

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 26th June 2018

The House met at 2.30 p.m.

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

PRAYERS

MESSAGE

DIVISION OF REVENUE (AMENDMENT) BILL

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order No.41, I wish to report to the House that I have received a Message from the Senate regarding the passage of the Division of Revenue (Amendment) (Senate Bill No. 14 of 2018).

Hon. Members, the Message reads:

“The Senate considered the passed said Bill without amendments on Wednesday, 13th June 2018.”

The Senate now seeks the concurrence of the National Assembly on the said Bill in accordance with the provisions of Article 111 of the Constitution. Hon. Members, the Bill seeks to amend the Division of Revenue Act No. 1 of 2018 to provide for additional conditional allocations to the county governments for the Financial Year 2018/2019.

Hon. Members, Standing Order No. 143(1) (a) requires the Speaker to cause a Bill which is received from the Senate to be read a First Time upon conveyance of a Message from the Senate referring Bills to the National Assembly. Accordingly, I direct that the Bill be read the First Time at the next Sitting. The House is aware that the Division of Revenue Act No. 1 of 2018 is the one that informs the budget of the national Government, Judiciary and Parliament. It is confirmed by the way of the passage of the Appropriations Bill 2018. In that respect, following this First Reading, the Division of Revenue (Amendment) Bill (Senate Bill No. 14 of 2018) will stand referred to the Budget and Appropriations Committee, which will advise the House on how to proceed. I thank you. Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, you have referred several Bills that emanate from the Senate to the Budget and Appropriations Committee. When we meet the Senate leadership, they always accuse us of not dealing with their Bills. I want you to urge the Budget and Appropriations Committee to expedite that process, so that the House is informed whether some of those Bills are money Bills or ought to originate from the National Assembly in accordance with the Constitution. If those Bills which originate from the Senate are in order, then this House, under your leadership, is under obligation to make sure that we process their Bills.

We have sent more than five important Government Bills to the Senate. When I asked some Members in leadership yesterday why they cannot fast track the Energy Bill, Petroleum

(Exploration, Development and Production) Bill and the Physical Planning Bill, they told me that the National Assembly has stuck with five of their Bills. I want the Chair of the Budget and Appropriations Committee to expedite and give us the position of those Bills before we go for the short recess next week. The Leader of the Minority Party is a Member of that Committee.

Hon. Speaker: All Bills which are referred to in Article 218(1)(a) and (b) are exempted from the provisions of Article 114 of the Constitution. This is the reason why the County Allocation of Revenue Bill is allowed to emanate from the Senate. The aspect of the money Bill with regard to the Division of Revenue (Amendment) Bill is properly within the House. However, I agree with you that the Budget and Appropriations Committee should also advise the House accordingly.

The Leader of the Minority Party has pressed the intervention button. Is it with regard to this?

Hon. John Ng'ongo (Suba South, ODM): Hon. Speaker, if the Budget and Appropriations Committee find that the Bill is a money Bill, then the procedure of reporting needs to come back to the National Assembly. The Speaker should communicate back to the Senate that the Bill could not proceed, so that they do not wait for it and yet it is not there in the first place. That is because we have not concurred with it.

The Chair of the Budget and Appropriations Committee is not in the Chamber, but we will report back. I know that we are considering quite a number of Bills. We will check if there is any Bill from the Senate which we need to dispose of. We will concur and allow Parliament to proceed. If there are matters that touch on money Bills, then we will advise the plenary appropriately.

Thank you.

Hon. Speaker: Let us proceed to the next Order.

PAPERS LAID

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2017, and the certificates therein:

- i. TVET Curriculum Development Assessment and Certification Council.
- ii. Kenya Power and Lighting Company Limited - Rural Electrification Scheme.
- iii. National Communications Secretariat.
- iv. Jomo Kenyatta University of Agriculture and Technology Enterprises Limited.
- v. LAPSET Corridor Development Authority.
- vi. Kenya Institute of Mass Communication.
- vii. Kenya Electricity Transmission Company Limited.
- viii. Mwea Rice Mills Limited.
- ix. State Department for Broadcasting and Telecommunications.
- x. Kenya Re-insurance Corporation Limited.

Hon. Speaker: The Chairperson of the Departmental Committee on Transport, Public Works and Housing.

Hon. David Losiakou, (Pokot South, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House today, 26th June 2018:

The Report of the Departmental Committee on Transport, Public Works and Housing on the consideration of the Building Surveyors Bill, National Assembly Bill No. 35 of 2017.

Thank you.

Hon. Speaker: The Chairperson of the Departmental Committee on Education and Research.

Hon. Julius Melly (Tinderet, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House today, 26th June 2018:

Reports of the Departmental Committee on Education and Research on the meeting to address the operations of the Bridge International Academies held from 2nd to 6th June 2018 in London, United Kingdom.

The Cican Tivet Conference held in Victoria, British Colombia, Canada from 27th to 1st May 2018.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

STATEMENTS

Hon. Speaker: Hon. Members, before we go to that Order, allow me to recognize the presence of, in the Speaker's Gallery and Public Gallery, students and pupils from the following institutions:

In the Speaker's Gallery, we have Mwathia Boys, Mbeere South Constituency, Embu County; Mbakalo Friends High School, Tongaren Constituency, Bungoma County and Cavina School, Dagoretti, Nairobi County.

In the Public Gallery, we have Lorna Waddington High School, Embakasi East Constituency, Nairobi County; Maryland Academy, Nandi Central Constituency, Nandi County and Githunguri Girls, Kandara Constituency, Murang'a County.

They are all welcome to observe the proceedings of the National Assembly this afternoon.

(Applause)

The Member whose card must have been placed before 2.30 p.m. must be the Hon. David Sankok.

11TH ASSEMBLY OF STATE PARTIES ON THE CONVENTION AND THE RIGHTS OF PERSONS LIVING WITH DISABILITIES

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, pursuant to Standing Order No.43, I rise to make a Statement regarding the 11th Assembly of State Parties on the Convention and the Rights of Persons Living with Disabilities (CRBD), whose theme was: "Leaving no one behind through fully implementation of the CRBD".

Hon. Members, we learnt a lot especially regarding the need of persons living with disabilities, especially psycho-social disabilities, a topic which Kenya as a country needs to research on further. We also learnt that a sizeable percentage of our prisoners are persons living with disabilities and have psycho-social disabilities thus the need for psycho-social support rather than confinement or imprisonment.

Hon. Speaker, we also shared our achievements as a nation. I am happy to report that Kenya is among the best achievers in the disability rights now competing with America and Europe. Kenya has put in place measures and policies of achieving disability rights for instance, Access to Government Procurement Opportunities (AGPO) by persons living with disabilities, importation of duty free vehicles by persons living with disabilities, presidential directives of ensuring that learners living with disabilities who write using either their mouth or legs for lack of hands be given enough time and space to complete their examinations, among other achievements.

Despite all those achievements, as a nation, corruption still remains the only detrimental factor to development, leading to deprivation of persons living with disability privileges and rights. For instance, for the past five years, the Ministry of Labour has been sending delegates without disabilities to all international conferences for persons living with disabilities, without considering the theme of the United Nations Convention on the Rights of Persons living with Disabilities of “nothing about us without us”. This is stealing funds and opportunities meant for persons living with disabilities.

I, therefore, wish to appeal to the Ministry of Labour, as we prepare to attend the Global Disability Summit in London, which Kenya co-organises with the UK, that the Kenya delegation to the said summit should constitute two-thirds of persons with disability and the leader of the delegation must be a person living with disability.

Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Hon. Members, it is a good Member called Nominee 001, Hon. Sankok. I also need to inform the House that the Departmental Committee on Labour and Social Welfare has nominated the following Members to attend: Hon. Museo from Makueni; Hon. Dennitah Ghati; and Hon. Teiya. That should now put to rest the concern of Nominee 001.

(Laughter)

There is no harm but, at least, the greatest concern was that of persons living with disabilities.

Hon. Members, let us proceed. Hon. Sankok, I am just announcing what has come from the Departmental Committee. So, any further discussion on that can only be by way of you seeking clarification when they bring their report. You can now debate it and argue that this was unfair because there was no male representative. But that can only come after because the Committee has already made that decision and forwarded the names to the Clerk.

Hon. Vincent Kemosi.

HARASSMENT THROUGH FREQUENT ARRESTS BY POLICE

Hon. Vincent Mogaka (West Mugirango, FORD-K): Thank you, Hon. Speaker, for giving me the opportunity. Pursuant to Standing Order No.43, I seek leave of the House for the purpose of discussing the frequent arrests made on Fridays or public holidays and stretching to weekends, targeting honourable Members of Parliament, senior public officers and other members of the public.

During those arrests, the people are denied police bonds or cash bail and they end up spending the entire weekend in police cells. The arrests are organised in such a way that they are against the constitutional rights of the suspects. The arrests, therefore, amount to intimidation, harassment and frustration of suspects. It is for this reason and with your indulgence that I seek the leave of the House to discuss this very serious matter on frequent arrests on Fridays and public holidays; and stretching throughout the weekends.

Thank you.

Hon. Speaker: Hon. Members, this is a Statement sought under the period called Zero Hour from 6:30 p.m. What you needed to know is that Hon. Kemosi has already made that indication. He wants to discuss the frequent arrests made on Fridays or public holidays. It might be that the people arrested are too busy during the other days and they are only available to visit police stations on Fridays and public holidays, and then they meet their nemesis. There you have it. Hon. Kemosi, it will be at 6:30 p.m. You can discuss the matter.

Hon. Members, before we proceed, I would like to know whether the following Members are present in the House: Hon. Ali Haji, Member for Mandera South Constituency; Hon. Cheruiyot Gladwell Jesire, Member for Baringo County; Hon. Gaal Ahmed Bashane, Member for Tarbaj Constituency; Hon. Mukwe Lusweti, Member for Kabuchai Constituency; Hon. Okoth Odhiambo, Member for Kibra; Hon. Okelo Odoyo, Member for Nyando Constituency; Hon. Alfred Wekesa Sambu, Member for Webuye East Constituency and Hon. Silas Tiren, Member for Moiben Constituency.

I had to read out this list because the information that is with the Clerk is that those Members have not registered electronically and/or have not picked their cards. I can say for sure that Hon. Alfred Wekesa Sambu is indisposed. He has notified me and he has my approval to be absent. Just notify him that when he resumes, he needs to register and pick his card. I know Hon. Ken Okoth has been indisposed but was in the House last week. Again, he was absent with permission. I have to specify that aspect of “with permission” so that the villagers do not think that, that is the ground to start writing to me about absence. At least, I know Hon. Sambu and Hon. Okoth have been away with my permission. So, they are not in violation of Article 103. For other Members, I do not know the reasons why they have not either registered and, if they have registered, why they have not collected their cards.

Member for Nyando, Hon. Okelo, you should register electronically. Now that I know publicly that you have not, you can bet you are unlikely to have a chance to speak this afternoon and, possibly, for the remainder of this Session. You are a very active Member here. There is no reason why you should not have a card. Please register and pick the card. Hon. Okelo, do you want to say that you have not registered for some reason?

Hon. Jared Okelo (Nyando, ODM): Yes.

Hon. Speaker: Please explain.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Speaker. A fortnight ago, I wrote a letter to you indicating that I will be handling resettlement of my constituents who were affected by the floods. It was in line with Standing Order No.260, which I invoked in that letter. The registration happened during the same period. I have come today a little indisposed because even the voice has changed. I will endeavour to register within the shortest possible space of time. I apologise for the delay, but I think my reasoning is well in order.

Thank you.

