill, 2015 at the end of last year. I thank the HBC for prioritising my Bill for the First and Second Reading and even agreed to extend debating time in the House on the Bill. The Bill is now due for the Committee of the whole House and the Third Reading. While the HBC has severally intended to prioritise the Bill for the last stage, I am aware the representation of Departmental Committee on Finance, Planning and Trade in the HBC has objected to the Bill being put for Third Reading as they are not ready with their Report. As a matter of fact, I know the Committee has scheduled to hear from the banking industry players, the regulators, the consumers and other stakeholders on the Bill, but it has taken inordinately long time. The Standing Orders give the Committee 20 days but they have now taken over four months and yet, they have not tabled a report in the House.

While public participation on a legislative process is a constitutional requirement, it is unfair that participating seems to be used to curtail noble legislative agenda. I now seek your intervention as we go for the short recess, to ask the Committee to conclude the process and table their report upon resumption from the short recess, preferably before the tabling of the Finance Bill.

To conclude, I would also like to take this opportunity to wish our Muslim brothers and sisters *Eid Mubarak*.

Thank you.

**Hon. Speaker:** Fortunately, the Vice-Chairperson of the Departmental Committee on Finance, Planning and Trade had already approached the Chair with a request to make some appraisal. Nelson Gaichuhie.

**Hon. Gaichuhie:** Thank you, Hon. Speaker. To respond to Njomo's request, we discussed his amendment Bill. We have done the First and the Second Reading and we are about to go to the Committee Stage. Due to exigency of duties, we have not been able to conclude. I want to assure him that we are on the final stage and we will be requesting the HBC to prioritise the same Bill for the Committee Stage when we come back from recess. We think we still have to do an amendment on his Bill, but that will also depend on the HBC if they will prioritise it as soon as we are through. My other request is that you give the Committee time to consider the challenges facing the banking sector. I want to request for extension of time.

On 12<sup>th</sup> April, 2016, the Leader of the Majority Party stood on a point of order and requested you and the House to ask the Departmental Committee on Finance, Planning and Trade to investigate the challenges affecting the banking sector in Kenya that has seen three commercial banks put under receivership within a year. Several Members ventilated on the matter. At the conclusion of the debate, you directed that the Departmental Committee on Finance, Planning and Trade investigates the matter and reports to the House within 35 days, after the Members insisted that the issue of commercial banks going under was of great concern and needed serious attention, especially on the status of the customers' deposits. The Departmental Committee began its investigations under the following terms of references:-

- (1) Investigate the root-causes of the collapse of Chase Bank, Imperial Bank and Dubai Bank;
- (2) Investigate whether the external auditors of Imperial Bank, Chase Bank and Dubai Bank did their work diligently while auditing these institutions;
- (3) Investigate whether the commercial banks regulators - that is the Central Bank of Kenya (CBK) and the Capital Markets Authority (CMA) did their job diligently;
- (4) Check on the corporate governance regime and its applicability in the banking sector.
- (5) Check on the interventions that were required to avoid the collapse of commercial banks.

The Committee has since met the following bodies:-

- (1) The Governor of CBK;
- (2) The Director of Bank Supervision Department of the CBK;
- (3) The Acting Chief Executive Officer (CEO) of the Kenya Depositors Insurance Corporation(KDIC);
- (4) The CEO of the CMA;
- (5) External auditors of Dubai Bank;
- (6) External auditors of Imperial Bank;
- (7) External auditors of Chase Bank;
- (8) The Institute of Certified Public Accountants of Kenya;
- (9) The management of the board of Imperial Bank and Chase Bank; and
- (10) The Kenya Bankers' Association.

The Committee is yet to meet the board of directors of Dubai Bank and the former Governor of CBK, Professor Njuguna. As you are aware, the Committee's programme of considering the matter was affected and, therefore, suspended during the months of May and June, 2016 due to the following reasons:-

We were supposed to consider the Budget estimates which were tabled on 30<sup>th</sup> April, 2016 and were committed to the relevant Departmental Committees for consideration. Based on

the strict statutory timelines required of Parliament to consider those estimates, the Departmental Committee on Finance, Planning and Trade was called upon to consider estimates of the following ministries, departments and agencies (MDAs):-

- (a) The National Treasury;
- (b) The Ministry of Devolution and Planning;
- (c) The Ministry of Tourism;
- (d) The Ministry of Industrialization and Enterprise Development;
- (e) The Controller of Budget;
- (f) The Commission on Revenue Allocation (CRA); and
- (g) The Salaries and Remuneration Commission (SRC).

We were also tasked with vetting nominees to the Privatisation Commission and the Competition Authority. Following the submission of the nominees for their appointment as members of Privatisation Commission and Competition Authority of Kenya and your Communication on the same on 14<sup>th</sup> June, 2016, the Committee vetted the nominees as per the strict timelines under the Public Appointments (Parliamentary Approval) Act, 2011 and tabled its two reports on 28<sup>th</sup> June, 2016. The two reports have been debated and adopted by this House.

To enable us conclude this exercise, the Committee wishes to seek for an extension of 50 days from today so that we can engage the remaining bodies and entities and, therefore, compile its report. The entities of concern include but not limited to:-

- (1) The current Governor of CBK to provide an update of the forensic audit that was being done on the troubled banks;
- (2) The former Governor of CBK to provide insight on whether the findings of the previous banking supervision reports had a bearing on the collapse of the three banks;
- (3) The CMA and its exact role in bonds issues approval process since before the collapse of Imperial Bank, the Bank had already issued a bond of Kshs2 billion;
- (4) The KDIC for update on the receivership status of the three banks; and also and not limited to any other entity we may require to look at.

Finally, I want to take this opportunity to wish my Muslim brothers, a happy *Idd-Ul-Fitr*.

**Hon. Speaker:** Hon. Members, you are not in a high school to raise your hands. The Member has explained why they have not completed their work. He has explained the number of people and organizations that they have had an occasion to deal with. It is just a matter of seeking an extension. In order to indulge the House, it should be automatic that we allow them that extension. Did you talk about 50 days, Hon. Gaichuhie?

**Hon. Gaichuhie:** Yes, Hon. Speaker. The reason is that we have talked to the CBK Governor and they have not been able to conclude the forensic audit that they ordered for the three banks. Before we table a report, we would like to know the outcome of that forensic audit.

**Hon. Speaker:** Would you like to know the results of the forensic audit?

**Hon. Gaichuhie:** Yes, the forensic audit. We also want the receiver managers of the three banks to tell us their status because the public out there is asking when the banks will reopen or when they can access their deposits. We do not want to produce a half report.

**Hon. Speaker:** 50 days is a long time. I will give you 30 days. You will then table a report. If it is not complete, the House will express itself on the inadequacies.

**Hon. Gaichuhie:** Sorry, Hon. Speaker. The mistake we did is that we wrote as from today. However, we also considered that we had already used up 25 of the 50 days. An extension of 50 days will only give us a remainder of 25 days from today.

**Hon. Speaker:** No! I will give you 30 days.

**Hon. Gaichuhie:** Thank you very much, Hon. Speaker.

**Hon. Speaker:** Hon. Sakuda, let us have a report from the Mediation Committee.

**Hon. ole Sakuda:** Thank you very much, Hon. Speaker. I rise on behalf of the Mediation Committee because of the two land Bills that were forwarded to it. I want to bring to the attention of the Hon. Members that on Wednesday next week, from 9 a.m. to 1 p.m., the Mediation Committee will conduct public participation as far as the two Bills are concerned. It is good for the Members to know that when the two Bills went to the Senate, they were all rejected. Therefore, we are taking time to look at why they were rejected. We just want to inform the Members that the process has begun. We want them to spare time and come for the proceedings. They will be at County Hall on Wednesday. If they have any issues with the two Bills, this is the last chance that Hon. Members will have to express what they would want to be amended.

It is good for me to remind the Members that those two are constitutional Bills that have constitutional deadlines. If we do not do anything on those Bills by 27<sup>th</sup> August, 2016, we will stand accused of not legislating. As a point of information, please be informed that, that is the only day that you will have when the Mediation Committee sits.

Finally, I want to wish my Muslim brothers and sisters *Eid Mubarak*, especially those in Kajiado County, Kajiado West Constituency and the entire country.

**Hon. Speaker:** Hon. Members, the report that has been given by the Vice-Chair of the Departmental Committee on Lands is important. Article 261 of the Constitution allows Parliament to extend the deadline within which to enact certain legislations as required in the Constitution and is contained expressly in the Fifth Schedule.

Remember, the provisions of Article 112 and 113 regarding the period for mediation is 30 days. It is not a period like the one Hon. Gaichuhie is seeking extension over. This one is constitutional. Whenever a matter is referred to mediation, it takes 30 days. The point being made by Hon. ole Sakuda is important, so that Members desiring to present further views to the Mediation Committee on those two land related Bills appear and make those suggestions. The Mediation Committee is required to come up with a version of a Bill that is agreeable to them. If either House rejects that version, it is the end of the road for the Bills.

It is important that what Hon. Sakuda is saying be considered.

## COMMUNICATION FROM THE CHAIR

### REFERAL OF COURT ORDER TO COMMITTEE ON PRIVILEGES

Hon. Members, I indicated that I will give this Communication after transacting most of the other businesses.

Yesterday, as you will recall, the Leader of Majority Party, Hon. Aden Duale sought directions from the Speaker on matters arising out of media reports of a court order reversing a matter of proceedings of the House. The court order stayed the decision of this House to suspend Hon. James Opiyo Wandayi for the remainder of the Session of the House in terms of Standing Order No. 111, pending the hearing and determination of the judicial review application filed by the honourable Member.

In light of the court order, the Leader of Majority Party sought clarification on some fundamental issues. For the avoidance of doubt, I want to confirm to the House that I have since

received the said court order. Indeed, the Leader of the Majority Party this afternoon tabled the court order and the pleadings. The issues he sought clarification on were:-

- (i) What is the fate of the Standing Orders and in particular the disciplinary procedure set out in Standing Orders Nos. 107 to 112 of the National Assembly Standing Orders that are made pursuant to Articles 75(2)(a) and 124(1) of the Constitution?
- (ii) What is the fate of the power of the House to make Standing Orders and how far can the House provide for the orderly conduct of its proceedings and what is envisaged by the use of the words “orderly conduct”?
- (iii) What is the fate of the privileges conferred on this House by virtue of Article 117(2) of the Constitution and the National Assembly (Powers and Privileges) Cap. 6?

Some Members including Hon. Olago Aluoch, Hon. T.J. Kajwang’ and Hon. Kimani Ichung’wah also debated on the issue and requested the Speaker to make a ruling on the same. Prior to the debate in the House, my office received correspondence from Hon. Peter Kaluma and Hon. Jakoyo Midiwo requesting the Speaker to pronounce himself on the matters relating to Standing Order No. 111.

Indeed, the question as to what is the import of the court order is one of great moment for this House. It raises fundamental issues touching on the principle of separation of powers as contemplated in our Constitution. As you are all aware, our Standing Orders are made pursuant to Article 124 of the Constitution. They are to govern the manner in which we conduct ourselves and our business as a House and in the committees.

Therefore, can the court pronounce itself on the internal rules and procedures of the National Assembly without encroaching into the powers of Parliament to conduct its business? This is a weighty question which the court order issued by the High Court reversing the decision of this House now presents. Simply put, what is the Speaker required to do in light of the court order staying the decision of this House?

Hon. Members, as you are all aware, Article 107 of the Constitution provides that the role of the Speaker is to preside over or chair the proceedings of the House. The role of the Speaker is however not limited to presiding over the proceedings of the House but one which extends to ensuring that the House functions effectively and freely. Allow me to refer to *The Canadian Parliamentary Review*, “The Speakership: A New Zealand Perspective” which perhaps best illustrates the role of the Speaker. I quote:-

“That crucial separation of powers so fiercely fought over hundreds of years, remain today and establish, to my mind, the breadth and depth of the Speaker’s role. The role is not just chairing or presiding over the House. It is, in full context about ensuring the House of Representatives is free and able to function effectively both as a Legislature and in the vital role of holding the Crown or Executive to account. This view of the Speaker’s role guides my interpretation of Standing Orders and also my role as “Minister” responsible for the Parliamentary Service.”

The decision of the House, which the court order has now stayed, is one that was made by the Speaker in exercise of powers which have been bestowed on him by the Constitution and the Standing Orders. Indeed, the Speaker does not take part in any debate and does not vote on the decisions of the House.

Hon. Members, permit me now to refer to the words of Speaker Lenthall uttered in 1642 in the British House of Commons when King Charles went into the House in that year and

demanded to know the whereabouts of a certain Member of Parliament who had opposed his proposal to raise taxes. In response, the Speaker Lenthall told the King, and I quote:-

“May it please your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here...”

In light of the foregoing and since the court order seeks to stay the decision made by this House, the Speaker’s hands are therefore tied. His eyes cannot see and his tongue cannot speak. He is subject to the direction of this House.

Consequently, the Speaker has no option but to refer the matters raised by the Leader of the Majority Party and other Members back to this House for determination. However, as you are aware, the court order relates to the issue of disciplinary proceedings raised by the House of Parliament against its Member. That is a question of the privilege of the House in terms of Article 117(2) of the Constitution.

With this in mind, I direct that the matters raised, including the issues canvassed by the letters by Hon. Peter Kaluma and Hon. Jakoyo Midiwo, be taken up by the Committee on Privileges. That is the body mandated under the National Assembly and the Powers and Privileges Act, to consider and advise the House on matters of privilege. They should do so by Tuesday 19<sup>th</sup> July 2016. The Committee is also at liberty to relook at the events of 31<sup>st</sup> March 2016 for purposes of Article 75 of the Constitution and make such recommendations as may be appropriate, taking into account the rights of the Member. The Committee shall advise the House on the way forward as regards the court order and the issues raised by the Members, namely, Hon. Peter Kaluma and Hon. Jakoyo Midiwo as well as the court order.

I further direct that, in the meantime, pending the conclusion of the matter by the Committee on Privileges, the Member, Hon. James Opiyo Wandayi, is deemed a stranger and shall not be allowed within the precincts of Parliament except for purposes of attending the summons of the Powers and Privileges Committee as and when required by the Committee. The House and officers of the House are accordingly advised.

I thank you.

*(Applause)*

Next Order!

## MOTIONS

### RECONSTITUTION OF COMMITTEE ON APPOINTMENTS

**Hon. Speaker:** Hon. Katoo, I am told you are the one moving this Motion.

**Hon. Katoo:** Hon. Speaker, on behalf of the Committee on Appointments, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order No.204, this House approves the appointment of the following Members to the Committee on Appointments:-

1. Hon. Katoo ole Metito, MP.
2. Hon. Amina Abdalla, MP.
3. Hon. Jackson Kiptanui, MP.

4. Hon. Jamleck Kamau, MP.
5. Hon. Isaack Ali Shabaan, MP.
6. Hon. Gideon Konchellah, MP.
7. Hon. (Ms.) Cecily Mbarire, MP.
8. Hon. Moses Cheboi, MP.
9. Hon. Nelson Gaichuhie, MP.
10. Hon. Esther Murugi, MP.
11. Hon. Abass Ahmed Ibrahim, MP.
12. Hon. Boniface Gatobu, MP.
13. Hon. David Wafula, MP.
14. Hon. Ibrahim Abdi Sane, MP.
15. Hon. (Ms.) Roselinda Soipan, MP.
16. Hon. (Ms.) Aisha Jumwa, MP.
17. Hon. Chrisantus Wamalwa, MP.
18. Hon. (Ms.) Millie Odhiambo-Mabona, MP.
19. Hon. (Maj.) (Rtd) Marcus Muluvi, MP.
20. Hon. (Ms.) Alice Chae, MP.
21. Hon. Thomas Mwadeghu, MP.
22. Hon. (Ms.) Fatuma Ibrahim Ali, MP.
23. Hon. Elijah Memusi, MP.

The Committee on Appointments is a Select Committee consisting of the Speaker as the Chairperson, the Deputy Speaker, the Leader of the Majority Party, the Leader of the Minority Party, the Deputy Leader of the Majority Party, the Deputy Leader of the Minority Party and not more than 22 other Members nominated by the House Business Committee. It is appointed in accordance with Standing Order No. 204(2) which provides that:-

“The Committee on Appointments shall be appointed within seven days on assembly of a new House and shall serve for a period of three years and that those appointed thereafter shall serve for the remainder of the term of the Assembly.”

It is for this reason that I present this list of the reconstitution of the Committee to serve the remainder of the term of this House. I beg to move. I request Hon. Thomas Mwadeghu to second.

**Hon. Speaker:** Hon. Mwadeghu.

**Hon. Mwadeghu:** Ahsante, Mhe. Spika. Naomba kuunga mkono Kamati hii ya Uteuzi vile ilivyosomwa na mwenzangu ili ikaanze kufanya kazi yake haraka iwezekanavyo.

Uteuzi wa Kamati hizi saa zingine unachangamoto zake. Ni ombi langu kwa Waheshimiwa wahakikishe wamebainisha ni akina nani wanaweza kuwa kwa Kamati hizi. Mara nyingi, inabidi uangalie vile utakavyosambaza wenzako katika Kamati mbalimbali. Kamati ya Ratiba za Bunge ilionelea haya majina yaletwe mbele ya Bunge hili ili Wabunge wafikirie na kuyaweka maanani, ili yaidhinishwe na uteuzi huu uweze kufanya kazi.

Kwa hayo machache, Mhe. Spika, naomba kuunga mkono uteuzi wa Kamati hii.

*(Question proposed)*

**Hon. Speaker:** I can see the Member for Rarieda wants to speak.



**Hon. (Eng.) Gumbo:** Thank you, Hon. Speaker, for giving me the opportunity to contribute to this Motion. I just have one point to highlight. The Committee on Appointments, as has been outlined by Hon. Katoo ole Metito, is chaired by none other than you. You realise that in the course of performing vetting for appointment, one of the things that we look out for is academic qualifications. I say this because it would be wrong for us, as a House, to demand and insist on standards which we do not uphold.

I am aware that there is a Bill before this House requiring Members of Parliament to have certain minimum academic qualifications. I am not pre-empting a decision on that requirement because I also know it is in the public domain that there are proposals to amend that requirement. Would we then not be contradicting our roles if we demand of others standards that we are not willing to uphold? This goes not just to the National Assembly or the institution of Parliament, but even to the county assemblies. On this, I am willing to stand alone. It is totally contradictory and unacceptable for a Member of a County Assembly (MCA) who does not even have Standard Seven education to insist on vetting someone who has a university degree and demand that, that person must have a university degree. Similarly, even here, as we demand of others to have certain academic qualifications, it would be wrong for us to demand of others to have those qualifications when we are shy to live by those qualifications.

Hon. Speaker, with those remarks, I wish to support.

**Hon. Speaker:** It looks like it is the view of the House that I put the Question.

**Hon. Members:** Yes.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, maybe Kenyans should express themselves on the point raised by the Member for Rarieda.

Next Order.

#### RECONSTITUTION OF THE COMMITTEE ON PRIVILEGES

**Hon. Katoo:** Thank you, Hon. Speaker. The Motion listed as Order Number 8 that we have just passed is about a Committee that only vets Cabinet Secretaries (CS). As it is now, there is no law that requires CSs to have university degrees. That is just for information.

Hon. Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Section 10 of Parliamentary Powers and Privileges Act, and Standing Order No. 175, this House approves the appointment of the following Members to Committee on Privileges:-

- (i) The Hon. Kimani Ichungwah, M.P.
- (ii) The Hon. Joyce Emanikor Akai, M.P.
- (iii) The Hon. Jamleck Kamau, M.P.
- (iv) The Hon. Peter Shehe, M.P.
- (v) The Hon. Barchelei Kipruto, M.P.
- (vi) The Hon. (Dr.) James Murgor, M.P.
- (vii) The Hon. Jakoyo Midiwo, M.P.
- (viii) The Hon. (Dr) Susan Musyoka, M.P.
- (ix) The Hon. Rashid Bedzimba, M.P.

(x) The Hon. Florence Mwikali Mutua, M.P

The Committee on Privileges is a sessional committee and there is need to reconstitute its membership annually. It is chaired by the Speaker of the National Assembly. It is good for us to reconstitute this Committee as a matter of urgency because in your communication just a few minutes ago, you have given them a task that they should do as quickly as possible. Therefore, I beg to move and urge members to pass this Motion so that this Committee can embark on that task that really threatens the independence of this House.

I beg Hon. Thomas Mwadeghu to second.

**Hon. Mwadeghu:** Mhe. Spika, ninaunga mkono Hoja hii. Tumemsikia Mhe. Gumbo vile alivyotoa maoni yake kuwa inabidi tuweke wasomi katika Kamati hizi. Mhe. Spika, nimesikia mara nyingi ukitoa mwongozo hapa Bungeni kuwa Wabunge wote wako sawa mbele ya Bunge, wawe wamesoma au bado hawajasoma, mradi tu wananchi wameona waje Bungeni. Wana haki yao ya kuwawakilisha watu wao katika sehemu wanayotoka. Ijapokuwa nimemuelewa Mhe. Gumbo yale anayoyasema kuwa angependa kuwaona wasomi peke yake, ninamuomba arudi pale tumeanzia. Kama wananchi wataona inafaa waletе watu ambao kisomo chao, kulingana na Mhe. Gumbo, ni hafifu na hakilingani vile Mhe. Gumbo anavyoona, basi mimi kama mmoja wa wasomi siwezi kukaa hapa nianze kusema kuwa ninakubaliana na maoni ya Mhe. Gumbo. Tugeuze sheria iseme kuwa yeyote ambaye atakuja Bungeni lazima awe na kiwango fulani cha kisomo. Kwa sasa tunasema lazima mtu awe amefika kidato cha nne. Hicho ni kiwango ambacho tunatarajia kiwekwe ili Mbunge awe amefika kidato cha nne. Lakini ikibainika waziwazi kuwa si muhimu na wananchi wakatae waseme kuwa Mbunge yeyote mradi tu awe ni binadamu mwenye akili timamu ana haki ya kuja Bungeni, itakuwa ni uamuzi wa wananchi. Hivi sasa, tumefuata mwelekeo uliotupatia kuwa Wabunge wote wana haki sawa na ndio maana tukaleta majina haya.

Ninaunga mkono Hoja hii na majina haya.

**Hon. Speaker:** the same Constitution says that “subject to such education standards as shall be prescribed by an Act of Parliament.”

*(Question proposed)*

Yes, Leader of the Majority party.

**Hon. A.B. Duale:** Thank you, Hon. Speaker. I support the Motion. There is a matter which was raised by Hon. Gumbo. Leadership is not about your size or the education you have. It is not about the height or gender, it is about wisdom that you get from the people.

Hon. Gumbo needs to make full disclosure. I agree with him that if you have not gone to school, you cannot have the moral authority to check the certificates of another person. That is what he wants to say, that you cannot vet people with PhDs, Master’s degree in Anthropology, Medicine or in Engineering or a Bachelors degree in Engineering.

I am one person who believes that leadership has no absolute relationship with education. It has some relationship with education as far as the basics are concerned. There are leaders who are PhD holders but when they go to the constituency, they are horrible. They cannot lead a group of borehole users. There are leaders who have the basic education but they are the best leaders. They have even served for more than four or five terms. So, we need to balance. That is why I said leadership is not about the size, the tribe or the school or university. It is about knowledge and knowledge can be attained through experience. I am a son of a man who

never went to school. My dad and mum never went to school but they had the knowledge to bring up very refined people like me.

*(Laughter)*

How did that person who never went to school produce a child who is a medical doctor or an engineer? I am sure if Hon. Gumbo goes back to his great grandfathers, he will realise that they never went to school but they took him to school and educated him. So, do not look down unto those who have never gone to school. Members of Parliament (MPs) serve here as MPs. They have the right to be in any committee. They should have basic education so that you can read the title of a Bill or a Motion and tell whether it is a money Bill and see whether you can disagree with Hon. Jakoyo and Hon. Kaluma, who is a very stout lawyer. When fish is imported from China, they can come here and say: “No, this is morally wrong.”

I support but I want to say that, as leaders, we must not equate leadership to education. In the last Parliament, I made a mistake of supporting a Bill that was capping MPs to a degree level. I was with Hon. Jakoyo. We kept on singing in that old Chamber where the Senate is that people must go to school. However, retired President Kibaki was a man of wisdom. He returned back that Bill and said: “No, this is not the way Kenya should go.”

**Hon. Speaker:** Can we now deal with the Motion? This is the essence of education.

**Hon. A.B. Duale:** Hon. Speaker, with your permission, I said when I was starting, that I beg to support and I am sure as we move we will ask our colleagues, in one way or the other, to go back to school and manage the process.

**Hon. Speaker:** Hon. Members, for the convenience of the House, I can see there is an issue which has a lot of interest, which is business No.11, on the Election Laws (Amendment) Bill and that is where this will fall. I am sure and very clear even on this one you will be addressing what is in Section 22 of that law. So, for now let us deal with this one.

*(Question put and agreed to)*

APPOINTMENT OF MEMBERS TO THE DEPARTMENTAL  
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

**Hon. Katoo:** Hon. Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Orders 175, and further to the resolutions of the House of October 08, 2013 and April 28, 2016 on appointment of Members to respective Committees, this House further approves the appointment of the following Members to the Departmental Committee on Justice and Legal Affairs:-

- (i) The Hon. Olago Aluoch, M.P.
- (ii) The Hon. T.J. Kajwang, M.P.
- (iii) The Hon. Fatuma Ibrahim Ali, M.P.
- (iv) The Hon. Peter Kaluma, M.P.
- (v) The Hon. Ben Momanyi Orari, M.P.
- (vi) The Hon. David Ouma Ochieng, M.P.
- (vii) The Hon. Neto Agostinho, M.P.

- (viii) The Hon. (Bishop) Mutua Mutemi, M.P.
- (ix) The Hon. Christine Oduor Ombaka, M.P.
- (x) The Hon. Mwamkale William Kamoti, M.P.
- (xi) The Hon. Benjamin Andayi, M.P.

These are the names that will constitute the Departmental Committee on Justice and Legal Affairs and complete it. It has been made up of one side of the coalition for the last few days. In accordance with the Communication that you gave a few days ago, I want to thank CORD and particularly its leadership in this House for beating the deadline and bringing back these names. I also want to plead with the Committee led by Hon. Chepkong'a to accept their Members back. They were off for a short break. In accordance with Standing Order No.175, I present the list to the House for approval and request Hon. Thomas Mwachugu to second.

**Hon. Mwachugu:** Asante sana, Mhe. Spika. Naomba kuunga mkono Kamati hii ya Haki na Sheria ambayo kusema ukweli ilikuwa hapo awali, lakini kwa sababu moja au nyingine ikabidi wanakamati wa CORD watolewa kwa muda. Tuliaweka na kuyachukulia maanani maamuzi yako. Wakati mwingine lazima tupewe mwelekeo. Tumekubali hawa wanakamati wajiunge na wenzao wa upande ule mwingine ili wapate kutimiza majukumu yao.