Hon. Speaker: Understood. I was just wondering how you could not have registered and yet, I have always known you to be very active here in the House. It is understood. Registration is happening throughout, even now.

Member for Gilgil, what is your intervention about?

Hon. Martha Wanjira (Gilgil, JP): Thank you, Hon. Speaker. I rise on point of intervention to seek your clarification on an issue in terms of the statements to this House. On 27th February, a young man in Meru University was killed. I sought a Statement from the Cabinet Secretary Matiang'i and it was duly done by the Leader of the Majority Party. He was supposed to appear today before the Departmental Committee on Administration and National Security, but he did not appear. The father of that young man was in this House to follow that Statement. My question is: How can we get the committees to be in full control of the statement-seeking process so that they are able to enforce Article 125 of the Constitution to call for evidence and compel the relevant authorities to appear? It is now four months and that statement has not come. I know the frustration is shared by *Mheshimiwa* from Emuhaya who we were with today and no clear explanation was offered to us. How can we ensure that the committees are in full control to be able to enforce Article 125 of the Constitution?

Hon. Speaker: Yours was a question which was to be answered by the CS alongside several others as had been read out by the Majority Whip on Thursday last week. The chairs of committees owe it to the House to report the CSs who do not appear. If they do not appear, then we have to, as a House, deal with them in the manner provided for not just under Article 125, but also under the Powers and Privileges Act. They know the questions forwarded to them. If they are not able to attend for one reason or the other, the chairs of those committees should find it in their place to come and inform the House what happened necessitating failure to appear by the CSs concerned.

The Chair of the Departmental Committee on Administration and National Security!

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker.

It is true the Hon. Member came for the meeting this morning. We explained to the Hon. Member, including other hon. Members who have already asked questions that the Cabinet Secretary was not going to be available today and already, had asked for a date which is 5th July 2018. We agreed with the Hon. Member that he comes on that day, together with other Hon. Members. I also had a chance to console the family for the child who was shot. The CS is attending a Northern Corridor Integration Projects Summit (NCIPS) at Safari Park Hotel. He was not able to come. He apologised for not being able to attend the meeting this morning. We are going to answer the Questions on 5th July 2018, when the CS will be here.

Hon. Speaker: Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you very much Hon. Speaker.

I was one of the affected Members this morning. The notice to us as Members of Parliament came well in advance. The notice to the CS also went well in advance. I remember, just after the Budget day. The CS was aware that there was a Question on security emanating from my constituency. We had to work our way from where we reside this morning. For me, it is in western Kenya to this place this morning. Indeed, even on the excuse of the NCIPS, the CS must have been aware that the meeting would be there. I pitied Hon. Wangari even more. The parents and relatives of the said child were seated in the Speaker's Gallery.

Hon. Speaker, I want to report to you that the Speaker's Gallery was full. The media was here. The expectations of our constituencies were also high because they were looking forward to those Questions being answered. When the CS fails to turn up and gives an excuse, that should

not be in order. It is because they will still have other meetings. The CS should, at least, inform the said Committee chairs well in advance that they would not be available so that we do not raise the expectations of the people we represent only for us to look like we are not informed or we are not prepared. Or look like we are lying about the Questions we have asked.

As I finish, you have to get this House a way of insisting that CSs and more so, the CS for the Ministry of Interior and Coordination of National Government, who is brother Matiang'i, to have some respect for this House.

Hon. Speaker: Hon. Wamalwa, do you want to make this a debate or the debate?

Hon. Chrisantus Wakhungu (Kiminini, FORD-K): Thank you, Hon. Speaker.

I have some information on 411 which is a respected platform. Notwithstanding what the Chair of the Departmental Committee on Administration and National Security has said pertaining to the NCIPS, 411 says that CS Matiang'i says proceedings of parliamentary committees will prejudice the outcome of the ongoing probe into the sugar matter. I think this is in relation to *sub judice*. On a matter of *sub judice*, it is not the witness to make a decision. It is, therefore, high time that Parliament acted. Under Article 125 of the Constitution, we know very well that Parliament or any Committee of Parliament can summon anybody and anywhere for purposes of giving evidence. Parliamentary committees have powers like those of the High Court. It seems we have some super CSs. This should not be acceptable. The Leader of the Majority Party provides a link between the Executive and Parliament. It is high time we summoned CS Matiang'i, through the Leader of the Majority Party. Personally, I have serious matters in my area of representation, at a farm called Meso Farm. The police have killed people on matters of land. I had raised an issue. I wanted a statement from CS Matiang'i but, to date, it has not been provided. It is high time that Parliament acts. The Chair of the Departmental Committee on Administration and National Security has said something different and yet, 411 reports that Matiang'i said he will not appear before the Committee. We are setting a wrong precedent. We must act.

I thank you.

Hon. Speaker: Hon. Members, let us not make this matter our main business. Fortunately, the points that Hon. Wamalwa has just made were contained in my Speech earlier today. It is regarding the provisions of Article 125. You know, we have raised it here before. We would want this House to express itself one way or another. I am also aware that the Committee on Procedure and House Rules sat this morning, under the chairmanship of the Deputy Speaker. This must be one of the issues that were being addressed. It is a matter of great concern. I am aware. We need to look at Article 125. When it says Parliament or any of its Committees can summon any person to appear before it to give information and/or evidence, it is all right. We know where or how Committees work. It says "Parliament". It starts with "Parliament". Parliament sits in plenary. It means the National Assembly or the Senate. When it sits, it does so in its plenary. So, these are weighty issues that need to be addressed. The Leader of the Majority Party will have to take up this matter. I am sure that the Members raising issues were not the only ones whose Questions were scheduled to be responded to by the CS, as read out by the Majority Whip last Thursday. There were more than just those two statements. There were several. That is why that CS had been scheduled to take slightly over an hour in responding. It is because the Questions were many.

I do not want to pre-empt what decision you may wish to make with regard to the report that will come from the Committee on Procedure and House Rules. If you want to address this

as a matter of general debate, they sometimes call it “*Mzungumzo badala ya Habari*” in Kiswahili.

Hon. Members: It is “*baada ya*”.

Hon. Speaker: I am fully aware of “*baada*” and “*badala*”.

(Laughter)

I carefully choose to use “*badala*”. It is “*Mzungumzo badala ya Habari*”. So, if you want to discuss it in that manner, let us hear Hon. John Mbadi.

Hon. John Ng’ongo (Suba South, ODM): Hon. Speaker, I get a bit concerned when I hear some of these things. I am quoting some book we read in high school, which says that if you spare the rod, you spoil the child. I think Kenyans, and even Parliament, have been too nice to this CS. He is showing some kind of rogue behaviour and we are not taking any action. Before we know it, we will have spoiled the child to an extent we may not salvage. We need to be very candid to this CS even though he has been praised for doing some things. Some of us have different opinion about it, and about his performance in the Ministry of Education, Science and Technology. Some of us are still questioning how our children cannot score grade “A” in English. We know how good Kenyans are. That is a subject for another day, especially from where I come from.

(Laughter)

Listening to Jared Okello, it leaves no doubt that English is made and brewed in this country. On a serious note, on this matter of a Cabinet Secretary having been notified... We have defined that we would not give less than seven days’ notice to the Cabinet Secretary. That is for a purpose. It is also expected that any Cabinet Secretary who may not for whatever reason, be able to present himself or appear before Parliament to answer questions, should give even three or two days’ notice so that a Member should not move all the way from western Kenya. I am sure Hon. Martha, being a politician; you must have spent quite a bit of money to bring those people here. If you did not spend, those poor people did. In fact, it would have been better if you spent. Now that you are indicating that you did not spend, to me, it is more painful to the pockets of those people who came all the way from near Nakuru to Nairobi. We need the House Rules and Procedures Committee to define the minimum number of days or whatever period is appropriate so that, if we do not receive official communication from Cabinet Secretary asking for extension of time, then we would treat that Cabinet Secretary as uncooperative and probably declare them hostile and appropriate action is taken. A message needs to go to the Cabinet Secretaries and more particularly, Hon. Matiang’i that, even as he does whatever he considers to be good work out there, we expect him to be accountable to the people of Kenya. I wonder why he did not ask us for extension of time when he was being vetted. This is probably the mistake we did. All those Cabinet Secretaries should have gone through vetting again.

(Hon. Jimmy Angwenyi consulted loudly)

Hon. John Ng’ongo (South Suba, ODM): Whenever anything touches on Hon. Jimmy Angwenyi’s area even remotely, he does not take his time to even listen to people. He is shouting but I will forgive him because he is my teacher.

Let me conclude by saying that, when they come for money as they present their Budget, you can never hear of any excuse from any Cabinet Secretary or Permanent Secretary. They will appear any time. But when they are asked to account for their activities and performance in office, then they have all kinds of excuses. If you allow this to continue, then Parliament will lose it.

Finally, I think Hon. Matiang'i is getting used to this. He is the Cabinet Secretary that refused to appear in court. I think he has undermined one out of the three arms of Government, the Judiciary. Now that he is done with the Judiciary, he is targeting another arm of Government, which is the Legislature. Probably, the next person he will undermine is the appointing authority, the Executive. I think he needs to be dealt with.

Hon. Speaker: Hon. Members, rather than discuss the Cabinet Secretary without a Motion... What will happen is that we are going to veer into discussion. We needed to address the issue of what the House needs to do in the event of failure or apparent disobedience by any person to attend or appear before committees of this House. This matter is receiving the attention it requires. Hon. Angwenyi, it must not go to defend anybody, it is just a question of procedure.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Hon. Speaker, have we changed our procedures which say that to discuss any citizen of this country, you must bring a Motion to this House?

Hon. Speaker: Now you are not adding value because I have already addressed that.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Is Hon. Mbadi in order to discuss Matiang'i without bringing any...

Hon. Speaker: This is the problem. I have already cautioned, Hon. John Mbadi that we do not discuss anybody without a Motion. We have already addressed that issue. The Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Thank you very much, Hon. Speaker for giving that direction. It is through my office that we have asked the Cabinet Secretaries to appear this morning before various committees. I also want to confirm that today we were attending the infrastructure summit of the EAC with the Heads of State. The Cabinet Secretary is a key person and he has notified me and the Office of the Clerk. I am sure next time we will invite the Cabinet Secretary will not be on 5th, Hon. Koinange. Cabinet Secretaries come on Tuesdays and so, the next time the Cabinet Secretary will be invited will be on 3rd of July, next week on Tuesday. Please note it somewhere. He will be one of the Cabinet Secretaries we will call and the Speaker will communicate.

It is not the intention of the Jubilee Government to disobey Parliament. That is also the position of the President. I am sure there are better things we can do, to make sure that the Executive puts its house in order but, for today, Hon. Matiang'i is in a meeting. I do not think that what Hon. Wamalwa read is admissible. 411 are not admissible as per the Standing Orders. Until that Cabinet Secretary writes to the Clerk and the Speaker to say: "I will not come because of the following reasons", we cannot discuss an act in vain. So, 411 is just like the way you can send a text message to your girlfriend or your wife, that is if we go by the procedures and the Standing Order. I will contact Hon. Matiang'i. In fact, I want to confirm that Hon. Matiang'i as the Cabinet Secretary in the Ministry of Interior and Coordination of National Government has more Questions than any other Cabinet Secretary. I am sure the Chair of the Departmental Committee on Administration and National Security will agree with me. He has abided by all summonses every time he has been called to this House. He has more Questions than anybody else. Those who were in the 10th Parliament know that Hon. Saitoti, Hon. Michuki, and Hon.

Ojode who were the Ministers for Interior and Coordination of National Planning, were virtually here the whole afternoon answering Questions. Hon. Matiang'i now has Chief Administrative Secretaries (CAS). If he is busy, he can, at times, send the CAS with your permission. At times, he can send the answers to the Member. If Members had written answers today, they could still wait for another day to make more clarifications.

I will pass the message, and I am sure it is not the intention of Hon. Matiang'i or the Government led by the President, to disobey this Parliament and, more so, the National Assembly. It is important to the running of Government. We are dealing with the Appropriations Bill this afternoon. The Appropriations Bill is important to the Government, Parliament and the Judiciary. That is why part of the agenda of the House is to make sure that we conclude all the budget-related laws before the end of the month.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kisumu West.

Hon. John Aluoch (Kisumu West, FORD-K): Thank you, Hon. Temporary Deputy Speaker. What the Leader of the Majority Party has said is reassuring. But what Hon. Wangari has raised is also fundamental and I think the House needs to address it with seriousness. This morning, I had the privilege of sitting in the House Rules and Procedure Committee under the Chair of the Deputy Speaker. One of the very serious issues that we were handling is how to look at the rules and the Standing Orders in a way that can be fair to both the Executive and the Legislature. Before we finalize the process and work very fast on this, I am surprised that we are talking in this House as if we do not know what the Constitution or the Standing Orders say. We have the powers to deal with the rogue Cabinet Secretaries. We do not have to change the law as it is now. If you look at the Constitution and the Standing Orders properly, you can initiate impeachment proceedings before this House and deal with it if you want. What I see is that some chairpersons of committees are in bed with the Cabinet Secretaries. I am sorry to use those words. The chairs of committees are defensive of CSs who are rogue. That should not be the case.

This morning, I was appearing before the Departmental Committee on Lands, chaired by Hon. Nyamai, and the CS for Lands, Hon. Karoney, was not able to attend because she was busy elsewhere on an issue that we were able to understand. She sent a CAS who was fully briefed and I was satisfied. I did not complain. So as Members of this House, let us not talk as if the law is made in vain. You take charge of the law as it is and deal with the rogue CSs.

Thank you, Hon. Speaker.

Hon. Members: On a point of order.

Hon. Speaker: Hon. Members, when I hear so many of you, while still on your seats, shouting points of order, we are not yet in any business. There is no Motion. He is also on a point of order. They are all interventions. We may have to address the issue of the number of years you have spent in this House. To say somebody is in bed does not mean...Surely, this is a figure of speech. I am sure all of you who are here must have passed your proficiency tests. So I expect you to understand what Hon. Olago Aluoch means. There is nothing to substantiate. This is a figure of speech. Like now when somebody says he is reading 411, I do not even listen to that because those are rumours. You do not even bother listening to it. You just ignore it and treat it with the contempt it deserves because it is nowhere within parliamentary language.

Hon. Members, what you have said about this, as I have said, is being addressed. Since the Leader of the Majority Party has already undertaken to communicate, he has given a plausible explanation but, of course, the point raised by Hon. John Mbadi is also valid. We need

to know. Those conferences or summits are never planned within one week and so, a CS or any other Government functionary must know that on such and such a date, they will be in this and this forum. The House understands enough. In which case, then, we need to address the issue of: If you know next week you will not be in the country, for instance, or you will be officiating some other thing or attending to whatever it may be or leading raids, if that is important, then inform the House that you will be in some combat gear somewhere or in hiding somewhere waylaying some people so that people may start understanding that they will also do those kinds of things. This is the more important aspect: That we need to know.

When the Majority Whip read out the names of CSs who would be appearing before various committees at various times and venues, it was on the understanding that the CSs mentioned were fully aware. If they felt that they had been caught unawares, at the earliest opportunity on Friday, they should have written to the Clerk to indicate that they would be unavailable. That is the point that Hon. John Mbadi is addressing. Indeed, that is what the Leader of the Majority Party is also talking about. So let us not debate this. Let us get into business.

Now that I have seen Hon. Alfred Wekesa Sambu in the House, I need to remind him that he needs to register electronically or, if you have, to go and pick your card. Otherwise, you will just be here and you will never have an opportunity to contribute. You are not the only one. There are others. In total, you are eight. Has Hon. Gladwell Jesire come? Where is she? Is she the one with long hair? She must be the one who is trying to hide. Hon. Cheruiyot Gladwell Jesire, is she not that Member there? We read out your name as one of those that have not registered electronically and/or picked your card and requested that you be informed to do so. Whichever it is, either you have not picked the card or you have not registered. If you have not registered, you could not have picked it. You should have an opportunity to represent the people of Baringo properly. They need to hear you here. If you do not register, they will never hear you for the balance of your stay in the House. We know there could be many reasons why a Member may not have registered, like Hon. Okelo, Hon. Sambu and Hon. Okoth have said. I am aware at least about those reasons. Those others please check with the Clerk if your name is among the eight who have not registered. I do not want you to pretend. Now that I know those ones, even if you come to whisper here saying that you have a burning issue, you will continue burning with it. You will never get a chance to speak.

We must do it also to protect the Members, because if you do not register, there is no evidence that you ever attended the House. Therefore, you run the risk of violating Article 103. Even if you come here, you will just appear like a visitor. We do not keep a register of visitors because they are many. So please, Hon. Members, you cannot be in that category. You are duly elected to sit in the House. Make sure that we are able to see evidence of your attendance from time to time.

Chair of the Budget and Appropriations Committee, what is the issue?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, as much as I appreciate what you are saying, I would seek your guidance as Chair of the Parliamentary Service Commission (PSC). In this day and age, and I am saying that because I put my card in my shirt pocket last Thursday and I must have misplaced it somewhere at home, I am wondering with the biometric registration that we have done to get into the Chamber, is it not possible for the PSC to have the same sort of setup even for those gadgets such that we do not have to continue carrying cards?

(Applause)

Those cards, in this day and age, when men are being advised to stop carrying wallets and put them in our back pockets, they make our wallets to bulge and even become a security risk as you walk and people imagine it is money you are carrying, and they are only cards: a card to eat, a card to get into the Chamber, a card to speak. I would really beseech you as Chairman of the PSC to bring this Parliament to the level where we ought to be, being one of the leading nations in ICT. And with a techno city being constructed at Konza, we should be digital. I should use only my finger. It is the only way... I have seen many Members come in and put their cards and the Speaker gives a chance to a Member who is at the tea lounge. Whenever I want to speak, I should be able to just put my thumb and speak without unnecessarily carrying many cards.

I stand guided, Hon. Speaker.

Hon. Speaker: Very well. As we know, that would obviously result in some element of re-configuration of the electronic system that we have in the Chamber. I am happy that it is coming from the Chairman of the Budget and Appropriations Committee. So, for me, as the Chairman of the Parliamentary Service Commission, I would appreciate to make the proposal and then Hon. Ichung'wah and Hon. John Mbadi, as active Members of that Committee, will look into it. For the time being, we must live with what we have. It is not old fashioned.

This card is not bulky. How is it that I religiously remember to carry mine? Is it because I cannot speak without it here? It means there is an element of lack of seriousness in the way we treat the card or the necessity for it. From time to time, one can forget but, it cannot be a permanent feature that every day you forget and say that you left it in some funny shirt or that you visited some other social place and it disappeared.

Hon. Member: *(Inaudible)*

Hon. Speaker: I gave him an opportunity. So, let us proceed with the business now.
Next Order!

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF A BILL

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Appropriation Bill (National Assembly Bill No. 22 of 2018) from 7 to 4 days.

Hon. Speaker, this Appropriation Bill is a critical legal instrument in the budget-making cycle as provided in the Public Finance Management (PFM) Act of 2012. As required, this Bill is one of the budget-related Bills that this House will be required to enact every year as part of the lead legislative budget-making process.

Today is 26th June, about 4 days to the end of the financial year. It is incumbent upon this House to pass this Bill before 30th June, 2018. Those of us who have been in the 10th and 11th parliaments, this is one of the Bills that are allowed in the Standing Orders that can be dealt with in all the three stages. In today's Order Paper, if the House agrees with us on this Procedural Motion, we will do the First Reading, Second Reading and the Committee of the whole House. This is the Bill that gives powers to the Cabinet Secretary, National Treasury to appropriate money even to Parliament, the Judiciary, Executive and even to county governments.

So, I want Members to agree with me and allow us reduce the publication period from 7 to 4 days so that we can contribute on the merits and demerits of the Bill at the Second Reading. I ask Hon. John Mbadi, who has been a Member of the Budget and Appropriations Committee in both the 11th and the 12th parliaments and a Member of the House Business Committee to second.

Hon. John Ng'ongo (Suba South, ODM): Thank you, Hon. Speaker. When we passed the 2010 Constitution, we made some shifts in the way we allow expenditure to be incurred in this country. We are very clear that for Government or Executive to spend any money, it must be appropriated by Parliament. Before the 2010 Constitution, there was a leeway that you could vote on account even before you pass the Appropriation Bill. However, Article 222 of the Constitution has made that impossible. Now, for Government to spend any money, Parliament must pass the Appropriation Bill. We can only vote on account if the President has not assented to it. Parliament cannot do vote on account until and unless the Appropriation Bill is passed. Therefore, that means that we have two calendar days, tomorrow and Thursday and three sitting days from today to deal with the Bill.

If we were to go for the seven days required for publication period, we will overshoot and pass to the next financial year and the Government would grind to a halt for lack of funds. This is because, from 1st July, no Government Ministry, department or agency, including Parliament, the Judiciary and any other body that expends public funds would be allowed by law to spend even a shilling unless this Bill is passed.

So, I was just adding to what the Hon. Leader of the Majority Party has said with regard to the importance of this Bill. I hope that National Assembly is convinced enough to allow the reduction of the publication period from 7 to 4 days.

I second.

Hon. Speaker: Hon. Members, before I propose the Question, let me recognise students from Gitugu Secondary School, Kangema Constituency, Murang'a County seated in the Speaker's Gallery.

(Question proposed)

(Question put and agreed to)

Next Order

MOTIONS

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE COMMUNITY LAND REGULATIONS, 2017

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Community Land Regulations, 2017, laid on the Table of the House on Thursday, 26th April 2018, and pursuant to the provisions of Section 15 of the Statutory Instruments Act and Standing Order 210(4)(b), annuls Regulations 23 and 24 of the said Regulations.

(Hon. (Ms.) Gladys Boss Shollei on 20.6.2018)

(Debate concluded on 21.6.2018)

Hon. Speaker: Hon. Members, debate on this Motion was concluded last Thursday and what remained was the Question to be put, which I hereby do.

(Question put and agreed to)

Next Order.

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE PUBLIC FINANCE
MANAGEMENT (SENATE MONITORING AND EVALUATION) REGULATIONS, 2018

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Senate Monitoring and Evaluation) Regulations 2018, laid on the Table of the House on Thursday, 26th April 2018, and pursuant to the provisions of Section 18 of the Statutory Instruments Act and Standing Order 210 (4)(b), annuls in entirety the said Regulations.

(Hon. (Ms.) Gladys Boss Shollei on 21.6.2018)

(Debate concluded on 21.6.2018)

Hon. Speaker: Again, Hon Members, debate on this Motion was concluded last week.

(Question put and agreed to)

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE
CIVIL AVIATION (REMOTE PILOTED AIRCRAFT SYSTEMS) REGULATIONS, 2017

(Hon. (Ms.) Gladys Boss Shollei on 21.6.2018)

(Debate concluded on 21.6.2018)

Hon. Speaker: Hon. Members, look at the Order Paper so that you can know what we are doing. You cannot be coming here and just picking water. Just look at the Order Paper so that you can also help us. You are just walking in and...The Member for Vihiga! Hon. Members, I am able to know some of you from your backs. Yes, because she was just seated here.