Kamati hii naiona ni ya wasomi kwa maana wengi wao ni wana sheria. Nina imani kwa sababu itakuwa ikiangalia mswala kadhaa ya sheria. Kama, ujuavyo sheria inavipengele vyake ambavyo mtu asipo vitafsiri vizuri vinaweza kutuletea sisi Wabunge shida. Tumejaribu tuwezavyo na ni ombi langu kuwa kamati hii itaendelea na kazi yake mahali ilipokuwa imefikisha. Hivi sasa kuna kazi muhimu ya kuangalia mambo ambayo yasipoangalia vizuri yanaweza kuelekeza nchi hii vibaya.

Kamati hii kwangu ni ya umuhimu sana. Naomba mwenyeketi wake, Mhe. Chepkong'a, awakubali wenzake waendeleo na kazi. Awajibike ya kutosha kuwaelezea yale walitimiza wakati walikuwa nje kidogo ili washike dau pamoja na kumaliza kazi bila shida yoyote.

Mhe. Spika naomba kuunga mkono.

**Hon. Speaker:** Order, Members! Member for Mbita, just relax. You appear to be in a happy mood today, unlike a few days ago.

*(Question proposed)*

**Hon. Chepkong'a:** On a point of order, Hon. Speaker.

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

**Hon. Chepkong'a:** I rise on a point of order pursuant to Standing Order No.83 read together with Standing Order Nos.58, 97 and 107(i).

As you know these Members were discharged pursuant to your Communication that is dated, 16<sup>th</sup> June 2016. In your Communication, you candidly stated that CORD alleges its decision to discharge its Members from the said Committee arose from perceptions that appropriate consideration may not have been accorded to the input of its Members on certain matters before the Committee, in particular the coalition sides, on the matter of the Independent Electoral and Boundaries Commission (IEBC) and other electoral reforms.

Hon. Speaker, as you know I am not in opposition at all in the approval of these Members. What aggrieves me is the allegation by the Minority Whip that I am undemocratic in the manner in which I conduct meetings. As you know, I was elected democratically by the people of Ainabkoi Constituency. It is not proper for a Member who was also democratically

elected to make allegations against me. I do not know whether his was through selection. He is my good friend and he is the one who has made the allegations. I expected him to apologise.

The Standing Orders are very clear that the Powers and Privileges Committee has been approved. What I am seeking is the postponement of a decision on this matter and it be referred to the Powers and Privileges Committee so that we can adduce evidence to show that there was prevention of Members of CORD from participating in the proceedings of the Departmental Committee on Justice and Legal Affairs before their removal because this is very serious.

When they come back, how sure are they that we will not prevent them from participating? We have a super majority in the Committee, we are 18. So, what environment has changed that they believe now they should come back? The Chair has not changed. I was democratically elected by a majority of the Departmental Committee on Justice and Legal Affairs Members. This business of de-whipping Members and bringing them back because you want to curtail some debates from Members--- These are very sharp Members.

We have minutes to prove that all the Members of the Departmental Committee on Justice and Legal Affairs including Hon. Kaluma who is seated here and Hon. Aluoch who is my senior--- Most of us are lawyers and we are not in this business of preventing debate in the Committee. That will be the most foolish thing to do. It will be the most ludicrous thing that you can do as a Chair, particularly when you are an outstanding advocate. It is not a fluke that I have been an advocate for the last 26 years. It has taken a lot of thinking for me to reach where I am.

*(Laughter)*

Hon. Speaker, you just do not arrive. There is no arrival by chance. It was a planned journey that we arrived in this House. So, for people to think that we conduct meetings in a very malicious manner, I urge you to invoke Standing Order NoS. 83 and 58 which are very clear. When a Member makes an allegation against another Member, that investigation must be undertaken.

Secondly, if he does not apologise, Standing Order No. 107 (i) deems that conduct itself to be disorderly and deliberate. I would like to believe that when Hon. Mwangi was elected as Member of Parliament (MP), he was sworn. When he swore in the first two lines of any affidavit he must have said: "I am a man of sound mind". So, we are dealing with people of sound mind. We have no mad people here. If I thought for one moment that there is someone who is mad here, I would have given him the benefit of the doubt but since he is my good friend, I want to believe that this was a deliberate intention to impugn into our characters with an intention which is calculated to embarrass us and to bring us down in terms of good thinking Kenyans.

Hon. Speaker, many Kenyans have been thinking rightly about me for having given out the most expensive licence in 1999 which some Members should know here. We brought in US\$55million and at that time it was Kshs4billion. I do not think anyone has ever issued a licence in this House of that amount. That is why we are of sound minds. We have even international reputation. As you know, I am a global leader for tomorrow in World Economic Forum (WEF). So, even people outside this country are wondering: "We thought Hon. Chepkong'wa was a democratic person when we nominated him as a global leader for tomorrow in the WEF and he has now become a dictator."

It is fair that we investigate this matter so that I can be acquitted of this serious allegation.

(Laughter)

Hon. Speaker, I am begging. Now it is no longer a right because you must make a decision and so I am at your mercy and not this House. Hon. Speaker, I am urging you to take serious view of this matter.

**Hon. Speaker:** Hon. Chepkong'a maybe for my benefit, are those allegations by a Member of the Committee?

**Hon. Chepkong'a:** No. The allegations were made by the Whip of the Minority Party in his letter which he communicated to you. I have the Hon. Speaker's communication in which you have quoted very clearly. In fact I read it. It is just that you chose to speak to your neighbour when I was speaking but I can read for the benefit of doubt.

Hon. Speaker, this is what you said while you were communicating:

"Hon. Members, in the letter the CORD alleges that its decision to discharge its membership from the said Committee arose from the perceptions that appropriate consideration may not have been accorded to the input of its Members on certain matters before the Committee in particular, the coalition cites the matter of Independent Electoral and Boundaries Commission (IEBC) and other electoral reforms."

As we know, the Election Law (Amendment) Bill is before this House, and is going through the First Reading. We will be tabling our Report and you will see that it was Hon. T.J Kajwang' who was very animated in terms of moving amendments, proposing amendments and Hon. David Ochieng' proposing the adoption so that the Bill can be published. So, for anyone to say that there was a perception--- It looks like there are people in this House who feel that if they are not members of that Committee, then we are not doing the right thing.

We want to know those people. If it is the Whip of the Minority Party, he should tell us. I am willing to give him my position so that I can wait for him to bring the recommendation because ultimately it is the Committee which brings the recommendations to this House. When this House makes a decision like the one we made on Wafula Buke--- I know Hon. Midiwo has made allegations that we did not conclusively consider that matter. We did. In fact, we had serious dissenting opinions. The only problem is that it was one region and that is why when it came to the House it was not taken seriously. Otherwise, if there was ethnic and regional balance we would not have had this problem. It is a factual thing. The minutes and Report was tabled here and we have tabled several things which we have considered seriously.

I have heard people talk about Wafula Buke's case. There are some things I have never wanted to embarrass that gentleman. When we asked him to swear, he said: "But you know, I was just merely asked to sign here. So, I do not want to swear to something that I have no details about."

Those are the things that I was covering in the interest of Kenyans. We are forced to say such kind of things which are very embarrassing because they ought not to be said here. When we finish as a Committee, you can approach me and I will disclose some further details but generally we want to protect the image of people. It is fair to protect images of people particularly me as a lawyer. You know he can end up being my client and I want to make money.

(Laughter)

Hon. Speaker, I am urging you that this matter be deferred to allow the Powers and Privileges Committee which is now in place to consider this matter. If these allegations are proved, then we take the necessary action against those fellows who are perpetrators of democratic ills within the Committee so that we can resolve this matter.

It is very bad to bring people when the environment has not changed.

**Hon. Speaker:** Hon. Members, this is not a matter on which I need to be addressed. I know Members think this is another one where they need to assist me. I do not need any assistance. It is not complicated. Hon. Chepkong'a, would you consider it in your heart to sit with Hon. Mwadeghu since he is the writer of the offensive letter, in the spirit that I can see this afternoon in the House? I am sure Hon. Mwadeghu being a staunch Catholic that he is---

**An Hon. Member:** *(Inaudible)*

**Hon. Speaker:** That makes my proposal easier to proceed with.

The matter raised by the Minority Whip, Hon. Mwadeghu, can be discussed in a different atmosphere. Hon. Chepkong'a, I am saying this as required by Standing Order No. 173 which states that when a person is removed from a Committee, the party or coalition removing or discharging the Member should provide a replacement within 14 days. You may recall that I gave CORD an opportunity to replace Members. The coalition has decided to take back Members. That is indeed the Motion before the House. The House is going on recess today, and by deferring this, we will be eating our cake and having it at the same time. The contentious matter raised can still be handled even with the formation of this Committee because Hon. Mwadeghu is still a Member of this House. Hon. Mwadeghu, you can raise your issue with the Powers and Privileges Committee.

Hon. Chepkong'a, I would like to request you to consider a session with Hon. Mwadeghu because he seems to be in agreement. Hon. Chepkong'a.

**Hon. Chepkong'a:** Hon. Speaker, you are very persuasive in the manner in which you speak. Being my senior, I should not disagree with you. Standing Order No. 68 states that a Member shall be responsible for accuracy of any facts which he alleges to be true and will be required to substantiate any such facts instantly. I was just raising an issue with accuracy of information. I have taken note of what you have said and also note that it was the perception of the Minority Whip and not necessarily based on any facts. I think I can go and perceive with him outside. I have no problem. In fact, we had a good breakfast this morning. We are planning to visit the Pope with him in the course of this year. Hon. Speaker, we hope you will also pray for us in the spirit of reconciliation. Taking us out with Hon. Mwadeghu can be very expensive. He is my good friend. One of his constituents used to work in my office. I take everything he says seriously and that is why I was raising this matter. In the spirit of reconciliation, I am willing to forgive him. I would like to ask him to apologise. The Bible says: "Forgive one another as I have forgiven you." He is a forgiven man and so, he should also forgive me.

**Hon. Speaker:** Hon. Mwadeghu.

**Hon. Mwadeghu:** Asante, Mhe. Spika. Wakati mwingine cheche zinazoletwa hapa Bungeni na wenzangu huonekana kuwa mambo yanayomtoa mtu hadhi. Sikulenga mtu yeyote katika barua yangu au matamshi yangu yawe ni ya kuudhi mtu yeyote. Mhe. Chepkong'a amefanyiwa kazi na dadangu kwa muda mrefu sana na tumejuana tangu hapo awali. Ameniudhi mara nyingi lakini sijawahi kusema. Leo hii, amekiri kuwa amefanyiwa kazi na mmoja wetu. Tumemhudumia kwa muda mrefu na asingeweza kupanda iwapo hatungemsaidia. Mhe. Chepkong'a ni rafiki wangu na tunaweza kuyatatua mambo haya bila shida yoyote iwapo

ameathirika. Sisi ni watu wazima. Mtu huomba msamaha iwapo ameelezwa kuwa umemuudhi mwenzake na kama ameuadhika, basi haikuwa nia yangu kumuudhi. Ni uanadamu wako umekufanya ukaudhika. Natumai tumeyamaliza haya.

**Hon. A. B. Duale:** Omba msamaha.

**Hon. Mwadeghu:** Nimeeleza kuwa mambo haya yameisha. Mhe. Spika, shida ya Kiswahili ni hio. Hapakuwa na nia yoyote kumuudhi. Yaliyopita si ndwele, tugange yajayo.

**Hon. Speaker:** I can see Hon. Chepkong'a is in agreement. By writing this letter and forwarding the same names, it is an admission that the alleged perception in the earlier letter is no longer there.

*(Loud consultations)*

I am not going to be addressed. Hon. Chepkong'a agrees that Hon. Mwadeghu never intended the resulting injury. The matter is now put to rest. Let us go back to the Motion on reconstitution of the Committee. I had proposed the Question, but before any contribution, Hon. Chepkong'a rose on a point of order under Standing Order No. 83 and raised various issues that we have amicably resolved. Hon. John Munuve.

**Hon. Mati:** Thank you, Hon. Speaker. I would like to contribute to this Motion in a very polite way. In my earlier days, where you and I were across Uhuru Highway, there was something we used to call democratic centralism, an art of accepting when you have lost; when you accept the majority opinion and position, internalise and make it your own. I can only equate what I have seen this afternoon to a Kiswahili saying: *"Mkuki mtamu kwa nguruwe, kwa binadamu mchungu."*

Hon. Speaker, I have watched with interest the haste with which Hon. Mwadeghu has tried to bring Members back in Committees. I will not talk about myself because democratic centralism demands that I do not become selfish and refer to myself. We have seen a draconian approach to democracy where people masquerade here as democrats and accuse my chair of being undemocratic and dictatorial. I can quote and cite another incident. Hon. Speaker, there was a time we debated a lot of things, and wrote some rules. It was security Bill which was led by my brother and friend, Hon. Kaluma. He led in coming up with the amendments but coming here, he was basically commanded to recant, and swallow everything which he had proposed and passed.

**Hon. Speaker:** Hon. Kaluma is on a point of order. There is intervention, Hon. Munuve. The danger of debating while mentioning names is that when you mention somebody, you expect him to say something.

**Hon. Kaluma:** Hon. Speaker, I did not want to intervene the contribution of my good friend. I believe Hon. Munuve is the best mind of electoral processes which we have in Parliament. However, it is unfair for my good friend to cast aspersions against me. He is a Member I wish would be back to the Departmental Committee on Justice and Legal Affairs when he behaves in good time. It is false for the Member to say I came to the House and denied the amendments. The HANSARD can confirm our position on that day for the Member. In fact, the Order Paper for that day can confirm I moved amendments, which were passed by the House, which was very chaotic. This is one matter that my good friend, Member for Mwingi North, should withdraw and apologise for. I am one Member of Parliament who never changes positions once I take them.