(Laughter)

Hon. Members, debate was concluded last week. Therefore, I will put the Question.

(Question put and agreed to)

Next Order!

BILLS

First Readings

THE APPROPRIATION BILL

(Order for First Reading read - Read the First Time - Ordered to be read the Second Time today by leave of the House)

THE KENYA ACCREDITATION SERVICE BILL

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

Hon. Speaker: Next Order!

Second Reading

THE APPROPRIATION BILL

Hon. Speaker: The Chair, Budget and Appropriations Committee.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I beg to move that the Appropriation Bill for Financial Year 2017/18...

(Loud consultations)

Hon. Speaker, in line with the Procedural Motion that the Leader of the Majority Party has just moved, I think it is important to note that we...

Hon. Speaker: Hon. Chair, the procedural issue here is a matter of experience. You should say that you beg to move that the Appropriation Bill (National Assembly Bill No.22 of 2018) be read a Second Time. Always remember that when you are moving any Bill for its Second Reading.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker for your guidance.

I beg to move that the Appropriation Bill (National Assembly Bill No.22 of 2018) be now read a Second Time.

As I had said, in line with the Procedural Motion by the Leader of the Majority Party, we only have another three days to the end of the financial year. Therefore, it is important that we are able to pass this Bill and hopefully, if the House agrees with us in the course of this afternoon. I do not intend to take a lot of time because this Bill just picks from what we did in the Committee of Supply; in fact everything we passed there. There have been concerns from a number of Members who have approached me on the corridors on matters relating to the

Equalisation Fund and the fund we allocated to roads. We have adopted those proposals as we passed in the Committee of Supply and there are no changes.

We have only received two amendments, one which came from the State Department of National Planning relating to the Lake Basin Development Authority (LBDA), which is in the Order Paper. The other amendment I wish to speak to was proposed by Hon. Anthony Oluoch Member for Mathare and it relates to the Political Parties Fund. I can see the ODM Party Chairman cheering. Unfortunately, for this amendment, it is good to mention it came a bit late. We had a Budget and Appropriations Committee meeting this morning. The amendment was received by the Parliamentary Budget Office (PBO) at 2.25 p.m. just five minutes before we came to the Chamber. However, we have since held discussions with Hon. Anthony Oluoch. We committed during the Committee of Supply that, as we move towards the Supplementary Budget, we will consider the amendment he has proposed.

It is important to mention that, in as much as this money is going to all our parliamentary political parties, maybe, it is time we looked at ways in which even Members of this House can form parliamentary caucuses and party secretariats. They can even propose amendments to this law to enable those parliamentary secretariats get part of this money. That way, the Leader of the Majority Party and the Leader of the Minority Party who is also the Party Chair of a very important party ODM will have resources to caucus Members of Parliament. Probably, he will even hold parliamentary group meetings for his party without reference to the party owners.

That is what will make political parties and our democracy vibrant. The Leader of the Majority Party is asking who party owners are. It is a fact of life that in this country, they are there. Other than Jubilee, which is a party that is owned by the membership, there are many briefcase owned political parties. The day they become parliamentary political parties...Hon. Speaker, protect me from the Leader of the Majority Party who is shouting "PDR" because that party is derogatively referred to as the 'party of Duale and Ruto'.

I do not know if they are the party owners but there are parties which are owned by individuals. I was just saying that to encourage Hon. Anthony Oluoch. Even as we consider his amendment probably in the Appropriation Act, we should also consider amendments to the Political Parties Act to enable us incorporate some of the ideas which the Members of Parliament have been exchanging.

Therefore, this is confirmation that this is what we passed in this House other than the amendment which has been considered by the Budget and Appropriations Committee this morning relating to LBDA's loan money. Remember when we took some Kshs300 million from them to give to our County Women Representatives (CWR), we left that Authority without money. They had a loan which they cannot service and we were told their mall is bound to be auctioned. Therefore, the National Treasury has allocated them a further Kshs.645 million and we will be moving that amendment during the Committee of the whole House.

With that, I beg to move and request the Leader of the Majority Party who is not a party owner, to second.

Hon. Speaker: The Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. As I second, you need to stay in politics for a longer period for you to own a party. Hon. Ichung'wah, you have about 10 more years to even have a perception of owning a party because it is not easy to own one. Ask Hon. Raila, Hon. Kalonzo, Aden Duale and the rest what owning a party means.

Hon. Speaker, as I said earlier, I think the Appropriation Bill is a critical legal instrument provided for in the Public Finance Management Act of 2012 as one of the requirements that we

do in completing the budgeting-making legislative process that this House must undergo. The enactment of this Bill and subsequent assent by the President will allow the national Government to have a legal backing on the use of resources which this House approved for 2018/2019 Financial Year. It is important to emphasise to this House that the process of the budget estimates, which culminates into the enactment of this Appropriation Bill, has always provided an opportunity for us, as a House, to play our budget-making role effectively and ensure that public resources are utilised as provided for in the Constitution and relevant statutes.

Through the enactment of this law, the national Government will have the opportunity or will get the green light to spend Kshs1.4 trillion from the Consolidated Fund to implement the various Government programmes commencing 1st July 2018 to 30th June 2019. This House is alive to the fact that the Government has Four Big Agenda to implement and the 2018/2019 Budget is the one which will set the ball rolling in terms of implementation of the socio-economic transformation agenda of President Uhuru Kenyatta.

Allow me to appreciate the meticulous manner in which this House and the Budget and Appropriations Committee processed the 2018/2019 budget estimates. For the first time, the Committee of Supply was brought to the House and it took a considerable time to scrutinise each and every vote and programme in the 2018/2019 Budget of all departments and agencies and, as a result, the enactment of the Appropriation Bill has been made much easier since it contains the various votes and programmes which this House has approved at the Committee of Supply stage of the legislative process. So, what the Chair of the Budget and Appropriations Committee, Hon. Ichung'wah, and the Budget Office of the National Assembly are doing is that now we have condensed the various Committee of Supply votes into the Appropriation Bill. This will ensure that the Budget is implemented in a very effective and prudent manner to ensure that the intended outcomes, especially on the four big projects or the Big Four Agenda are achieved. In the same line, it could also help us urge all the accounting officers in Government to ensure that the voted resources are well spent on behalf of the people of Kenya.

I urge the House to support the enactment of this Bill. It is my hope that upon enacting this Bill and the commencement of the next financial year, the various agencies which are being overseen by various committees of the House will begin implementing the Budget as approved. It is important to recognise and appreciate the considerable effort put by the Budget and Appropriations Committee under the leadership of Hon. Kimani Ichung'wah, the committee members, the Budget Office under the leadership of Ms. Makau, the Clerk, you Hon. Speaker, and all the other staff of the House. We thank them for making sure that the budget-making legislative process has come to an end in terms of the Appropriation Bill. What remains will be the various Bills that the Cabinet Secretary for the National Treasury submitted to the House, that are always considered within the next 90 days from the date the CS presented the budget highlights.

With those many remarks, I beg to second.

Hon. Speaker: Those of you who are shaking hands, please, allow us to do business in the House because it involves more than shaking hands.

(Question proposed)

Hon. Members, those who have put their names under interventions, that is not the place for contribution. So, I will get the Member for Mathare.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. I thank Hon. Ichung'wah and make a clarification about the proposed amendment that I had made. It was signed at about 8.30 in the morning but after consulting with some of my more experienced colleagues, they told me that administratively, when a proposed amendment is not going to go anywhere, they will tell you that they never received it. So, I just wanted to clarify that I put in the amendment early in the morning, but I do welcome the assurance that the Supplementary Appropriation Bill will carry this and also if there are any proposed amendments as to how the money should be handled, I do hope, Chairman, that you will involve the political parties in how else it ought to devolve. However, for now, I am satisfied. I will wait until when the Supplementary Appropriations Bill will come. I hope that they will take it up.

Hon. Speaker: Hon. Oluoch, I also hope so because I have seen you have quite some interest in that Act No.10 of 2011, if you can remember. There are some people who know it fairly well. I think there may be need for you to take lead in proposing amendments to that Act, especially with regard to utilisation of the Fund, so that political parties that are represented in the House can be separated from the normal operations of the political parties outside of Parliament. Political parties within Parliament do have some functions that they may wish to perform and it is important that, that Act recognises that, indeed, there is a parliamentary group of a party and it needs to be funded from that kitty. I think that particular aspect needs to be anchored in that law. I know currently it is not anchored and if you look at the schedule and the various other proposals that have come through circulars that came from the Registrar of Political Parties, they tend to limit the functions and the activities to only seminars in the villages and all manner of places. But they fail to recognise that the parliamentary group wing of a political party is an extremely important component of the political party and it may require some funding for some of its activities as an organ of the party. If that can be captured in that Act, it will be very useful to parties in the House.

Hon. Oluoch, you want to say something.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. I also just wanted to confirm to Hon. Ichung'wah that the Orange Democratic Movement is not a briefcase party. It is actually the biggest party south of the Sahara. So, the Jubilee Party just follows the footsteps of ODM. Thank you.

Hon. Speaker: We are not on the same page. I was not on that. When I saw you nodding I thought... No! No! No! I can see Members raising their hands. It is not about that. Please, let us deal with the Appropriation Bill. Mine were just proposals and suggestions. As you know, according to Article 122(2)(a), I have no vote. So, what I say is just gratuitous. Next on the list of requests is the Member for Kimilili, Hon. Mutua Barasa.

Hon. Didmus Mutua (Kimilili, JP): Thank you, Hon. Speaker. I thank the Chair because he has assured this House that he lifted the contents of this Bill from the Report of the Committee on Supply. I want him to assure this House that this Bill does not have any errors. In the event that errors are found, we will assume that they were deliberate. That will be against the law and he should bear full responsibility. We also need to give guidance because we live in a country where errors are occasioned. We want assurance that there are no errors in this document.

Hon. Speaker: Let us have the Member for Igembe North.

Hon. Richard Maore (Igembe North, JP): Thank you, Hon. Speaker for the opportunity to contribute to this Bill. I support it.

You will find that the contents of the Bill may not be new to the membership of this House. As it has been enumerated, it is the culmination of a process that began in May. For the last eight weeks, we have been very busy, as membership of various Committees, where we have been scrutinising the budgets of Ministries and agencies – an exercise which culminated in the proposals contained in this Bill. On that note, we are giving the Government the money it has asked for. Most of the departments may have had problems of saying they needed more money than what they got in the current financial year. We want to note that the State Department of Interior was appreciative that it got the money it was looking for. You will remember the incident that happened to my neighbours in Isiolo yesterday, where two police officers were ambushed and killed when they tried to get cattle rustlers who wanted to load onto a lorry, cattle they had stolen.

The Government needs to note that before they get the money they seek from us, they must come here so that we can appropriate that money. You heard the story of the Boston Tea Party, where people said there cannot be taxation without representation. It is very wrong that the Government comes here year in, year out, looking for money and then bandits reign supreme in areas they want. We need to stop that culture. Cattle rustling is no longer a cultural activity. It is bad business, and the Government should put in place its machinery and infrastructure to stop those who profit from stealing cattle, camels, goats, donkeys and sheep. The practice is out of fashion.

I know this House is infested with some rustlers. When you touch that issue, they tell you that we should not handle it in that way. I was shocked when the President was in Turkana early this month. He gave an order to the effect that the military should be called in to shoot those who would be found promoting insecurity. The following week, some Members of Parliament said that the President erred in giving that directive and that we need to have a different way of handling the situation. There is no different way of handling it. If a man is wielding an AK47, you should aim at his head. You should not negotiate with him when he is pointing it towards a security officer. We need to harmonise the matter across the country so that we do not have a section of this country believing that it is okay to arm some youth to raid their neighbours for cattle.