*(Applause)*

Even when I was collapsing in this House with the Children (Amendment) Bill, I did not change my position. This is because I do my things in principle. By the way, the Members of this House, particularly the lady Members now agree they killed a very good Bill which I brought in good faith. I have never changed. I require no less than an apology and withdrawal of that statement from the HANSARD.

*(Laughter)*

**Hon. Speaker:** Fortunately, I keep those records. If you go to the record of 18<sup>th</sup> December 2014, the amendments proposed by Hon. Peter Kaluma were passed by the House. That was further confirmed by the High Court because this is a House of record. The record is the HANSARD. Some people may not have known what the High Court said. You may have been shouting and doing all these other matters like throwing legs up and sideways in the air or anywhere, but the record is there. Those ones can only be captured by the cameras. The record which was availed in court- the HANSARD-showed that Questions were proposed, there was contribution, Questions were put and voted on one way or the other. So, it is good for people to appreciate. That is the way Parliament works. There are a lot of other things which are not in the HANSARD, for instance, the Member for Kisumu Town City walking in the Chamber. There is no HANSARD of it.

*(Laughter)*

However, what I am saying will be captured on HANSARD. It is the truth the HANSARD may not know when the Member for Kisumu Town City walked in, but it will show that I recognised that he was walking in. We do not take photographs here. The HANSARD will not show that he has taken a seat.

Hon. Munuve, I agree with Hon. Kaluma that indeed his proposed amendments were carried. They were voted on by the House. Most of them were passed.

**Hon. Mati:** Thank you, Hon. Speaker. I stand corrected. Given my sitting position on that particular day, the House was very chaotic. As a matter of fact, I only realised that some people left with half trousers. I could not see and hear everything. So, I apologise profusely to my good friend and brother, Hon. Kaluma.

I want to continue on my line of argument that we need to be honest in this House. We have to do what we profess. You cannot come here as Members of Parliament who are elected equally by Kenyans, and make some Members of Parliament lesser beings by denying them the right to sit in committees to represent their own electorates. Everybody comes here to represent the interest of a constituency. That is why every Tom, Harry and Dick cannot come to this House and be given a position to talk or sit. You sit here on the strength of the people who elected you to this House. To come here and make oneself some kind of *nyapara* who decides on behalf of the *dukawala* that you pretend to punish people, is wrong.

I have watched with a lot of keen interest, the indecent haste with which we have tried to get some people back as we leave some in the cold, in the name of acting for political leaders.

The political leaders behind these appointments are not visible in this House. Everybody I have asked has said this is the party leadership. The party is signified by one person. Lenthall talked about the party being a structure which is composed of people who have common interest. When you look at some of the people here, they do not represent the interest of those absentee landlords who call themselves the party leaders. They do not have anything. Some of them do not know how a golf club looks like.

**Hon. Speaker:** Member for Muhoroni.

**Hon. Oyoo:** Thank you very much, Hon. Speaker. At the outset, I want to support this Motion and to say that I am not very happy about the changes. I have checked with the Leader of the Minority Party or the Chief Whip. I want to put it on record because he could be treating me to some advance public relations. I belong to only Departmental Committee on Labour and Social Welfare. When I made noise, I was given some auxiliary appointment to represent the interest of the party or CORD at Powers and Privileges Committee. It is an opportunity which you know I have served with gusto because you are my Chairman. I was not consulted. All of a sudden, I realised that my good friend, the Member of Parliament who is also the Deputy Leader of the Minority Party, Hon. Jakoyo Midiwo, whose name appears in almost in every committee by virtue of his position, has replaced me in this committee reverting me to where I used to be as a member of only one committee.

*(Laughter)*

So, I would appeal some decorum to be used in removing or reshuffling Members and others to be also considered. I have reverted to where I used to belong, to only one committee. As much as Hon. Mwadeghu has promised that he will look into my matter and give me top placement in a departmental committee, I wanted it to be put on record because it could be advance public relations which I do not want to enjoy. Otherwise, I have a bone to chew with the Committee on Selection, and you will bear me right.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. John Waiganjo.

**Hon. Waiganjo:** Hon. Speaker, we are looking at a theatre of the absurd which is coming from the CORD. It is very interesting because we have mentioned here before that the 11<sup>th</sup> Parliament, particularly, the CORD Coalition, is run by remote control by strangers to this House. This is unfolding right before our eyes. It is very painful for a Member like Hon. John Munuve, a man who is well versed in electoral matters, to be de-whipped from the Departmental Committee on Justice and Legal Affairs at a time when we are considering very serious matters on electoral reforms.

Hon. Speaker, of course, de-whipping an entire team from the Departmental Committee on Justice and Legal Affairs and pretending that it is a strategy, causing uncalled for pain, demonstrations and even deaths on our streets, is wrong. Much later when that strategy does not carry the day, they come back here and want their membership back. They also say that their chair is not democratic and that there were perceptions. They now do not talk about perceptions any more. They return some Members and not all.

Hon. Speaker, save us. Members, save your souls. You have sold your souls, you have no conscience and you are slaves of your masters. You have no clout any more. You are a done deal. Wake up! It is your time.

Thank you, Hon. Speaker.

*(Laughter)*

**Hon. Speaker:** Hon. Members, this Motion is not complicated. Indeed, it is actually a reappointment. It is taking back. Since so many of you have indicated that you want to speak, let me give the Member for Awendo, who appears on top.

Next on the list is Gideon Ochanda, Member for Bondo.

**Hon. Ogolla:** I am speaking to the next Motion, not this one.

**Hon. Speaker:** Hon. Ken Obura Mirenga.

**Hon. Mirenga:** Thank you, Hon. Speaker.

**Hon. (Ms.) Odhiambo-Mabona:** *(Inaudible)*

**Hon. Speaker:** Hon. Member for Mbita, sometimes you use certain language that causes a lot of disquiet.

**Hon. Mirenga:** It is important to allow my senior colleague, Hon. Millie Mabona, to make those remarks off the cuff but, of course, it will happen at her own time when she will be on the Floor of the House.

Hon. Speaker, I was rising to intervene when my brother and friend, Hon. Munuve, was speaking to---

*(Hon. Midiwo consulted loudly)*

Hon. Jakoyo, why are being jittery when I am speaking.

Mine was just to agree with Hon. Munuve to the extent that, as coalitions, we must be allowed time to put our two houses in order. I am happy that the other side has done it. We need to do it well this side. You realise that when it comes to this reconstitution, if I may give an example of the Budget and Appropriations Committee that had issues, somehow the names of those who previously served in this Committee, in fact, including those who were allegedly architects of the problems that bedevilled this Committee ended up being sneaked back to this Committee. So, as I speak now to you now, Hon. Speaker, 80 per cent of those who served in the Budget and Appropriations that was disbanded are now serving in the Committee.

It is unfair to have some Members not serving in any Committee when others are in five committees. I do not want to give examples that have already been given. You have heard them for yourselves. I believe those are the example. This issue may actually find its way into courts of law so that a determination is made so that we Kenyans can understand between party loyalty, which is just a provision of the Political Parties Act, and the role of a Member of Parliament which is constitutional, which one we should give premium. Is it when Hon. Munuve is removed from a committee regarding the fact that he is neither representing himself in the committee nor representing his family? He is representing the people who elected him. So, as much as he may have made a mistake, if at all he made one, you cannot punish the people of Mwingi Central through Hon. Munuve. When you get to these committees, you play your role of oversight, legislation and representation of the people and not for yourself.

I can see those who usually position themselves as the prime dispensers of this political patronage looking down as I speak.

*(Laughter)*

Hon. Speaker, we will be asking you, in the next few days, to make a ruling on this. When this Parliament is finally dissolved sometime next year, people will be remembered for different reasons. There are those who will be remembered for their courage to challenge the conventional thinking and to challenge these worn out ideas and there are also those who will be remembered for their rigid and ideological adherence to discredited ideas like sycophancy. That is the problem we have in the leadership of the CORD Coalition in this House. In fact, you will agree with me that only yesterday a leader of the Coalition of this side stood up and while speaking was praising the Kenya African National Union (KANU), a party which was not known for very good things. So, you do not expect a lot of good things to come from this side where they go ahead and appoint Hon. (Prof.) Sambili to a Select Committee then she comes to this very Floor to denounce that appointment when an elected Member on this side, like Hon. Munuve, is not serving in any committee.

We need to look at this Political Parties Act so that when we talk about party discipline, then it must be in a context that makes both political and legal sense. Why? When you say that Hon. Ken Obura is indisciplined yet when you look at him from the way he presents himself, what he says, his schooling, his body language, his demeanour and his mien, he is a man who is naturally disciplined, you cannot say he is indisciplined. Something must be done and done urgently on this side.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Irungu Kang'ata. Hon. Members, there are Members who have put in their requests. The next is the Member for Emurua Dikirr.

**Hon. Kipyegon:** Hon. Speaker, I do not know how to address this matter seriously because it is putting this House, especially the membership of this House, at crossroads. The major reasons we are in this House are three: legislation, representation and oversight. We all agree that you cannot be in this House and belong to no committee and claim that you are doing oversight. You cannot do oversight here on the Floor of the House. It is only prudent that even if our Members, because we have dissenting voices and rebellious people everywhere--- I am a rebel in the Jubilee but I still serve in very important committees. They still tolerate me. I even differ with the Leader of the Majority Party who is supposed to de-whip me and also with the Chair whom we sometimes go to physical fights but they still tolerate me. I do not know whether they tolerate me because of the damage I might cause if they drop me or because they are tolerant.

*(Hon. S.S. Ahmed consulting loudly)*

**Hon. Speaker:** Honestly, Hon. Members, the Member for Kisumu Town, that kind of gaggle is too much.

**Hon. Kipyegon:** Hon. Speaker, I am not totally condemning the CORD Coalition because it is a coalition that I respect a lot. It is a coalition that has put the Jubilee Government on its toes; it is a coalition of parties that has brought sense to this country. I would like to say that some people will be on record as great statesmen after being presidents. One of our leaders, especially in CORD Coalition will also be on record as a great statesman for putting this Government and other previous governments on their toes. So, I am not saying that they are bad;

I am only saying that as a matter of integrity and democracy, we must all show that we can tolerate each other. We can have Members who can have dissenting voices, we can have Members who would want to express their minds properly, let us allow them to express their minds soberly without coercion.

The idea of whipping and de-whipping, bringing and taking them away is not good for democracy in this country because we are actually breeding a certain character that unless you sing a certain song, or bow to a certain leader then you are not going to be part of this thing. I believe one day one time they will be in Government and one of them will be President of this nation. I would wish that they lead by example that we can tolerate dissenting voices. We have had several people of such characters and they have been tolerated. The history of this House has shown that we have had speakers who went against the Government itself. At that time it was one party system. I remember the late Jean- Marie Seroney, who when somebody wanted to substantiate on a certain issue, he said he could not substantiate the obvious. Which means, at that particular time, we still had dissenting voices. I am requesting our brothers on the other side, that even Jubilee is having the same quagmire. They also have the same dictatorial character. Sometimes they find it hard to dictate upon some of us, but they are also dictators just like everybody else.

*(Laughter)*

So, I am just saying that sometimes they tolerate us; I am just requesting the other side that we tolerate each other. They are also part of those people who make our parties juicy, unless you have somebody bringing in some other ideas which are against the party's ideas. It makes the party vibrant and juicy for everybody to join. I support the membership coming back. Hon. Speaker, I sit in that Committee and I know the tremendous contributions Members of CORD put. I am one of the few people who support them almost every now and then on the issues they bring, because they have good ideas. These are great men and women of calibre and great ideas. I am just saying this because we want to have tolerance in this House.

We also want to allow Members because this idea of sycophancy has also killed parties and good leaders. When we are going to an election unless we have too loyal--- I have heard a Member claiming that KANU did bad things. That Member needs to withdraw. He is very young; he never saw KANU or drank KANU milk. For some of us who drank KANU milk, we cannot say anything. Hon. Speaker you are also a product of KANU. Uhuru Kenyatta and William Ruto are products of KANU and even Raila Amolo Odinga is a product of KANU. Let us not condemn KANU; KANU is our mother and father. You cannot condemn your father or mother just because you have married a beautiful wife. KANU still remains our father and mother. For the hon. Member for Kisumu, KANU remains his grandfather and you cannot condemn your grandfather because you did not see him.

*(Laughter)*

Having said that, let us not breed sycophancy. Sycophancy cannot allow you to think or ventilate on matters that are very important to this nation; sycophancy cannot allow you to look into matters that are supposed to be looked at. Imagine you are doing oversight and you are supposed to follow somebody's idea---

**Hon. Omulele:** On a point of order Hon. Speaker.

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

**Hon. Omulele:** Hon. Speaker, I have listened with a lot of respect to my brother, the Member for Emurua Dikirr. I agree with him as far as his allegiance to KANU is concerned. But when he talks about marriage and marrying a beautiful woman, I do not know whether he is talking from experience or fact?

*(Laughter)*

**Hon. Speaker:** Maybe the Member for Emurua Dikirr can briefly explain what he knows about marriage, or maybe what he has read about marriage.

**Hon. Kipyegon:** Hon. Speaker, marriage is not the end by itself. You can even talk about come-we-stay or a girlfriend you have. Despite that, I am a product of marriage. My father married my mother. My mother never condemned her parents because she was married to a handsome man called Kimutai Temus. Same case with my father, he never condemned his father. So, I am just making a point of reference because marriage is an institution that affects everybody. Having said that and my brother should not be worried because that thing will come soon--- We were even intending to do it here, if it is possible or if you allow me but I am going to do it. That was just side show.