I am unfortunate to neighbour some of those cattle rustling communities. We have suffered this brutality year in, year out. It is no longer about a culture of some neighbours, it is business. I ask the Government to put a stop to this culture. I admire the Cabinet Secretary who was being vilified here. If he can put his head to it, it can stop. If cheating in exams - which was rampant and very well-oiled - stopped, there is no way these marauding barefoot guys cannot be stopped.

I support the Bill.

Hon. Speaker: Let us have the Member for Alego-Usonga. He is not there. I am following the machine. Next is the Member for Kiminini.

Hon. Chrisantus Wakhungu (Kiminini, FORD-K): Thank you, Hon. Speaker. There is nothing much to say about this because the objective of this Bill is just to authorise that withdrawal from the Consolidated Fund. We have been following keenly to see whether it is in line with what was in the Committee of Supply. This is where some bit of mischief comes in. I was particularly keen on the allocation to the National Youth Service (NYS). It has been confirmed that the amount that we allocated for the roads is there. We dealt with this in the Committee of Supply. There is nothing much to say. Will I be in order to ask that the Mover be

called upon to reply so that we dispose of this matter and proceed to the next stage? It is just authorisation of withdrawal from the Consolidated Fund.

Hon. Speaker: Hon. Wakhungu Wamalwa has proposed that the Mover be called upon to reply.

(Loud consultations)

Hon. Members, ultimately you are the people to make the decision. The Member has not contributed. His argument is that this is just to authorise what you already gave in the Committee of Supply. If you all contributed in the Committee, may I find the mood of the House?

Hon. Members: Yes!

(Question, that the Mover be called upon to reply, put and agreed to)

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I also wish to specially thank Hon. Chris Wamalwa for that intervention because as he said, we are just formalising what we did during the Committee of Supply. We have since realigned this Budget and the Votes to the programmes with the Executive Order by His Excellency the President. There is no need to belabour anything.

I beg to reply.

Hon. Speaker: Having confirmed that we quorate, I will put the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Deputy Chairman (Hon. Patrick Mariru) took the Chair]

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Members, I seek your attention. We are now in the Committee of the whole House. Let us proceed.

(Clause 2 agreed to)

(Clause 3 agreed to)

Schedule

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule be amended by-

(a) deleting the figure “3,532,950,000” appearing against Vote D1222 – State Department For Regional and Northern Corridor Development and substituting therefor the figure “4,178,942,863”;

(b) deleting the figure “3,532,950,000” appearing against Programme 1013000 – Integrated Regional Development, under Vote D1222 – State Department For Regional and Northern Corridor Development, and substituting therefor the figure “4,178,942,863”;

(c) adjusting the corresponding Class Sub-Total, Cluster Sub-Total and Grand Total figures accordingly.

As I had indicated during the Second Reading, these amendments relate to reinstatement of Kshs645 million and a few coins back to the Lake Basin Development Authority towards repayment of a loan that had been advanced for the construction of a mall which is at the risk of being auctioned, if this money is not paid, and accrual of interest. This money will come from the National Treasury and will go to the State Department for Regional and Northern Corridor Development. As I mentioned, it is in line with the new Executive Order. I know that there are those who thought that the Department was under...

With those few remarks, I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I beg to support the amendment and confirm to the House that I told the Chair of the Budget and Appropriations Committee that he could not bring an amendment, unless the Government provides evidence in writing to the House. I have a letter from the Cabinet Secretary for the National Treasury and the Principal Secretary asking for that reallocation and resources.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Leader of the Minority Party.

Hon. John Ng'ongo (Suba South, ODM): Hon. Temporary Deputy Chairman, initially, I was really opposed to this amount which is being allocated to the Lake Basin Development Authority. I realised that if we do not provide this money, we ran the risk of losing the investment of this property. As one leader who comes from that region, I am hesitant to support an initiative that would result into a property which is already in Kisumu getting disposed of by banks to recover their loan.

Hon. Temporary Deputy Chairman, I support the amendment.

The Temporary Deputy Chairman (Hon. Patrick Mariru): I will give the opportunity to two other Members and then we shall make progress. Hon. Makali Mulu.

Hon. Benson Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I also rise to support that amendment. However, I want to make the observation that this debt has been outstanding for quite some time. It is high time...

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Member, put the microphone close to you, so that you can be on record.

Hon. Benson Mulu (Kitui Central, WDM-K): Hon. Temporary Deputy Chairman, this debt of the Lake Basin Development Authority to construct a mall has taken a lot of time to be settled. We discussed this matter in the Budget and Appropriations Committee in the 11th Parliament. It is a number of years ago. If it is possible, it is high time the Government allocates adequate resources to complete this particular project, so that it can start generating resources for the Government. Otherwise, this idea of paying a debt and you do not do it fully is not helping this country.

I support the amendment.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Ochanda.

Hon. Gideon Ogolla (Bondo, ODM): I rise to support this amendment.

Any time we have an indication that a Government property is likely to be auctioned, many times, there are many people who are already salivating because they will buy the property for a song. In my view, there are people who are already lining up to buy the property. Parliament will be doing a great service to this nation by allowing money to go to Lake Basin Development Authority for purposes of settling the loans. The mall will not be completed but we will pay the bank's loan.

Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Fatuma Gedi.

Hon. (Ms.) Fatuma Ali (Wajir CWR, PDR): Thank you, Hon. Temporary Deputy Chairman. I want to support the amendment. As you know, the mall is ready for use but it cannot be used right now. The pending bills will attract an interest of 14 per cent which is approximately Kshs100 million per year. So, it is a burden to the economy. It is good we pay this money to avoid having an idle asset.

I support, Hon. Temporary Deputy Speaker.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Chairman. Before you put the Question, let me add my voice to this amendment. I really support this amendment.

Hon. John Ng'ongo (Suba South, ODM): *(Inaudible)*

Hon. Martin Owino (Ndhiwa, ODM): Hon. Temporary Deputy Chairman, protect me from Hon. Mbadi. I want to say that in future, the committees which oversee these kinds of establishments should be very sensitive, so that they come in quickly before it gets late. Otherwise, it will offer many jobs to the lake region.

I support the amendment. Thank you.

The Temporary Deputy Chairman (Hon. Patrick Mariru): I can tell that there is a bit of interest on this amendment. I take note that the Members are also being brief. I will give the opportunity to a few Members and then we move on to the next stage. Hon. Mutunga.

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Temporary Deputy Chairman, for giving me the opportunity to contribute to this amendment. I support the amendment. I am a Member of the Budget and Appropriations Committee. I remember when we allocated the money to other functions, we were not very clear exactly where the money was going, but it was

later on made clear to us through that communication. I would like to propose that in future we look for a way of clearing the debt altogether so that we do not keep on paying for it at an interest rate of 14 per cent.

I support the amendment.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Jude Njomo.

Hon. Jude Njomo (Kiambu, JP): Thank you, Hon. Temporary Deputy Chairman. Time has come to get rid of white elephants in our country. There are many projects the Government has started and have either stalled or have been forgotten and are going to waste. This is what is exactly happening to this mall. I remember in the last Parliament I was a Member of the Departmental Committee on Environment and Natural Resources under whose docket the Lake Basin Development Authority falls. The mall was discussed many times because the contractor had finished his work but could not hand over the project because there was some payment to be done. If we now let the mall to be sold in an auction, we shall fail in our duties.

I support that we fund the project.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Chairman. This is a great decision that has been made. The mall has been discussed for a long time. As the MP from the area, and with a group of us, we have visited the mall. It is complete and it is a fantastic building. It will do a lot of work. Even if there were queries that were raised before, it is prudent that the issue is resolved and the mall is put to use.

I support the amendment.

The Temporary Deputy Chairman (Hon. Patrick Mariru): The last person, Hon. Lessonet.

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you very much Hon. Temporary Deputy Chairman. I reiterate what the rest of my colleagues have said that we support the investment of the Lake Basin Development Authority. The money allocated to it is not in vain. We are convinced as the Budget and Appropriations Committee that the money shall be recovered. The National Treasury is going to open a separate account to continuously receive proceeds of rent and other income and other revenues from the Lake Basin Development Authority Mall. Therefore, in a few years, the National Treasury shall have received all the money invested in that particular project. More so, we have heard that it is a loan and loans have a first charge on the Consolidated Fund. So, it is in order for us to approve the amendment.

Thank you.

The Temporary Deputy Chairman (Hon. Patrick Mariru): I had indicated that that is the last person to contribute to the amendment. Ideally, this very elaborate conversation should be happening at the Second Reading. I am only allowing debate because it is an amendment that is proposed.

Hon. Ochieng', you look like somebody burning with a point on the amendment.

Hon. (Ms.) Pamela Ochieng' (Migori CWR, ODM): Yes. Thank you very much. I rise to support the amendment. The discussion would not have been complete if the amendment would not have received a voice of a lady from the Lake Region.

It is important to acknowledge that the mall we are talking about is one of its kind in the entire region. I thank whoever thought about it and the discussion that went therein. We believe it will go a long way in even encouraging more developments of its kind in the region.

Thank you, Hon. Temporary Deputy Chairman. I support the amendment.

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

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

(Schedule as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Members, we are done with the Bill. I call the Mover of the Bill.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the Appropriation Bill, The National Assembly Bill No.22 of 2018 and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE APPROPRIATION BILL

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, I call the Chairperson to do the reporting.

Hon. Patrick Mariru (Laikipia West, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Appropriation Bill, National Assembly Bill, No.22 of 2018 and approved the same with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Mover of the Bill to move agreement with the Report.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Moses Lessonet to second the Motion for agreement with the Report of the Committee of the whole House.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Lessonet to second.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, I beg to second.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Mover of the Bill to do the Third Reading.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to move that the Appropriation Bill, National Assembly No.22 of 2018 be now read a Third Time.

I request Hon. Moses Lessonet, the Vice Chair of the Budget and Appropriations Committee to second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Lessonet again to second the Third Reading.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, I beg to second.

Thank you.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS
ON THE INQUIRY INTO ALLEGED LAND IRREGULARITIES

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of Departmental Committee on Lands on the inquiry into the alleged irregularities in the compensation for part of Land LR. No. 7879/4 to Ms Afrison Import Export Ltd and Huelands Ltd by the National Land Commission, laid on the Table of the House on Thursday, 7th June 2018.

The Committee received a complaint from an individual by the name Mr. Harrison Muema through a letter dated 10th January 2018 alleging that irregularities had been committed in the compensation of LR NO. 7879/4 to Afrison Import Export Ltd and Huelands Ltd by NLC on behalf of the Ministry of Education, Science and Technology for acquisition of land for Drive Inn Primary School and Ruaraka High School. The matter was also reported widely in the print media and it is on this basis that the Committee resolved to conduct inquiry into this matter.

We had several meetings and I would like to, from the outset, thank the Members of the Departmental Committee on Lands for their commitment to look into the documents that were presented to us. We had several sittings. The first one was a field visit to Ruaraka High School and Drive Inn Primary School on Tuesday, 10th April 2018. The Committee also held meetings with the Chairman, National Land Commission, the Cabinet Secretary, Ministry of Lands and Physical Planning, the Attorney-General (AG), the Managing Director of the two companies –

Afrison Import Export Ltd and Huelands Ltd, representatives from the Ethics and Anti-Corruption Commission (EACC) on the 3rd May 2018, the Principal Secretary, State Department for Early Learning and Basic Education on 15th May 2018 and also the representatives from the County Government of Nairobi.

These were the findings: Pursuant to the provisions of Section 107(1) of the Lands Act, the Committee observed that the process of acquiring this land occupied by the two schools for 34 years was initiated by the NLC upon receiving a complaint from the Afrison Import Export Ltd and Huelands Ltd on alleged historical injustices. This is not in order.

In light of paragraph (1) above as I have stated, the Committee also observed that there was no evidence in terms of correspondence by the Commission to Afrison Import Export Ltd and Huelands Ltd in response to the complaint on historical injustices. You know very well that there are so many historical injustices in this country but the Commission decided that this should be classified as a historical injustice.

Further, the Committee also observed that the Commission wrote to the Ministry of Education, Science and Technology on 13th September 2016 informing the Ministry of the complaint made by Afrison Import Export Ltd and Huelands Ltd. However, the Committee noted that it was not until five months later that this matter was responded to, that was on 7th February 2017. This looks like a very long time for response to this matter.

In terms of valuation, the Committee observed that it was not clear from the valuation report of the Commission on the land occupied by the two schools the parameters or criteria used other than the stamp duty. There are many other ways of identifying including having Government valuers but they only used stamp duty. This is not in line with Article 201 of the Constitution. This is what they used to pay Afrison Import Export Ltd Kshs3.2 billion for 13 acres.

On matters public participation, the Committee observed that although the Commission presented evidence of a *Gazette Notice*, there was no evidence to show where and how inquiry proceedings were conducted in these two schools. Further, the Committee made visits to the schools which were interested in this matter under inquiry and we realised that the two schools were not aware that the schools were being acquired compulsorily by Government. So the visit by the Committee and earlier letter from EACC is what brought to the attention of the two schools that their schools were being acquired compulsorily by the Government.

There was also another problem in terms of acreage. The Committee observed that there existed inconsistencies in the actual acreage of the land being compulsorily acquired with the Commission submitting that the acreage was 13.7701 acres while the documents tendered showed that it was 13.5364 acres. From the outset, the Committee feels that the difference of 0.2 acres when you compare it with the valuation, it is a clear loss of Kshs48,142,200 to the Government.

Further, the Committee made efforts to confirm the correct acreage of the land occupied by the two schools from the Ministry of Education, Science and Technology which is the acquiring body but we did not receive a document showing us the exact acreage. It was never confirmed.

The Committee also observed that the NLC and the Ministry of Education, Science and Technology failed to explore the common law doctrine of adverse possession as a means of acquiring the land. We are saying this noting that these schools had existed in this place for 33 years. There was no matter which was in any court of law that informed the schools that the land

belonged to an individual. So, in the common law and the doctrine of adverse possession, these schools had stayed long enough to adversely possess that land.

The Committee also observed that although evidence was tabled to show that there was an allotment letter issued by the Commissioner of Lands supposedly on the land currently being occupied by the two schools, the Committee did not find evidence to confirm that subdivision of the land did occur. This matter of subdivision is a very interesting matter in this Report because this is not the first acquisition that was happening on this land, it was acquired for General Service Unit (GSU) and also the Ministry of Transport. This is the third time that acquisition was happening but there is no evidence of subdivision for all these years.

The Committee observed that the Attorney-General's opinion on the two parcels of land was advisory in nature and only to the extent that the Commission could process the acquisition of the said land in accordance with the law. We are fully aware that there was a letter from the Attorney-General but it was very clear that the Commission was told that they should have processed the documents accordingly. The Attorney-General observed that the question as to whether the due process of law was followed by the Commission in acquiring the land lay under the purview of the Commission itself. This is the institution that should have advised the Ministry and all Government agencies that are involved in this acquisition.

The Committee also observed that the concerned Principal Secretary of the Ministry of Education, Science and Technology wrote to the National Treasury seeking to know the budget implication of the proposed acquisition of the land occupied by the two schools prior to receiving advice from the Attorney-General. We found that this was not in order.

Hon. Temporary Deputy Speaker, the Committee also observed with concern that the two schools occupied the land for an uninterrupted period of at least 33 years. I will not explore further that matter because I have discussed it. The fact that they were there for 33 years shows infrastructure on the schools had been built over the years following allocation of funds through the Economic Stimulus Programme (ESP). For sure, there was Government ownership of this place. Various approvals were sought for the development projects including installation of electricity transmission lines from various government entities. As a Committee, we feel that there was some motivation not to have the subdivision of this land completed.

Further, the Committee observed that the Physical Planning Act Cap 286 requires that whenever land is being proposed to be developed, a person is required to surrender land for public utility purpose. The Committee noted with concern that even though the land had been subject to various development projects including the 196 houses acquired by the GSU, the Ministry of Lands and Physical Planning, Ministry of Education, Science and Technology and the County Government of Nairobi failed to follow up on the surrender of the land occupied for the two public schools in furtherance of the provisions of the Act.

The Committee also observed that Afrison Import Export Ltd and Huelands failed to comply with the Physical Planning Act No. 6 of 1996 which requires a person to surrender land for public utility and purpose. Bearing in mind that this was a huge piece of land, there must have been some land which should have been surrendered to Government.

The Committee also observed that the title LR. No 7879/4 was jointly held by the official receiver and Messrs Harit Sheth and Co. Advocates; the advocates for the registered owner. Further, the official receiver was supposed to facilitate issuance of a title for the land purchased. It did not happen.

In addition, the Committee also observed that Afrison Import Export Ltd and Huelands had in the past been beneficiaries of compensation of acquisition of GSU land and other pieces

of land portraying lack of planning and management in compulsory acquisition of the pieces of land. You will realise that land went to the GSU, later, it went to the Ministry of Lands and Physical Planning and later to the Ministry of Education, Science and Technology. There is no effort being made to make sure that subdivision happens and to make sure that Government is holding some documents.

In light of paragraph 14, the Committee also observed that although the Government had paid Afrison Import Export Ltd and Huelands Ltd Kshs4.37 billion for portions of LR. No 7879/4, no transfer of ownership has been made to the Government and in particular to the Ministry of Interior and Coordination of National Government has never acquired the title document for the portion of land where the 197 GSU houses are located even though payments had been made. This is a substantial amount of money. This money has already gone. The Government cannot show any evidence of a title deed.

The Committee further noted in relation to the land in question, that the National Land Commission failed to secure the interests of the Government in the land compulsorily acquired in terms of the formal taking of possession of the documents of title on the land for them to show that they are working in the interest of the country and the common *mwananchi*.

The Committee observed that although the Ethics and Anti-Corruption Commission got this information early enough, we felt that they did not act as fast as they should have to save Government money.

Further, the Committee observed that the Commission paid Kshs1.5 billion to Whispering Palms and Company Limited and not Afrison Import Export Ltd and Huelands Ltd following a request by the directors of Afrison Import Export Ltd. The Committee observed with concern that although Whispering Palms and Company Limited is also owned by the directors of Afrison Export Import Limited, the change of payment details was suspicious, especially happening at the last minute and noting that this is a land transaction matter. We felt that this was not in good faith.

Indeed, the Committee observed that the Managing Director of Afrison Import Export Ltd and Huelands Ltd, Mr. Francis Mburu, had confirmed that the change of bank details at the last minute was necessitated by personal commitments the companies had with the bank. The Committee noted that it would have had some implications.

The Committee also observed that evidence presented indicated that LR. No. 7879/4 belonged to Afrison Import Export and Huelands Ltd save for the contradiction that an allotment letter had been issued to Ruaraka High School by the Commissioner of Lands. However, it is important to look at the circumstances which made the land to remain with the said company.

The Committee further observed that there was a deliberate lack of consultation and coordination by the NLC, the Ministry of Education, Science and Technology and the Nairobi County Government. We felt that this may have been deliberate because the Ministry of Lands and Physical Planning itself was in the dark on what was happening to these two schools. There was no letter that was copied to them. In the same spirit of deliberately not sharing information, the two schools were not aware that their land was being compulsorily acquired by the Government.

Article 201(e) of the Constitution provides that financial management shall be responsible and fiscal reporting must be clear. The Committee observed that the National Treasury approved the spending of Kshs1.5 billion, being the amount paid to Afrison Export Import Ltd and Huelands Ltd. It was not provided for in the annual Estimates but was in the second Supplementary Budget. The question is: Was this a necessity? Was it a matter that was of

urgency? Would it wait to be budgeted for? Was it really an emergency for it to be paid for without being in the Budget and for it to just appear in the Supplementary Budget for regularisation?

The Committee also observed that the Principal Secretary of the National Treasury authorised these payment of public funds for compulsory acquisition of the land occupied by the two schools without a clear and formal request from the institutions that should have done so.

This Committee made several recommendations. Based on these recommendations, the chairperson, commissioners and all other officers of the NLC should take personal responsibility for acting contrary to Section 107(1) of the Lands Act, 2012 as the Ministry of Education, Science and Technology made a request for compulsory acquisition of the land in question on the behest of the Commission; not on its own motion. It is the NLC that asks the ministry. That is not in order. So, they should take responsibility.

The NLC acted contrary to Section 112 of the Lands Act, 2012 by failing to conduct public participation. It is a shame that the head teacher of the primary school and the principal of the secondary school that were being acquired do not have information. They just get to know because they have gotten a letter from the EACC.

The NLC acted contrary to Section 121 of the Lands Act, 2012 by failing to secure the interests of the Government on the land in terms of ensuring that the title documents in respect of the land being acquired were delivered to the Registrar of Lands and registered. It is the responsibility of Government to take care of its interests. Since this responsibility has been to the Government officers, it is important that people who do not do that take responsibility.

The NLC acted contrary to Article 201(e) of the Constitution for irresponsible financial management by recommending the payment of Kshs1.5 billion as part payment for the compulsorily acquired land and an amount that needed not to have been paid noticing that the Commission had not even secured the interests of Government.

The NLC acted contrary to Article 201(d) of the Constitution for loss of public funds being Kshs48,142,200 over and above what Afrison Import Export Ltd and Huelands Ltd should have been paid.

Further, allowing the use of public funds being Kshs1.5 billion without securing the interests of Government in terms of taking possession of the title documents of the land in question. I believe that even if an individual is acquiring land for themselves, they will not pay any kind of money without acquiring the documentations that are needed.

I beg to move and I would like to request Hon. Mwashetani to second.

Hon. Khatib Mwashetani (Lungalunga, JP): Hon. Temporary Deputy Speaker, thank you for giving me this opportunity.

First of all, let me take this opportunity to join my able Chair to congratulate Members of the Committee for their commitment in coming up with this Report. At the outset, the recommendations which we have come up with are based on the information or data that we collected. I know this issue has been in the public domain and I am sure most of the Members of Parliament were waiting for this Report. We received this complaint from a Kenyan citizen. After receiving the complaint, we invited several departments like the National Land Commission, as Madam Chair has said. I will pick on the areas of this Report that were sensitive; areas that I noticed had irregularities in the paying of the Kshs3.2 billion.

The complaint that came to us was talking about a land that is occupied by two schools. This is the 13.5 acre land. However, we ended up getting information about the entire land that is 97.8 acres. As we speak, the school was curved from the 97.8 acre land. It also came to our

understanding that there were other payments that were done to the GSU on the same land that covers about 55 acres. When comparing how much was paid for the 13.7 acres and how much was paid for the 55 acres of the GSU, it does not make sense. For the GSU, the owner was paid about Kshs4.5 billion. This payment was not only for the land but also for the houses which were constructed on it. Those houses were sold to the Government but unfortunately it failed to secure the interests of the public by making sure that the title of the GSU land was transferred. The title was not transferred.