I was concluding by saying that as leaders of this House and those that are outside, accept the fact that we can always have dissenting voices in whatever we do. I remember in the last Brexit vote, there is a leader who led Britons in voting for exit. It was not because he belonged to a party that was opposing the Government. At the end of it when he was asked to go for a position that the Prime Minister had left he declined and said, his job was only to lead the Britons in that direction. That is a culture that we as Kenyans must also bring here. When there is dissenting voice, let us talk to each other. Let us agree to disagree but not to part ways because this world is round. We can part ways and meet somewhere else tomorrow.

Hon. Speaker, I support.

**Hon. Speaker:** Even as we speak about the issues of party and other things, it is important to marry what is contained in Article 103 of the Constitution, what is in the Political Parties Act and the provisions of our Standing Orders regarding the criterion of nomination into Committees. Very soon you will see some proposals coming before the House and I am sure we would want to get everybody's input. The issues we are speaking to are grave and I would like to thank Hon. Chepkong'a because he began to bring those proposals and the Committee on Rules and Procedure is looking at them and have been processing quite a bit. Sometimes it may not be suitable midstream to bring very radical proposals because they would easily rock the existing arrangement in the House. It is fair that as much as possible to --- Those who have been nominated to join the Select Committee; these are some of the issues that we need to look at because they will have a bearing on how the Houses will run. Hon. Midiwo, because he was mentioned adversely wants to speak. Were you mentioned or somebody was pointing at you adversely?

**Hon. Midiwo:** Thank you, Hon. Speaker, for allowing me to support this Motion. I was mentioned by friend, Hon. Koyoo. I want to tell him now that he supported the Committee, immediately we pass this, he will receive a letter from me allowing him to rejoin the Committee

because it is about all of us. So, Koyoo just relax, I am bigger than what you are trying to make me.

It could have been inadvertent by the Whip but I do not even have to sit in a Committee. We want participation from the Committee from all over. When CORD de-whipped its Members from the Departmental Committee on Justice and Legal Affairs, it is not the first one. In the last Parliament, I was the Chief Whip. I withdrew all my Members when the Coalition Government was not agreeing. I used Standing Orders to withdraw the Members. What we did is de-whipping technically because our Members felt that they were not making sense and the country was not talking together.

I know, legally, that the list before the House is not the same Members who were withdrawn technically. This is a new list from CORD. CORD in its wisdom could have used that list to bring in even Hon. Munuve or Obura if we felt they were part of us. You are dealing with errant and indisciplined Members. This is important. Even when we try to move this country forward, our colleagues---

**Hon. Mati:** On a point of order, Hon. Speaker.

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

**Hon. Mati:** Is the CORD leader in order to use a victim of their non-democratic tendencies as an example? He could have used anybody else, not me, a victim who suffers and is mourning under the weight of their draconian and dictatorial tendencies. Is he in order to use my name as a representative of the great and resilient people of Mwingi North who I represent in this House; the people who he and his colleagues have victimised by excluding me from representing them in the two committees?

Thank you.

**Hon. Midiwo:** Hon. Speaker, I understand the thought process of Hon. Munuve. This is a House of rules. I saw the things Hon. Munuve was saying recently when His Excellency the President visited Kambaland. I then said that maybe whoever is trying to mete out punishment on him is right. When you talk about sycophancy--- I watched him on TV talk about his leaders. How do you expect to be led if you abuse your leaders in public? My good friend, the Leader of the Majority Party, you have been here. When I felt you were being victimised by your party, I stood up for you and many other Members and I kept you in committees. I refused political machinations.

We have just been treated to a debate this afternoon when students were sitting here. We tried. They have left here knowing that this House may one day wish to tell them that education is not important. They were sitting there watching. This 11<sup>th</sup> Parliament will go down in history to have done very little as the first one under the new Constitution. We are doing very little.

I want to appreciate the feelings of my friend Chepkong'a and the reply by Hon. Mwadeghu to be mature. That to me is laudable. Sometimes you may be offended. There is nothing unmanly or ungodly in saying sorry. There is nothing. People have to move forward. We have to move this country forward.

When people are not talking, there are ways. How I hope that we could, in reversing our Standing Orders, go to the old Standing Orders. These Standing Orders were brought here on the eve of the dissolution of Parliament. I sat here at midnight. Hon. Speaker, when you were the Chair of the Centre for Multiparty Democracy (CMD), more than five times, we requested the then administration of Parliament to let us revise these Standing Orders and compare them with what happens in other democracies.

Last week, I watched a very interesting thing happen in a presidential system in the USA when the democrats staged a sit-in to allow a vote on gun control rules. That was not called indiscipline. It is within the rule. If we want to do a presidential system, you must lead us to borrow rules that govern debate in the House of Parliament. You must lead us to borrow what guides Members of Parliament. We must realise that amongst us are people who are young because of the circumstances that we are in and because it is 21<sup>st</sup> Century. A lawless society can never be reversed when Members of Parliament want to live outside the law. When punishment or rule is applied on you, there are issues. No Member of Parliament should expect you to rule on party issues. CORD is a big coalition. I thank God that at least what is being claimed of Jubilee, the leadership sitting across from us has controlled. That is a good thing for our country, that Hon. Shaban and Hon. Duale can say something and the men and women on that side listen.

Two weeks ago, there was an agreement in a *Kamukunji* about the budget and the National Government Constituencies Development Fund (NGCDF) but they were whipped to short-change this side. It is their power. You saw the unison in which they short-changed the people on this side. We have not accused them of anything. They are using the power that they have. In parliamentary parlance, that is how it is supposed to work. If you want to talk tolerance, tolerance is good but respect is utmost.

When you see Members of Parliament, you know it. Nobody in this side or that side can say he is a Member of Parliament here without the name of the party leaders whether they are William Ruto, Uhuru Kenyatta, Raila Odinga or Kalonzo Musyoka. This bravado is not good for our country. A lot of time, we show it here when students are sitting in the Speaker's Gallery. We tend to want to show this country that it is okay to be indisciplined. The people you see there are our future policemen, teachers and lawyers. This House cannot be indisciplined and expect to get away with it. We must agree that we are here this time and we must keep working towards it. We make mistakes, we apologise and move forward.

I support.

**Hon. Speaker:** Hon. Members, when we speak to this issue of whether or not the named Members should be reappointed to the Committee, it is also fair to appreciate that the House as currently constituted has two coalitions. This is a point that one way or the other, we must allow to always guide us. I had told you earlier that I do not have a vote. Just check Article 122 of the Constitution. Let us have Hon. Shabaan.

**Hon. (Dr.) Shabaan:** Asante sana Mhe. Spika. Nasimama kuunga mkono Hoja hii moyo wangu ukiwa na uzito na roho yangu ikiwa na wasiwasi. Hatuwezi kufanya kazi katika Bunge hili kama wanasarakasi badala ya kama Wabunge. Sheria zetu katika Katiba zinaonyesha mujibu au kazi ya Wabunge. Tuko hapa kwa sababu Wakenya wametupatia fursa ya kuwafanyia kazi, si kwa kubahatisha. Katika hali yetu ya utendakazi, kuwa Mwanakamati ni haki ya Mbunge na ni haki ya yule anayewakilisha Wakenya ili kufanya kazi iliyopo hapa. Si sawa kuwa tunafanya kazi zetu kwa kufuatilia njia za vitendawili, sarakasi na vitimbi tukifikiria kuwa hiyo ndiyo kazi iliyotuleta hapa Bungeni.

Ninastaajibika sana kuwa viongozi wa waliowachache Bungeni walitatizika sana wakiona kuwa kuna Wabunge waliochukua msimamo wa kuendelea kukaa kwenye vikao vya Kamati inayoshughulika maswala ya kisheria kwenye Bunge la Kumi na Moja na wakaanza kuwafurusha wenzao. Hivyo basi, kuna umuhimu wa viongozi wa waliowachache na waliowengi Bungeni kujua kustahamili na kujua kuwa kila mahali kuna upinzani. Hata katika jamii zetu



huwa kuna upinzani. Lakini bali na upinzani, ni vizuri kukaa na wenzetu na kuweza kuzungumza nao ili watu wafanye kazi pamoja na waakilishe wenzao.

Nastaajibika kwamba suala la Mbunge ambaye alikuwa amekosea na kuondolewa hapa Bungeni mmelituma kwenye Kamati ya kusimamia nidhamu ya Wabunge hapa Bungeni. Hivyo basi, Wabunge wale wale ambao ni viongozi wa waliowachache, wamepiga debe na vigelegele na kuwa na furaha kwa sababu Bunge hili linalazimishwa kufanya kosa la kukubaliana na mtu ambaye alifanya makosa na katika hali ya kuadhibika, amerudishwa na korti ile. Sio kawaida kwa Wabunge wote kukimbia kortini kuwezesha kutekeleza kazi zao kwa niaba ya wale waliowaakilisha hapa Bungeni na kuhakikisha kuwa Wabunge watatekeleza masuala yaliyowaleta hapa kwa muhula huu, ambao ni muda wa miaka mitano. Nakubaliana kuwa si sawa kwa sisi watu wa upande wa Jubilee peke yetu kutekeleza kazi za Kamati ile kama wenzetu hawapo. Nimefurahia kuwa wanarudi kwenye kazi lakini juu ya hayo, ningependa viongozi wa waliowachache Bungeni wajue kustahamili, uvumilivu na wajue uongozi ni kuweza kuzungumza na wenzi wao kuhakikisha kuwa Wabunge wote wanafanya kazi.

Mnavyojaribu kupigia debe suala hili la yule Mbunge aliyeadhibiwa, ningependa hata nyinyi mkumbuke wale Wabunge mliowacha nje kwenye Kamati muwape nafasi wafanye kazi ili watekeleze majukumu yaliyowaleta hapa Bungeni.

Naunga mkono Hoja hii.

**Hon. Speaker:** Let us have the Member for Rarieda.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Speaker. I also rise to support the Motion. I have heard the discussions by my colleagues. Sometimes when we sit in this House, we tend to forget the obvious. One of my best friends in this House is the Member for Ol Jorok. I was a bit surprised when he said that we, as CORD, sometimes run our affairs by remote control. The truth of the matter is that the leaders of our coalitions, whether Jubilee or CORD, do not sit in this House. To suggest that by sitting in this House we cannot listen to our leaders is misinformation.

Only last week, we sat here and agreed on a matter that affects every Kenyan household and that is the matter of the NGCDF. We agreed that we would not pass the Budget without assurances on NGCDF. Our friends from the Jubilee Coalition came back and told us that the reason they passed the Budget in a matter of five minutes is because they had been read the riot act in a matter of two minutes. If our leaders do not matter, if that is not remote control leadership, then what is it?

*(Laughter)*

As a country, our democracy is still maturing. Speaking from the side of our coalition, if the leader of my coalition moved to another party today, more than three-quarters of us would move with him to that party. I believe that would also apply to the Jubilee Coalition. These are people who have earned their place in our society. Honestly, to refer to them derogatorily is not right. Sometimes people get affected by the actions that are taken upon them and speak in the manner that they do. I am aware that some of the fellows that would talk in the manner they want to tried for many years to get into this House, but until they aligned with the same leaders they are now talking badly about, they were not able to come to this House. I do not want to mention names. It is important that even as we discuss matters, people can be withdrawn from Committees for reasons and purposes of undertaking in-house discussions. Members of our

coalition were withdrawn from the Departmental Committee on Justice and Legal Affairs. We are now going back. As Hon. Midiwo said, the image we portray is important.

A while ago, I brought up the matter of education levels and why the Committee on Appointments should insist on education standards for the people they are vetting when some of them do not have those standards. It saddened me that as we were doing that, students were sitting in the gallery. The impression we gave is that education is not important. That is a wrong message. Wherever we go, we spend most of our time in schools. The reason we go to those schools is to tell our young people that education is so important. This is not vanity. Some of the most successful countries in the world begin by imparting quality education to their people. I have spoken to it before and I will speak to it again.

Some of the leaders that I admire greatly are the late Lee Kuan Yew of Singapore and the current Prime Minister of Dubai, Mohammed bin Rashid Al Maktoum. Among some of the greatest speeches that those two leaders have given have to do with education. In fact, in Mr. Al Maktoum's book *Flashes of Thought*, he says categorically that if you want to live well for a year, grow wheat; if you want to live well for 10 years, grow trees; but if you want to live well for centuries, grow people through education. It would be vanity for us, as leaders of this nation to speak, especially in the presence of our small children and try to make it look like education is not important. It is true that the world has seen very great leaders such as Winston Churchill and even the 16<sup>th</sup> President of the United States of America (USA), Abraham Lincoln, who did not have that much formal education, but they had leadership qualities. What we say in this House as leaders matters. Only recently, I got a message from a boy in one of the schools in my constituency. He told me that when he joined the leading school in my constituency, he was an average student. However, he heard my story about my struggles of how I went to Cardinal Otunga Boys High School, left that school without shoes and still managed to become a leading engineer in this country. He told me that from relating my testimony about what I had gone through in life, he decided that he wanted to be an engineer and move from being a below average student to an "A" student. I am happy to report that as I speak, and due to that motivation, that boy is in the group of those who are joining the Faculty of Engineering at the University of Nairobi (UoN) this year. It is true that we all cannot be the same just like our fingers cannot be of the same length, but let us not at all times make remarks that tend to imply education is not important in our life.

Hon. Speaker, it has empirically been proved that the number of years citizens of a country spend pursuing education on average equates to the development of that nation. If you go to Japan, the number of years Japanese spend in education in primary, secondary, universities and tertiary institutions is higher than Kenyans and it follows that they are more developed.

It is good we have had these healthy exchanges. Some of them amounted to a comic break. Nevertheless, I hope we will be productive as we reconstitute this Committee. I watched the debate by my friend, Hon. Waiganjo, on *Cheche* this morning. He raised some very good issues on what the Departmental Committee on Justice and Legal Affairs is supposed to do and its position as a Departmental Committee in this House to move some important agenda of this country forward.

I encourage my colleagues going into this Committee to know that they are sitting on the crest of a historical moment. They should seize it and let our country move forward. I believe there is folly of war and confrontation. People have to sit and agree for them to move forward. One may ask why we did not sit down and agree before all this. We have seen the acrimony that

has gone on in this country. What I learn from that acrimony and the fact that we have now agreed to come together is that this country moves forward when Kenyans provide space for each other. When we accommodate each other, this country moves forward.

Let us find it among ourselves, as the leaders of this country, to accommodate one another, so that we can provide the right non-poisoned environment that can allow our great nation to move forward and take its place among the great countries of the world.

With those few remarks, I support.

**Hon. Speaker:** Member for Magarini?

**Hon. Kombe:** Asante Mhe. Spika kwa kunipa nafasi kutia sauti yangu.

Ijapo mengi kuhusu mawiano yamezungumzwa, pengine wenzangu hawaoni ninakoona. Wasiwasi nilio nayo ni kwamba wanaorudishwa huenda ni kwa nia ya kutumika vibaya katika Kamati hii na si kwa malengo ya kuendeleza mbele suala tulilionalo. Inawezakuwa ni kwa malengo ya kuturudisha nyuma na kutuelekeza sehemu ambayo haitatufaa kamwe. Ikiwa ni hivyo, na huyo ni pepo, ashindwe kwa jina la Yesu.

Nina ombi kwa wanaorudi kwa hii Kamati. Naomba waende wakawe mabalozi wema katika Kamati na wakafanye kazi yao kwa mujibu wa sheria tupate tulichonacho mbele yetu. Suala la IEBC ni nyeti. Suala hilo linaweza kuielekeza nchi hii njia isiyofaa lisipochukuliwa kwa uzito wake.

Kama wamerudishwa kwa njia njema, iwe hivyo, lakini, kama ni kwa njia isiyokuwa njema, hilo litadhihirika na tutajua ni vipi tutapambana na hali hiyo. Watu wote wakienda magharibi, mimi peke yangu nitaenda mashariki.

Napinga na napinga.

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

**Hon. A.B. Duale:** Thank you, Hon. Speaker. First, I want to wish all my Muslim brothers and sisters and the country at large an *Eid Mubarak*.

I support this list based on the provisions of the Standing Orders and the Constitution. You can only speak on such a matter when you have been a victim. There are people here who are claiming to be rebels. They should talk to me. There are two groups of people who become rebellious. The fundamental question you need to ask yourselves is whether you are going to be a rebel without a cause or one who will ultimately be like me and William Ruto and many others who rebelled and formed a party. We have a significant number in this House today. You can become a rebel, but become a victim of your rebellion. If you rebel and end up losing your seat, that is not a good investment in being a rebel.

Why do I say this? Hon. Jakoyo is here. When I was sacked as a Assistant Minister and stayed out of committees for three months, I approached the Speaker then. I will open up my heart today and go on the HANSARD. I asked the Speaker a fundamental question on how I would do oversight as a backbencher, as a Member for Dujis. By then, we had a very strong backbench which had the likes of Hon. Isaac Rutto, Hon. Bonny Khalwale, Hon. Jakoyo Midiwo, Hon. Millie Odhiambo, Hon. Rachel Shebesh and many others. The Speaker told me that it was a matter of political parties. I got very offended that day. I walked out, but had opportunity to cast my vote against that Speaker later. I told him "I am not going to vote for you, Hon. Marende, because of what you did to me the day I was a victim". I exercised my voting right. The Standing Orders are very clear in terms of enforcing party discipline. We cannot have political parties where Members know they will use the yardstick of tolerance. You will not tolerate if she misbehaves every year. If you tell her not to come home at 4.00 a.m. and she does

that for six months and when you come home you find that your kids have not eaten, you will not tolerate. This tolerance has some measure.

We are the same people who argue that we must build strong parties and adhere to the Standing Orders. That is why we are disagreeing with the Judiciary. We cannot have the cake and eat it. Unless we amend the Standing Orders, we must follow them to the letter. We have the power to amend the Standing Orders. As leaders of the House as the Member for Emurua Dikirr has said, there is a way you can balance. You can tolerate the Member and allow divergent views which are very good. I agree with him. There are Members who have very good divergent views in our coalition, but you balance at the end of the day. Members must have divergent views and space. You cannot just gag them.

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

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

I was a victim and that is why Hon. Jakoyo said it and I will say it. I approached Hon. Jakoyo who was the then Majority Whip on our side and he decided to go against the grains of his leadership. I talked to him.

*(Hon. Kang'ata stood near Hon. A.B. Duale)*

Hon. Temporary Deputy Speaker, the Member for Kiharu Constituency is behaving as if he is in a market. He was here. His name was called out and he was missing. I was wondering how he was communicating with you.

**The Temporary Deputy Speaker** (Hon. Cheboi): You are right. He is behaving like he is in a bus stage in Kiharu.

*(Laughter)*

**Hon. A.B. Duale:** He was standing between you and me, against the Standing Orders.

**The Temporary Deputy Speaker** (Hon. Cheboi): He has come from smaller houses in terms of his former place of work.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, Hon. Jakoyo was magnanimous as a Whip and he brought me back to the Departmental Committee on Energy, Communication and Information. I am sure he saw the kind of value I added to the Committee. I was in only one Committee.

I want to speak to some of my colleagues who come from the regions where the big boys are in charge and I am lucky I am not from Nyanza, Rift Valley, Ukambani or Central. The people I represent do not elect leaders based on what the party leader says. I agree with what Hon. Jakoyo said. If today Hon. Uhuru Kenyatta or Hon. Raila Odinga or Hon. William Ruto decides to form other parties, they will take with them significant numbers that they have in the House. So, you have the choice to be rebellious, but choices have consequences.

*(Applause)*

You can decide to disagree with Hon. William Ruto, Hon. Raila Odinga, Hon. Uhuru Kenyatta and Hon. Kalonzo Musyoka, but I can tell you from the Floor of this House, I saw such people in the 10<sup>th</sup> Parliament and today they are former Members. It is you to decide whether you want to come back in the 12<sup>th</sup> Parliament. For me and Hon. Naomi Shaban, Hon. Mwangi and many others, our loyalties are to the people we represent, but if you come from the regions where our top leaders come from, I can tell you, you are playing with fire.

*(Laughter)*

The choice is yours on whether to be a one-term or two-term Member of Parliament. That is why I tell people that when you see Hon. Millie Odhiambo sometimes getting agitated, she has specific reasons. She is investing in her re-election.

*(Laughter)*

When you see Hon. Kaluma agitated, he has a reason.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, the Leader of the Majority Party! Why are you releasing secrets of some Members?

**Hon. A.B. Duale:** Hon. Jakoyo knows I shoot from the hip and I give free advice. When you see Hon. Kaluma agitated, you must view him in many dimensions. He is talking to the people of Homa Bay Town Constituency. When you realise he is doing that, do not get annoyed. In fact, buy him a cup of tea because he is your colleague and you want to find him in the next Parliament. I have seen people from both sides who are signing their exit documents.

*(Laughter)*

It is like driving on Thika Superhighway and you have no breaks. We are leaders and we must talk to each other. What is the intention of a legislator? In my community, with a lot of respect to the ladies, we say the best thing that a woman wants to hear when she is carrying a child on her back is that, that child looks like the father. Every woman will be very happy if you tell her the child on her back looks like her husband. Every Member of Parliament will be very happy if he is assured of his return to this House.

I wish I was from Nyanza or Central. Today, I am so popular in Central and Rift Valley, not because I have done anything great, but because I have defended leaders from those regions.

*(Applause)*

If my constituency was in Central Kenya or the Rift Valley, I would beat many of the Members from those regions in an election. If you know your re-election to the 12<sup>th</sup> Parliament, if God wills, is by standing with Hon. Raila Odinga or Hon. Uhuru Kenyatta or Hon. William Ruto or Hon. Kalonzo Musyoka, why are you wasting a lot of your time with the voters?

*(Laughter)*

That is all you need to do. There are people here who are very lucky because their return to Parliament is so simple. It is just to make sure that in the morning you wake up in your house, carry a stone or whatever and look for the enemies of your leaders including Hon. Duale. That is why I am not very popular in certain regions and with certain Members of Parliament.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, Hon. Temporary Deputy Speaker.

**Hon. Mati:** On a point of order, Hon. Temporary Deputy Speaker.

**Hon. A. B. Duale:** It is because I have consistently thrown stones at the big tree. I am not doing it out of ignorance. Where I sit, there is a big tree behind me, so I want to defend it. In the end, I have to throw a stone at the other tree. So, they must understand that I have nothing against CORD.

When my colleagues say I am a sycophant of the President, I ask myself what I am doing different from Hon. Kaluma, Hon. James Orenge, Hon. John Mbadi, Hon. Millie Odhiambo, Hon. Jakoyo and Hon. Junet? We are doing the same thing, but from different positions. Everybody in this House is a sycophant of another person in one way or the other.

*(Laughter)*

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, Hon. Temporary Deputy Speaker.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, let us respect the Standing Orders. Let us respect the Constitution. Let us have party discipline. Let the leadership have tolerance.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Let him conclude and then you can raise your point.

**Hon. A.B. Duale:** This is free advice. Please, ask yourself whether if you want to become rebellious you are taking the route of Aden Duale and William Ruto of forming a party and joining the Government or you are joining the route of going home. If you are in the route of going home, please, do not go home. Go back to your leaders.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Hon. Duale! There are two Members who seem to be interested in raising points of order. I am at a loss who to give the first opportunity. They are Hon. Ken Obura and Hon. Munuve. Let me start with Hon. Ken Obura whose request is top on the list.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Hon. Millie Odhiambo! There is no request from you on the intervention slot as far as I am concerned. If you make a request now, you are number four.

Proceed, Hon. Obura. What is your point of order?

**Hon. Mirenga:** Thank you, Hon. Temporary Deputy Speaker. Allow me to execute my point of order. I am happy with the free piece of advice that the Leader of the Majority Party has given to this House.

**The Temporary Deputy Speaker** (Hon. Cheboi): I am trying to see what your point of order is. I can see you want to debate.

**Hon. Mirenga:** My point of order is that this country has been---

**The Temporary Deputy Speaker** (Hon. Cheboi): No, Hon. Ken Obura.

**Hon. Mirenga:** Hon. Temporary Deputy Speaker, allow me to execute my point or order, please, just like the Leader of the Majority Party was raising his issues.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us hear what it is.

**Hon. Mirenga:** Hon. Temporary Deputy Speaker, I am happy that a lot of times when Members of this Parliament speak, particularly when some of us say things which we feel are not consistent with our thoughts, they say that they will forgive us because we are young. I want to begin my point of order from that angle. This country has been in existence for over 50 years now.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Obura!

**Hon. Mirenga:** Hon. Temporary Deputy Speaker, why are you not protecting me from yourself? Why are you not patient with me? What is it that you do not want me to say?

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Obura, can you, please, relax and avoid emotions. The reason I am not patient with you is because you are not executing your point of order the way it is normally done. I do not want you to get into some argument or some debate because you have risen on a point of order. Let me not take you through the way you should do a point of order because I know you are an old Member now. Please, go straight to your point of order.

**Hon. Mirenga:** On a point of order, Hon. Temporary Deputy Speaker. This country has come from far in the last over 50 years. A lot of bad things have happened in this country. There is a new generation of leadership, especially my generation and a generation behind me, that is so serious and concerned about the past of this country, that is going to do everything to correct the past of this country. Therefore, is the Leader of the Majority Party in order to ask---

**The Temporary Deputy Speaker** (Hon. Cheboi): I will have to stop you, Hon. Obura. That was not a point of order. It was not even a point of argument. You are actually debating through the back door. Let me give the Floor to Hon. Munuve. It has to be a point of order, Hon. Munuve. What is your point of order?

**Hon. Mati:** Thank you, Hon. Temporary Deputy Speaker. Hon. Duale is a very good friend of mine, but he seems to have forgotten the history and development of the Kamba political terrain. Machakos District has five Members of Parliament who are not Members of the Wiper Democratic Movement (WDM). Only three are. Hon. Duale has offered me an ambassadorial position in Zimbabwe. That shows that there is life after Parliament. He has just certified this House to be a House of sycophants.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Duale, in all honesty, the two Members have just succeeded in wasting your time. Just proceed. You have two minutes and 15 seconds.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I want to confirm to Hon. Munuve that I said with exceptions. There are many Members of Parliament who are in smaller parties from Central Kenya, the Rift Valley and Nyanza, where my friend, Hon Oyoo comes from. I was talking about generality. I have nothing against him. I am one person who believes that there must be space. However, there is something that leadership comes with, which is wisdom. I said we need to balance.

In fact, we need to amend the Standing Orders. Why should we amend them? Today, a matter can come to this House that might fundamentally affect the people I represent as the Leader of the Majority Party. I will be in a tight corner on how to execute the matter and balance it with the office I hold because the people who brought me here brought me to represent them

and do oversight. So, we must amend the Standing Orders. What I did might not be cast in stone. It was free advice and I was talking from experience.