In accounting, before you do any payment, you have to get the name of the person you are paying. The Kshs3.2 billion was to be paid to Afrison Import Export Ltd and Huelands Ltd., but following the request by the directors, the payment was paid to Whispering Palm Ltd. I am sure we all deal with Government processes. For a Government, before you pay, you have to get the name or the person you are paying for record purposes. At the end of the financial year, you will have to put down what payments you made. That should clearly indicate that the payments were paid to a certain company based on the name of the title that is in question. Contrary to that, there were some communications which were done by the owner who requested that the payment should be made to Whispering Palm. As I said, we are not talking about Kshs1 million; we are talking about Kshs 3.2 billion. How do you request for payments to be done to a different company amounting to Kshs3.2 billion and we know how the Government scrutinises any payments which are done by any entity?

This is an issue that touches everyone and we have come up with several recommendations. For such an amount, I am sure all the departments concerned were involved from the Ministry of Education, Science and Technology, Treasury and the NLC. One of our recommendations is, let it not stop at the NLC because before I get communication that I am supposed to pay a certain amount, I will make sure that I know the details. That claim of compulsory acquisition should have started from the Ministry of Education, Science and Technology. I am sure even the Cabinet Secretary in charge of Education was aware of how much was to be paid to the owner of this land.

Our recommendation was clear on the Chairman and the commissioners of the NLC. The Director of Criminal Investigation (DCI) needs to move very fast to make sure that he gets proper information from the then Cabinet Secretary in charge of Education, now the Cabinet Secretary of Interior and Coordination of National Government, the Attorney General and all the people involved. We are not saying that the owner should not be paid because we have confirmed from the records of the Ministry that the land belongs to the company stated.

I second the Report.

(Question proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I have 15 Members on the request list. The first one is Member for Embakasi South, Hon. Mawathe. He is not in the House. The next Member is Hon. David ole Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, very much, Hon. Temporary Deputy Speaker. Let me start by thanking the Chair of the Committee together with the Members for such an elaborate report because it shows the seriousness of this House in dealing with matters that affect Kenyans. The Report is direct and is dealing with emotive issues in our country. Land is very emotive and I hope this House will deal with this issue with a lot of

seriousness so that it will set precedent on the importance and seriousness that we attach to public land.

In the past, it has been very difficult even for the Government to develop this country in terms of infrastructure because of prices of land that are hiked when there is an intention of the Government to buy such land. This is a clear case of inflated land prices by a few cartels and individuals who want to benefit from proceeds of corruption. Let this be a precedent by this House that we will not condone at all issues of land grabbing and inflated prices for the benefit of a few individuals.

I support the recommendations that are given by the Committee. The Committee has recommended in a very clear manner how to deal with these cartels. For a long time, on issues of land and corruption, we have pointed our fingers to the wrong persons, but this Committee has decided to pinpoint failures by Government officers and Government departments in terms of negligence or omission which need to be punished. In the past, we have pointed our fingers at the wrong individuals. I can take the example of a collapsed building where instead of pointing our fingers at the National Construction Authority (NCA) and the contractor; we point our fingers at the owner of the building who may not be a civil engineer or a specialist in construction, ending up scaring away investors from our country. The recommendations given by this Committee are direct on individuals who are culpable of this mistake, either by omission or commission.

It is also funny to note that through the Economic Stimulus Programme, the Government has been allocating money to the same said land, whose title is not in the hands of the Government. This may just be a tip of the iceberg. We may have a lot of taxpayers' money being invested in land that does not belong to the public. If we build a school on a land that does not belong to the Government but an individual, the individual may decide to turn that school into a hotel and there is nothing you can do if the land does not belong to the Government.

From where I sit I see a very serious committee that did its research very well. We congratulate them and we want the House to support it so that we can set a precedent. We want the Committee to extend its scrutiny to all Government-owned land in terms of institutions of learning, ministries, departments and agencies so that we are sure that where Government is investing money, the money as well as the infrastructure sitting on the land are well secured, so that we do not end up with an issue like this of the Ruaraka school.

Hon. Temporary Deputy Speaker, I thank you and do support this report.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Soy, Hon. Kositany Caleb.

Hon. Caleb Kositany (Soy, JP): Thank you, Hon. Temporary Deputy Speaker. I am a member of the Departmental Committee on Lands.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I know we have many members of the Departmental Committee on Lands, but you are presenting your report to the House. You are right to speak, but you do not have to tell us whether you are a member of the Committee. Being a member of the Committee, this is your asset. It is not the chairperson's committee or report. So even if we do not give every member of the Committee an opportunity, it is an asset of the House as it was presented and moved by the Chair. So it is a debate by the House; every Member is free to debate.

Hon. Caleb Kositany (Soy, JP): Thank you, Hon. Temporary Deputy Speaker. We stand guided by that wise counsel. Even the Leader of the Majority Party has expressed that he would like to speak on this matter.

We held very vigorous sittings. We went through very many documents. We even visited the site and saw the construction and the facilities of the two schools that are there. What was surprising is that in our investigation, that is why I would support the proposal that we disband the EACC, when we called the Commission to appear before us, they came unprepared and without information. Further to that, they even promised to bring information within seven days. Those seven days have lapsed but they have not brought us any information.

When you look at the investigation that was done by this Committee, and I am not saying this because I am a member but because we were sitting there discussing and finding out how taxpayers' money was used, it was very thorough. Part of the issues that came up is that there are some laws which we have and those gaps were used by people who were looking for ways of taking taxpayers' money. Paying Kshs3.2 billion for a land that was meant to have been subdivided and public utilities surrendered, did not happen. Even at the time they were acquiring the Ruaraka GSU land, there was no subdivision of this land. And the owner of the land refused to do the subdivision because he knew he would be forced to surrender public utilities. That was in connivance with other members of Government agencies who refused to do the right thing.

Going forward, we would like to look at the laws on lease extensions. As it is now, the power to extend leases lies with the National Land Commission. We need that power to be brought to Parliament. Let Parliament be informed of any extension of any lease so that we do not have to keep going back and forth, especially leases of lands that were acquired irregularly in the colonial days. Such land should revert back to the county government concerned. As we go forward, the issue of the ownership of this particular land is still grey. Nobody, not even the EACC, came to us and said this is public land or it belongs to so and so. So we support the report and I want to thank my fellow Committee members for their contribution in this report.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Kathiani, Hon. Mbuvi Robert.

Hon. Robert Mbuvi (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. At the outset, this shows the importance of this House in handling complaints and petitions from the general public. This Committee seems to have done an excellent job from the presentation that has been given by the Chair. In fact, they show that they are a no-nonsense committee because they are trying to make sure that public money is properly utilised.

Today afternoon we have been talking about the Appropriations Bill. As we have been passing our budgets, we know that the funds available are not even enough for the things that we want to do. We have been jostling here, moving money from one kitty to another and really trying to figure out how to make the little money available meet the budget that we have, which is not even enough at all to meet the needs of our people. So it shocks me when you see Government officers making financial decisions to the detriment of the public; Government officers who can pay for land that belongs to a school and even the principal or the headteacher of the school does not even know that that land is being paid for.

The Constitution is clear about public participation. Who else would have been consulted if they could not even consult the principal and the senior teacher? This thing has the smell of a scam and it is important that as Parliament we put our foot down and ensure that this is sorted out. The Principal Secretary for the National Treasury according to this Report allowed payments without a formal request form the actual user who is the Principal and the Board. He was seeking budgetary allocation and trying to figure out how to get money before a formal request was made

for him to make this payment. So, there seems to have been a serious cartel and an arrangement for Kenyans to be defrauded money that was going to be used to make a payment which was later going to be followed up and shared amongst senior people.

It is shocking that the title deeds of this piece of land were not even provided when previously the same piece of land was sold to the Government. Apparently, Kshs4.7 billion was paid for the General Service Unit land and even on that one, the title deeds were not provided. I hear that the intention of not doing this is because there was fear of subdivision which obviously means that part of that land would be lost. However, it is important to note that the law has to be followed. When it is a huge chunk of land and it is going to be used, it has to be subdivided so that public utilities can be made available.

Hon. Temporary Deputy Speaker, I have also heard that the payment for this land was made to a company other than the one which is the owner of this property, which is shocking. Those of us who have transacted in land know very well that even if land belongs to your parent they cannot pay someone else other than the person whose name appears on the title deed. So, clearly, there was a proper plan for the taxpayers' money to be taken out and be used in other ways.

Apparently, the school had occupied this land for 33 years uninterrupted. Obviously, that means that by law the land already belonged to the school. How, again, is the Government making payments for land that has been adversely acquired because of the law? It is clear that there was a plan. These plans are the ones that this House needs to address itself to.

As I finish because of the interest of many Members, the EACC has failed this country. This is because the EACC was already aware that there was such a scam that was happening and they delayed to act and out of that, Kshs1.5 billion was lost. When I look at the recommendations that the Committee has made saying that EACC should be held liable... I do not know how strongly we can word that part for EACC, so that we say they should be thrown into jail and keys thrown away. This is incredible. It is the Commission that has been given the responsibility of protecting taxpayers' money and they are culpable because they already knew there was a problem and they did nothing about it. So, the Committee recommendations were softly written because they are saying they want further investigations by the Directorate of Criminal Investigation and people held personally liable. We can word it more strongly. Let people go to jail. This is out right theft!

With those few remarks, I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Hon. Member for Kiminini who is next on my request list.

Hon. Chrisantus Wakhungu (Kiminini, FORD – K): Thank you, Hon. Temporary Deputy Speaker. I support this Report.

At the outset, it shows there was conspiracy of swindling public money. This was a petition that was brought in January. The Committee took a whole five months. It is a requirement that such a matter be solved within 60 days. Why did they take too long?

Secondly, Chairman of National Land Commission, Professor Swazuri, has been on record claiming that he is going to defend himself up to The Hague.

Hon. Khatib Mwashetani (Lungalunga, JP): *(Inaudible)*

Hon. Chrisantus Wakhungu (Kiminini, FORD – K): I am told it was not a petition. If that is the case, it is okay. We know very well that if it is a petition it has to be completed within 60 days. The Question is: How did it arrive in Parliament? This is because the method we use when there is a complaint is through a petition.

Hon. Khatib Mwashetani (Lungalunga, JP): On a point of information.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member for Kiminini, there is a point of information as I get it from the Vice Chairperson of the Committee. Did you want to be informed?

Hon. Chrisantus Wakhungu (Kiminini, FORD – K): Yes. I want to be informed.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Hon. Member is on record that he wants to be informed.

Hon. Khatib Mwashetani (Lungalunga, JP): Thank you, Hon. Temporary Deputy Speaker. I just want to inform my colleague that it was not a petition. It was a letter which was written as a complaint to the Committee. We decided to open an inquiry on the same. That is a report of an inquiry due to public outcry.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Chris Wamalwa, are you informed?

Hon. Chrisantus Wakhungu (Kiminini, FORD – K): Yes, I am informed. It is a petition in other words. We have rules here in Parliament and a petition has been given a duration of 60 days notwithstanding the methodology that was used. This Report was supposed to have been completed within the 60 days. It is an outcry from the public. I do not know why the Committee took as long as five months to table this report and yet they were not required to travel anywhere outside the country.

The EACC is here in Nairobi and the NLC as well. Why did you take that long to table the Report? I have looked at some of the witnesses and the visits you did, it is something you should have sorted out within 30 days. Land matters are very emotive. Professor Swazuri, Chairman of the NLC, was ready to defend himself up to The Hague over this matter. The report clearly indicates he was one of the people in conspiracy to defraud the public land. If that is the case, I expected the Committee to have given specific recommendations and not these vague recommendations. Swazuri is implicated and you should initiate a Motion to remove him as the Chairman of the Commission because that can only be done through Parliament.