Hon. Kaluma is an independent minded Member of Parliament. He has to balance. I am told if they have rallies in Homa Bay and Siaya counties, whoever insults Hon. Duale more is cheered. That means that crowd has some specific attributes and taste. Policy is about how you strategically position yourself. I did not become the Leader of the Majority Party just by fluke. I was sacked. I sacrificed. I formed a party. I campaigned and that is why the leadership recognised my contribution to the party. Parties are built. If you want to inherit my seat, you must prove otherwise. If you want to inherit the seat of the Leader of the Minority Party, you must prove otherwise. So, I was only giving general and free advice. There are those who can come through small parties. We have many from FORD (K), the National Development Party (NDP) and the People's Democratic Party (PDP). So, Hon. Ken Obura and Hon. Munuve can try that.

However, if you want to become a Member of Parliament in Nyanza, the probability of you coming to this House is higher if you align yourself to Hon. Raila Amolo Odinga. That is why even independent minded leaders like Hon. Millie Odhiambo at times shift.

**The Temporary Deputy Speaker** (Hon. Cheboi): I must notice that *Eid* did the Leader of the Majority Party very well. You have been very popular this afternoon in both sides of the House, which is not normal. My free advice to the Member for Kikuyu is that on the attire that you have, sometimes you do not need to use a necktie. You will consult Hon. Duale.

*(Laughter)*

Let us have Hon. Silverse Anami, member for Shinyalu.

**Hon. Anami:** Hon. Temporary Deputy Speaker, we achieve a lot through the work that we undertake through Committees. Indeed, the Constitution of Kenya allows for public participation and has given us the mandate and responsibility to represent our people. As we represent them, it is only good that we speak for them. This afternoon, I feel a little disappointed that we have not given a lot of attention to this Motion. I wish to support the Motion on the reappointment of the Members of the Committee for the work that they have to do.

To the coalitions in this House, it is only better that we should use our various strategies. While our colleagues on the other side will be using all the strategies to maximise their tyranny of numbers, we have to find a way of delivering to our constituents, hence the explanation for this give and take exercise. I thank the leadership of CORD for bringing back the Members who may have been de-whipped from the various Committees. We have achieved a lot through working in Committees because we understand the functions of different institutions and departments of Government. Let us not lose that. It is important for us to keep these Committees working. It is not fair to the Kenyan populace for us to let Committees to stay for a long time without working. Committee reports fail to come to the House in time for decisions to be made. It is important for us to adhere to the rules of the House, follow the Constitution and serve our people. Many petitions have been referred to Committees and we are waiting for reports. As we wait for these reports, justice should be done to the people of Kenya. It is important for us to pass this Motion, so that the Committee can embark on its work and we can serve our people.

We need to appreciate the fact that we have a mix of talents in the House. I support the idea of reviewing the Standing Orders. We need to have people with specific talents to work for



Kenyans in the various Committees. We have a mix of talents which we need to maximise to serve Kenyans.

With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): On the right of the Speaker, I will give the chance to Hon. Njogu Barua. I thought you just walked in. How come your card is very high in the request list? Anyway, proceed.

**Hon. Barua:** Thank you, Hon. Temporary Deputy Speaker, for this opportunity to contribute to this important Motion.

**Hon. (Dr.) Nyikal:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): What is your point of order, Hon. Nyikal?

**Hon. (Dr.) Nyikal:** On a point of order, Hon. Temporary Deputy Speaker. I stand under Standing Order No.95.

**Hon. Members:** No!

**Hon. (Dr.) Nyikal:** This question has been canvassed and despite all that has been said, people seem to agree and support it. I propose that we call upon the Mover to reply or the Question to be put.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, you know you are perfectly in order, Hon. (Dr.) Nyikal. There are only two challenges here. First, I will have to give Hon. Barua the opportunity to finalise his contribution. Secondly, looking at the numbers in the House and also the fact that we have only nine minutes to the time which the Leader of the Majority Party will be moving the Procedural Motion, I do not know whether we will meet your perfect demand. So, let me first give Hon. Barua time to finish. If he is going to contribute beyond eight minutes, it unfortunately means that we will not work on your request.

**Hon. Barua:** Thank you, Hon. Temporary Deputy Speaker, I will be very brief. I will speak for only two minutes. I have a lot of respect for Hon. (Dr.) Nyikal. I am surprised that this point of order is being raised when I have been given an opportunity. It could have been very relevant when the Leader of the Majority Party was giving us free advice which some of us did not agree with.

You can still support a regime by using informed advocacy. There is a difference between sycophancy and informed activism. Hon. Duale is in that office because he made it to be an activist and at the same he contributed to the party.

Coming to the Motion on the appointment of Members to the Departmental Committee on Justice and Legal Affairs, I find it very surprising that this list had been withdrawn for certain reasons. When I consulted, I was told that the list was withdrawn for consultation.

If the same list is being brought again, it means the consultation did not bear any fruit and it was supposed to arm-twist some outcome. As much as I support this list, it is not good for this House to be used by people outside this Parliament to arm-twist the outcome of this deliberation. I know this list was withdrawn from this House to make sure that the Government is arm-twisted to agree with the negotiation and form the seven persons Committee. I am not a supporter of sycophancy. As much as I support the Jubilee Government to the best of my ability, I will support it from the point of information.

If we have to contribute in nation building both from Jubilee and CORD, we must act in a way that is going to make this country move forward. We are not going to continue acting in a way which is going to entrench certain individuals to certain positions. This list was withdrawn

to give a negotiation edge to CORD because this country was almost put to war because of uninformed activism which had put people in the streets.

I support the list, but I want to call upon the leadership of political parties outside Parliament not to interfere to a very large extent with the nominations in this House. I rest my case and support the list.

**The Temporary Deputy Speaker** (Hon. Cheboi): Looking at it Hon. (Dr.) Nyikal, it might be difficult for us to proceed in the direction you requested. You are not even the next one. You are No.9. Hon. Millie Odhiambo, if you really want to confirm your position, you are No.4. If we are to go by the names coming to this other side, I will give a chance to Hon. Kaluma. Having left, then I will give a chance to Hon. Mutura.

**Hon. Odhiambo-Mabona:** But it is our side now.

**The Temporary Deputy Speaker** (Hon. Cheboi): The Member from the other side is very close to you, Hon. Millie.

**Hon. Kangara:** Thank you, Hon. Temporary Deputy Speaker. I rise to oppose this Motion simply because I am a Member of the Departmental Committee on Justice and Legal Affairs. These Members are my friends. We have worked with them for the last three years and they are very effective and good people. It has reached a point where we do not want to mix friendship with issues which we are discussing currently. We have very sensitive and serious deliberations and the country is looking at us to give direction.

On that level, it is better for them to stay away because the time we needed them most they deserted us. I understand they went to their party leaders and they were given a dress down on how they should be conducting themselves in Committee meetings. We also have some other issues which we are deliberating currently and the Committee has been working seamlessly without a lot of issues. So, I urge that they come back after one month so that they can see how far we have gone. Effectively through the Standing Orders, we have 18 Members who are enough to do a report that can be tabled in this House.

Another fundamental issue is the power of the National Assembly. It is as if we are delegating our powers to third parties who are not in this House. It is also a tragedy, in that this is an independent institution, but if we will be taking directions from elsewhere, it means we are going to kill this institution. I would have been happier to see Members of the Committee on Selection being the same because we would have shared the in-depth experience we have in our Committee meetings. That could have been a positive direction.

Another issue is when you see Members being de-whipped and then being told to come back. I do not know the value they are going to add which they had not done earlier. I believe they are coming with a fixed mind to antagonise how we have been working as a Committee. It is good riddance that they are not in the Committee. They could ask their House leadership to see where else they can place them.

With those few remarks, I beg to oppose.

**The Temporary Deputy Speaker** (Hon. Cheboi): We have just a few minutes to the time when the Leader of the Majority Party will move the Procedural Motion. Probably, I will give Hon. Millie Odhiambo two minutes.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Speaker. First of all, I take this opportunity to wish all Kenyans *Eid Mubarak* especially the Leader of the Majority Party.

One of the issues I wanted to raise on a point of order earlier was that perhaps the holiday should be extended. I can see it brings a good spirit to the Leader of the Majority Party. For once, I have heard him speaking the truth and I am glad he said some few home facts.

I support the Motion and wish to inform those of us who are new like Hon. Mutura, who is my friend for many years and I worked with him in the civil society---

**The Temporary Deputy Speaker** (Hon. Cheboi): That surprises me. I am not too sure if it is absolutely correct, but if it is that is a pleasant surprise. Proceed, Hon. Millie Odhiambo, I have not known Hon. Mutura to have been in the civil society.

**Hon. (Ms.) Odhiambo-Madona:** Hon. Temporary Deputy Speaker, you are taking my time. I do not know whether you will add me one minute which you have taken. As a matter of fact, Hon. Mutura will confirm that I trained him severally when he was outside there. The civil society is wide.

I support the reconstitution. We did a technical withdrawal or de-whipping. I want to agree with Hon. Jakoyo Midiwo that even from the last Parliament and in every democracy, there are very many ways that you can exercise your views in Parliament and one of them is whistle-blowing. I have only two minutes and I cannot give many examples of what we have used in the past.

**The Temporary Deputy Speaker** (Hon. Cheboi): To correct you, Hon. Millie Odhiambo, you have two minutes, but of course, when the debate resumes, you will have the balance of your minutes.

**Hon. (Ms.) Odhiambo-Mabona:** Yes, Hon. Temporary Deputy Speaker, when the debate resumes, I do not want to preempt, but it might have been overtaken by events. Within those two minutes, I want to support. There are very many ways and as Hon. Jakoyo said recently, in the United States of America (USA), we saw people doing a sitting and all those are fairly acceptable.

What we need is for the House leadership to guide that and open room for people to debate. Sometimes we feel restrained. Let us be on each other. It is what makes Parliaments fun. Do not make Parliament so boring. I like it when I get a jab from the Jubilee side. When they throw something and I am able to equally respond, that is politics. This is a House of politics and law. So, let us legislate as we politic. In a very long time, today is when I have seen just a little of what was in the last Parliament. The House leadership should let us have this free space within which to debate. I know that the Departmental Committee on Justice and Legal Affairs was not able to talk about the issue that is of concern to us, but my friend, Hon. Mutura, though he does not come from that area, I will request him to take up the issue of fishermen, even though I will also pick it from my Committee. We know that the Chinese are importing fish.

**The Temporary Deputy Speaker** (Hon. Cheboi): Your two minutes are over.

**Hon. (Ms.) Odhiambo-Mabona:** When I am talking about fish then suddenly my two minutes are over. I thank you and wish all my colleagues *Eid Mubarak*. Let us meet afterwards. I know I will not get a chance after this. Have a good holiday.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Let us have the Next Order.

## MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT  
NORMAL SITTING DAY

**The Temporary Deputy Speaker** (Hon. Cheboi): The Leader of the Majority Party.

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

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until Tuesday, 19<sup>th</sup> July, 2016 in accordance with the Calendar of the Assembly (Regular Sessions).

The House is expected to proceed for a 12 days recess from today. I would like to commend all Hon. Members for their good work during this part of the Fourth Session. Since we resumed from the long recess on 7<sup>th</sup> June, 2016, we have passed five crucial Bills which are:-

The Anti-Doping (Amendment) Bill, 2016

The County Allocation of Revenue Bill

The Health Records and Information Management Bill, 2015

The Appropriations Bill

The Supplementary Appropriations (No.2) Bill of 2016.

We have also passed Sessional Paper No.1/2016 on Government Guarantee on Borrowing for the Construction of the Second Container Terminal Phase II as well as the Motion that requires the national Government to declare cattle rustling a national disaster. Also adopted was the Motion declaring Kamukunji Grounds a protected national monument.

The House has debated several Committee reports like the Report on Budget and Appropriations Bill on the Budget Estimates for the National Government, Judiciary and Parliament for the Financial Year 2016/2017. The House debated the Report on the Second Supplementary Estimates for the Year 2015/2016. We have dealt with the Ratification of the East African Community (EAC) Protocol, the vetting of nominees to the Privatisation Commission and Competition Authority.

When the House resumes from recess, the HBC last night decided to give upmost priority to the consideration of the Miscellaneous Fees and Levies Bill 2015, the Kenya Defence Forces (Amendment) Bill 2015, the Proceeds of Crime and Anti Money Laundering Bill, 2015 and many other Bills which are at various stages.

It is my hope that Members will take this time to join their families and constituents and engage in many issues affecting the people of Kenya. I do not know where Hon. Millie Odhiambo is. She is leaving, but I wanted her to hear this. There was insinuation this afternoon from Members that there was a *Kamukunji* on the NGCDF versus the Budget and that the Jubilee Coalition went and had a parliamentary group meeting which decided otherwise.

First, I want to go on record that *Kamukunjis* are informal gatherings of Members. They are not anchored in the Standing Orders and they discuss informal matters. It is like Members meeting under the Chair. The Jubilee Coalition had a parliamentary group meeting chaired by its leaders as provided in the Standing Orders. A parliamentary group meeting is a formal meeting in which we even choose the leadership of this House. So, there was nothing illegal that we did. I think CORD decided to have the informal gathering with our Members, but ultimately, we are a coalition that has structures, is solid, believes in the rule of law and respects our leadership. When we talked to our Members on our manifesto on the relationship between the Budget and the NGCDF in a very collective way, our Members were convinced otherwise.

So, Hon. Duale has committed no crime that will take him to any court of law or to the International Criminal Court (ICC). So, I only wanted to make that clarification so that Hon.

Millie Odhiambo can relax because she is not a Member of the Jubilee Coalition. When we were dealing with the selection of the 14 Members, I was shocked to find one of my Members, Hon. (Prof.) Hellen Sambili, being nominated by CORD. I had to call Hon. Sambili, who was in Seoul, Korea, to ask if she was the one who was being nominated by CORD and she said “no”. So, I looked at the record of Parliament of the 349 Members to see whether there are two Hellen Sambilis, but I was so happy. As magnanimous as she is, a leader who has come to this House twice on two small parties, namely, in the last Parliament, under the United Democratic Forum (UDF) Party and she is in the House through the Kenya African National Union (KANU), she said three important things. She said that, first, she is not a Member of CORD, second, her party has not joined CORD and if it has, she has to seek the approval of the people of Mogotio. Finally, she said that if her party wants to join CORD and be part of the dialogue, then its Chair, Hon. Gideon Moi, should have nominated himself just like Hon. Wetangula nominated himself as the Leader of the Minority Party in the Senate when the opportunity arose.

So, that is the only correction I wanted to make. I thank Members particularly of the National Assembly who have taken their time in this House. Many reports have been presented, the Budget was passed, vetting was done and Bills have been passed.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order.

**The Temporary Deputy Speaker** (Hon. Cheboi): What is your point of order, Hon. Millie Odhiambo? Let it be a point of order.

**Hon. A.B. Duale:** There should not be a point of order.

**Hon. (Ms.) Odhiambo-Mabona:** It is a point of order. My very good brother, Hon. Duale, requested me to come back when I was getting out. As much as I agree with Him, is he in order to impute improper motives on us by suggesting that the CORD people, over the issue of NGCDF, wanted him to go to the ICC when in fact, those of us who understand democracy in parties know that once they make a decision and we have agreed as Members, it is only courteous to inform us? You do not make us come and sit here when you have made a decision different from what we had agreed on. If he had been as courteous as he is today, I would have no problem with him. So, that is why I am suggesting this fasting should go on, so that he continues being nice.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Millie Odhiambo and this is for the benefit of Members, the fact that you start with the term, “would I be in order or is the particular person in order” does not make it a point of order.

Hon. A.B. Duale, as far as I am concerned, that was not a point of order. Please proceed to conclude.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I have complete cultural, religious and regional differences with Hon. (Ms.) Millie Odhiambo. We have not had any point of convergence in the last eight years. Their coalition is so confused that they purport to appoint one of my Members. They cannot become squatters in the Jubilee Coalition in making decisions neither are we going to be squatters. They should make their decisions in a *Kamukunji* or in a parliamentary group and run their coalition. They should not look for spare players from the Jubilee Coalition. If your players are tired, disenfranchised, have left the coalition and are rebellious with no cause, then, that is your problem. They should wait for more disintegration as we approach the general elections.

As the Leader of the Majority Party, my business is to ensure that our house is in order and our competitors’ house is in disarray. That is why we are in politics. We are not in politics as

flower girls. We are not here to impress anybody. If you hammer me, I will hammer you back politically. When I find Hon. Kaluma in a bad corner, I will do what I am supposed to do as the Leader of the Majority Party. He does not expect me to behave well.

As we go on recess, let us allow the 14 Members that we have selected to start their work on Monday and rise to the occasion. When there is light at the end of the tunnel, politicians usually go and buy tunnels to make the light dim. I would like to urge you to take my message to your friends who are demonstrating on the streets, that when there is light at the end of the tunnel, they should not buy more tunnels.

I beg to move.

**The Temporary Deputy Speaker** (Hon. Cheboi): We do not need a Secunder on this particular Motion.

*(Loud consultations)*

I would like to give this opportunity to the Member for Matungulu. Members, let us listen to him in silence particularly the two Members of Makueni.

**Hon Murungi:** Hon. On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Kathuri, what is your point of order?

**Hon. Murungi:** On a point of order, Hon. Temporary Deputy Speaker. This is a Procedural Motion and most of us have been here religiously to, at least, get an opportunity to speak this afternoon, but in vain. It is almost 7.00 p.m., and we have not been given an opportunity to speak. I was wondering if the House could agree that Members should only contribute for three minutes.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Kathuri, you are in order. I do not even need to put a Question on that. I am going to rule it to be so. Three Minutes per Member. We will start with the Member for Matungulu, and since you brought the issue, you will be the next Member to speak.

**Hon. Mule:** Thank you, Hon. Temporary Deputy Speaker. I would like to thank the Members for the dedicated work they did this Session. It has been a busy Session. It is important that Members get a break to move to their constituencies to catch up with what is happening. The public should realise that sometimes Members get very busy with House business.

I would like to urge the Joint Select Committee to move with speed to bring light in this country, so that when we come back, they will have a report to table. I am sure all Members are happy that they are going back to interact with their constituents and find out people who are trying to unseat them. In Matungulu, I am safe. This is an opportunity for Members to be with their families. Most of the time, they spend their time on business, work in Parliament and in the constituency. So, I urge Members as fathers and mothers, not to forget their families during this time of recess. Let us create time to be with our families, so that when we come back here, we will be fresh to move this country forward.

Lastly, I want to wish all our brothers from the Muslim Community *Eid Mubarak*. They should be happy during their celebrations. Let us preach peace during the recess.

**The Temporary Deputy Speaker** (Hon. Cheboi): If Hon. Mule's wife heard that, he would obviously be a very happy man over the holidays. Let us have Hon. Kathuri. Members will have time to contribute. I will see how quick we can go.

**Hon. Murungi:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I support this Procedural Motion which is in line with the Standing Orders. This recess is very important. It will give Members enough time to interact with our people at the constituency level. Noting that the NGCDF issues have become a hot potato, it will give us time to inspect the projects which we have been undertaking in the last one year. We will also reflect on 2016/2017 Financial Year because we need to come up with objective projects, which we will forward to the NGCDF Board. The 10 days recess is very important in this aspect.

An issue of national importance is the IEBC Joint Parliamentary Select Committee. As a nation, we are looking at this Committee. These 10 days or the one week recess will give them enough time to concentrate enough, so that they can put their terms of reference together and discuss the issues that they need to discuss, so that they can utilise the 30 days which we have given to them and bring a report to us. These 10 days are also very important for this Joint Parliamentary Select Committee.

We are family men and women and we need to spend time with our families, so that we can understand other issues in our families. Therefore, this is important for us.

I support the Procedural Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Sakuda.

**Hon. ole Sakuda:** Thank you very much, Hon. Temporary Deputy Speaker. I stand to support this Procedural Motion. It is important for the Departmental Committee on Lands because we have seen that a number of Bills which we have been working on have not seen the light of the day. Some of them have gone back to mediation. I want to encourage the House Business committee (HBC) to continue bringing our reports on the Floor of the House.

In today's Order Paper, Order No.16 is a Report from the Committee. Over 15 reports were tabled in this House, but they were not debated. So, as we come back, we look forward to more of these reports, so that Committees can be encouraged to come up with reports. These reports are brought to the House and committed to the Committee on Implementation especially the emotive land issues, so that our people can get the right answers and remedies for these land issues.

I support the Procedural Motion. *Twende tuwe na familia na waakaji wa maeneo Bunge yetu.*

**The Temporary Deputy Speaker** (Hon. Cheboi): That is against the Standing Orders. So, I stop you there. You cannot speak in English and then halfway through, you switch to Kiswahili. Let us have Hon. Nyikal.

**Hon. (Dr.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker. I support this Procedural Motion. I must say two things. One, the most important thing that has come out for this country in this Session is the Joint Parliamentary Select Committee which we put in place yesterday and today. I want to appeal to the Members of the Committee that as they go into action, there should be sincerity and honesty on both sides of the House. People may take it lightly, but if we work on that Select Committee with sincerity, honesty and integrity with the desire to save this country, we will save this country a lot of problems. People should not take it for granted that if the Committee does not work, things will go back to normal. In fact, we will go back to the problems we had before.

I am surprised this afternoon because this is the first time I noticed official filibustering coming from the Chair of the Speakers. I cannot understand why during this last Motion of selecting Members, people were allowed to say the same thing. Initially, it appeared that it had

ended, but people raised very emotive issues and they were encouraged to talk more and more. In the end, we literally lost direction. So, we are going on recess without our side putting Members in the Committee that is very important at this point. If that was the plan, we need more sincerity. I do not believe what people believe that politicians cannot be trusted, are not honest and that one day, they say this and another day, say something else. We must start changing that view to the fact that politicians can be people of integrity.

People said that there is sycophancy, but I note what happened although it was an informal meeting. I expect that in an informal meeting, people come with integrity, but they report that they have changed their minds. That is worse than sycophancy.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will not respond to what you have said. Let me give opportunity to Hon. Waiganjo.

**Hon. Waiganjo:** Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity. The Fourth Session of this House has been a very exciting moment. As the National Assembly, we must be proud of what we have done.

It is now time to go on recess to do the duty of representation and as parents, have a little time with our children. Importantly, I have noticed that during this Fourth Session and as we proceed for recess, we have left a Judiciary under transition. I say this because as the Departmental Committee on Justice and Legal Affairs, we oversee the Judiciary. We shall always be vigilant even as the leadership at the Judiciary takes shape.

My disappointment is on the Potato Produce and Market Bill, Senate Bill No.22 of 2014. This Bill is very important for our people in Nyandarua County, specifically in Ol Jorok Constituency because this is the law that will reduce the packaging of potatoes from over 100 kilogrammes to only 50 kilogrammes. Every time this Bill is listed on the Order Paper, it normally comes as Order No.19 or No.20. It hardly gets to see the light of day. I urge the HBC to expedite it when we come back, so that we can debate it and end the long suffering of the people of Nyandarua and Ol Jorok.

We have also seen unprecedented demonstrations in this country, but we are lucky and happy that a solution has been found. People have tested Article 37 on picketing to the extreme. On my behalf and on behalf of the people of Nyandarua and Ol Jorok, it is *Eid Mubarak* for our Muslim brothers and sisters.

**The Temporary Deputy Speaker** (Hon. Cheboi): Thank you. Let us have Hon. Jane Agnes, Member for Laikipia.

**Hon. (Ms.) Machira:** Asante, Mhe. Spika wa Muda, kwa kunipatia nafasi hii ambayo nimefurahia. Tutapata likizo leo ya kwenda nyumbani kwetu. Ninashukuru kwa kazi ambayo Bunge limefanya kwa sababu tumepata Kamati ambayo itaangalia mambo ya IEBC ambayo imekuwa ni shida zaidi katika nchi yetu.

Ninasema imeleta shida kwa sababu tumepoteza mali kwenye vurugu ambazo zimekuwepo. Pia, tumepoteza maisha. Ie Kamati itawajibika kumaliza vurugu na tuko na imani kwamba tutapata suluhisho la kudumu na hakutakuwa vurugu na maandamano ambayo hata wazee wanashiriki na kutembea mitaani. Hili litakuwa jambo la maana katika Kenya yetu na tunashukuru zaidi. Tunajua kwamba ripoti hii itakapoletwa hapa Bungeni, itajadiliwa vilivyo.



Wabunge wengine walikuwa na shauku kuwa jambo hilo haliko sawa katika sheria za Bunge. Lakini litakaporudi hapa wakati wa pili, tunajua litajadiliwa. Ikiwa ni jambo ambalo litahitaji kupitishwa, itakuwa ni wakati wao wa kuzungumza yaliyo ndani yao.

Kwa hayo yote, nashukuru.

**The Temporary Deputy Speaker** (Hon. Cheboi): The Member for Molo.

**Hon. Macharia:** Thank you very much, Hon. Temporary Deputy Speaker. It is good that we are going on recess. During this Session, we have seen Members execute a lot of business. We have also seen reason prevail over activism in terms of the NGCDF and the Budget. We have also got reports from the Budget and Appropriations Committee on pending Motions. It is also regrettable that my Motion is still pending.

I am also concerned, like the Member for Ol Kalou, that whenever this Potato Bill is called out on the Order Paper, Members laugh at it. It is important to Members like me and Hon. Waiganjo because potato is our staple food just like tea is a staple food in Kericho. We grow potato, live by potato and our people educate their children by potato. So, we hope that one time, it will come as Order No.8 and then we can discuss and expedite it.

This recess is good because we will be with our constituents. We will also expedite the NGCDF business and engagements with the community. Therefore, I wish all Members a good recess. I also wish all Muslims, 60 of them from my constituency, happy *Id-Ul-Fitr*.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Amolo Rachel.

**Hon. (Ms.) Amolo:** Thank you, Hon. Temporary Deputy Speaker. I support this Procedural Motion. It is a good thing for us to have this short break to be with members of our families and go to the constituencies to see our brothers and sisters celebrating *Eid-Ul-Fitr*. We wish them the best as they celebrate.

It is also good that we are going home knowing that all of us are back in Parliament doing what we are supposed to do because it is in this period that most of us were in the streets doing demonstrations. Today, we are going on recess having established a Select Committee to look into issues of the IEBC. So, we will come back knowing that we will be a step ahead on issues of the IEBC.

It is also sad for us as CORD. When we look at the Departmental Committee on Justice and Legal Affairs, it is sad that we are leaving without putting it together. We wish that when we come back, the issue will be sorted out.

I also want to wish Kenyans out there the best. It is time for us to meet them and tell them what has been happening in Parliament.

I support this Procedural Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. I can see Hon. Kang'ata is speaking to himself. Let me give him an opportunity in two minutes to speak to this Motion because he has been here most of the afternoon.

**Hon. Kang'ata:** Thank you, Hon. Temporary Deputy Speaker. I want to say that I am happy with this Session particularly on the issue of the NGCDF because we were fearing that it will be blocked. Although some money has been retained pursuant to the court order, I hope the CDF Committee will come up with ways to remedy that issue, so that the entire sums go back to NGCDF.

With that, I wish our Muslim brethren Happy *Eid Mubarak*.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Members! The time being 6.30 p.m., this House stands adjourned until Tuesday, 19<sup>th</sup> July 2016 at 2.30 p.m.

The House rose at 6.30 p.m.