So, we expect specific recommendations that can be acted upon. Why the fear? Is this the time the hunter became the hunted? One of the critical functions of the NLC is to investigate the historical injustices. Here is the Chairman who is supposed to do the hunting, but instead he is doing the opposite.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Hon. Member for Kiminini. There is intervention by the Chairlady.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you, very much, Hon. Temporary Deputy Speaker. This is a very emotive matter but I would like to invite my colleague, whom I have a lot of respect for, to our recommendation number one: The Chairperson, the Commissioners and other officers of the NLC should take personal responsibility for parts (a) to (e). I would like to read (a): “Acting contrary to Section 107(1) of the Lands Act, 2012 as the Ministry of Education made a request for compulsory acquisition of the land in question at the behest of the Commission itself and not on its own Motion.” This is not in order. I would like to invite him...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): What is out of order?

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): I do not want to say that he has not read the Report comprehensively because he is making good points. However, the recommendations that we have made here about NLC are tough and not easy as he says.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Those are his own observations. What is out of order?

If this Report is adopted by this House then the next step is for somebody to start a petition for removal of the Chair. It is a professional Report and I would like to thank the Members of my Committee because they did a very good job.

Hon. Chrisantus Wakhungu (Kiminini, FORD-K): Hon. Temporary Deputy Speaker, it is true this matter is emotive because it was in the newspapers that the Chairman, Mr. Swazuri said he was ready to defend this up to The Hague that he did the right thing. From that point you cannot say that the buck stops at the Chair of the Commission. We want some specific recommendations so we can follow this person specifically. We do not want this generalisation and vagueness. This is what I am saying.

They should have been specific and said Swazuri is implicated in this matter and he should step aside. Not the issue of telling us that we need to investigate the Commission and whoever. The moment you start blaming everyone it becomes difficult to implement this particular Report. I expected some specifics. On matters land in my own constituency Kiminini, we have Meso Farm. People have been displaced because someone has come with fake court orders. My people have been killed. I have complained to Swazuri many times.

This time we want to see action from the National Land Commission. Otherwise, it should be disbanded like EACC and others because it is not providing a solution. Instead, it is providing more problems when it comes to matters land. We also have a land called Tawai Farm in Kiminini Constituency where people have died and they paid for that land. I did not know where the rich man got the fake court order from. The policemen are there and people are just fighting and have lost lives. Matters land is not something to joke around with. I am humbly requesting the Departmental Committee on Lands when it comes to such serious issues you should not bring us reports with a lot of generalization. We want specifics because people are dying.

I want to thank you, but come to Trans Nzoia where my people are being killed every day because of matters land. I have raised the issue of Meso and Tawai land. We also have a problem in Chepchoina land. This is a delicate issue that you must come in and move with speed to provide solutions so that we can help this country, particularly in cosmopolitan areas. This is being done in a tribal manner, communities are coming together. You have bought land and somebody comes to evict you and destroy your house. I spoke to the Managing Director of the Africa Finance Corporation (AFC) about the issue of the Meso land and he told me that he was enjoining that court matter and there was no way poor people who live there would be evicted. Yesterday, I am told some people were killed because they were defending themselves and had nowhere to go.

Please colleagues, we are here to provide oversight, legislate and represent. I am humbly requesting the Departmental Committee on Lands to pull up their socks and try to resolve these land issues as quickly as possible because people are dying. This is what I am requesting. I am also raising a complaint here and please start investigating the Tawai and Meso land in Kiminini. I have already brought these issues. I do not know what you are waiting for. I am going to bring another one because my people are dying.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. Chris Wamalwa. As you have said, through the Chair, they should not generalise. Also, let us restrict ourselves because we are discussing the Ruaraka Land Report. Let us debate the matter as has

been presented by the Chair and discuss the point at hand. The next one not on the request list but as a priority is the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. First allow me to support and thank the Chair of the Departmental Committee on Lands for a job well done.

Parliament and its committees have no investigative and prosecutorial powers. They just make recommendations to other State agencies, the EACC, Director of Public Prosecutions (DPP), Director of Criminal Investigation (DCI) and Auditor-General to do a forensic audit. That is how Parliament works. This Committee, in my honest opinion and being a ranking Member serving my third term, has brought a more detailed and executive Report which I have not seen in the 11th Parliament. Let me be very honest because there were many Reports that were brought.

Again, the owners of corruption were everywhere around this Committee. This is one of the Committees that stood its ground. People were everywhere looking for the Chair, Vice-Chair, Committee Members and leadership to compromise but, we said no. That is why...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Duale, are you saying as part of leadership you were being looked for to be compromised?

Hon. Aden Duale (Garissa Township, JP): Yes. When I say leadership, I mean all of us. That is why we sent a first signal before this Report was completed in the Supplementary Estimates. The Leader of the Minority Party, Chair of Budget and Appropriations Committee and I said until the Departmental Committee on Lands makes a conclusive Report to this House, we would not sanitise that payment. I am happy today because there is an audit issue on the head of CS Rotich. How he is going to explain the Kshs.1.5 billion he paid is not my business but his. With this Report that amount will never be sanitised by this House. It is public money that went to the dogs. The first question I want to ask is: Who initiated the process?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Who are you asking that question?

Hon. Aden Duale (Garissa Township, JP): In Parliament we ask questions. That is a parliamentary procedure.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I wanted you to direct it to the Chair.

Hon. Aden Duale (Garissa Township, JP): No. I will go on the HASARD that I am asking a question. I am going to reply if you allow me. In Parliaments all over the world even in the House of Commons, Members ask questions. So, I have looked at this Report and I have put a number of questions at every stage.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I thought you were asking the Chair so that I can direct her. If it is a general question, it is quite in order.

Hon. Aden Duale (Garissa Township, JP): I have asked who initiated the process. I have observed the Committee in undertaking public participation had an opportunity to receive views from the persons in the NLC, Ministry of Education, Science and Technology and the State Law Office. The Committee observed in the Report that the process of acquiring land occupied by the two schools was initiated by NLC. I have answered the question. Upon, receiving a complaint from the Afrison Import Export Ltd and the Huelands Ltd, on alleged historical injustices contrary to Section 107 of the Lands Act, which provides that the acquiring body being the Ministry of Education, Science and Technology, should have initiated the process and not the Commission, to this end the process of initiation itself was fraud. That is where we are starting

from. The NLC has no powers to initiate a process. So, the first letter should have come from the Ministry of Education, Science and Technology.

My next question which I am asking myself and not the House is: How was the process of acquiring the land undertaken by the Commission? We now know who initiated and we want to see whether the process was followed. Firstly, contrary to the dictates of the Lands Act the schools and even the County Government of Nairobi were never involved in inquiry proceedings of acquiring the land as confirmed by the submission of this Committee. So, the Nairobi County Government and the school principals were not involved. So, who was involved? When I read this Report, it is the State Law Office, the Ministry of Education, Science and Technology, the National Treasury and the National Land Commission. These four entities and their leadership know the history behind this scam. The school and the County Government of Nairobi are clean. The Commission did not serve the interested persons with notice of inquiry proceedings. The requirement of public participation as required by the Lands Act, 2012 was not met, according to the Report given by the Committee. So, the process was, again, flawed.

I have observed in the Report by the Committee that, despite paying huge sums of money to Afrison Import and Export Limited, the Commission did not have even the title document. Even after paying Kshs1.5 billion, as we speak and debate this Report, the school does not have the title. In fact, the Ministry of Education, Science and Technology and Government should have insisted that upon paying Kshs1.5 billion, the land instruments must be delivered to the ministry or the school. So, Kshs1.5 billion is gone. It is just like walking into the Westgate Mall, you spend two hours, you pay the parking ticket, you park your car, you come out and you do not find your car and you have the ticket. So the school has no title. Kenyan taxpayers have lost Kshs1.5 billion. This Committee and this House is under obligation. The same company was paid over Kshs4 billion for the GSU land. We must bring a petition to find out who the guys who were paid Kshs4 billion were. We either clean Kenya or we do not.

Hon. Temporary Deputy Speaker, my next question is: Who authorised the payment? These are questions we are asking. This is a process. It is like a factory. Who authorised the payment? It appears that, as seen in this Report of the Committee, the National Treasury authorised the payment of Kshs1.5 billion to Afrison Import and Export Limited without express request from the Ministry of Education, Science and Technology, further creating suspicion on the process. When this House wants money, the accounting officer, the Clerk, takes a request showing different votes like mileage, salaries and administration. Based on that request, the National Treasury releases the funds. According to the Committee Report, there was no request submitted to the National Treasury. They sat and found that one Mr. Mburu of Afrison needed Kshs1.5 billion and they just wired that money to the Ministry of Education, Science and Technology. The Ministry of Education, Science and Technology wired it to Swazuri and Swazuri paid it. We are told that Kshs1.5 billion was sent to more than 20 law firms. We want as the Ethics and Anti-Corruption Commission and the Director of Public Prosecutions are taking people to court, those law firms must declare who the owners are and the proceeds of that crime must be returned back to the people of Kenya.

Just to restate the magnitude of the issue of Kshs1.5 billion, the amount paid out without any document, if you build three big classrooms for Kshs1 million, you can build 1,500 classrooms in so many schools in our country. We build three or two classrooms with Kshs1.5 billion. This could have built 1,500 classrooms across the country.

The next question is: What happened after the payment was made? I am just concluding. I am putting questions. What happened after the Kshs1.5 billion payment was made by the

National Treasury? A complaint was made against Afrison Import and Export Limited and the other company at EACC of a possible engagement in illegal activities with public officers in the acquisition of land by NLC. However, EACC delayed and failed to safeguard it. From what I am hearing from the newspapers, the file on this matter is with the DPP. On that case, I think my question has been answered, but I think EACC needs to act faster and expedite the process and we need to find out the real culprits involved and not a situation where some people have been saved.

For these questions and the reasons that I have said, I therefore agree with the Committee recommendations on the following among others; that the chairperson, the commissioners and other officers of NLC should be personally responsible for acting contrary to the Constitution and the Lands Act, 2012. I want to say it. Hon Wamalwa was jumping the gun. Based on this Report of the Committee – if it is adopted by this House – then anybody in Kenya, including our citizens, can use that Report and file a petition for the removal of any of these people who are holding constitutional offices, that is, the chairman and his commissioners. Secondly, the Director of Criminal Investigation should investigate the Chairperson, the Commissioners and officers of the NLC for acting contrary to the Constitution and the Lands Act.

The Committee was very much scared in their recommendations. It was very much scared about the people who were involved in this scam at the National Treasury. You cannot hang Swazuri alone. We will defend Swazuri. Swazuri must be hanged but he must be hanged together with all the people who he conspired with. That is why I totally agreed with Chairman Swazuri on television when he said: “I will go down but I will not go down alone even at the International Criminal Court.” That was Swazuri saying that and that is a statement of fact. There is no way in the whole of this Kshs1.5 billion that only chairman Swazuri and his commission are culpable. People in the Ministry of Education, Science and Technology and the National Treasury are culpable. People in the State Law Office who give opinion are culpable and the owners and proprietors of those two companies are culpable. There are no sacred cows in this matter. We represent the people.

Hon. Temporary Deputy Speaker, allow me another two minutes. I am finishing. I had to prepare last night. I read this and framed questions. I am even shocked. In the 10th Parliament – Hon. Kimunya is my witness – when a Report of this magnitude came to the House, this House used to be full. In fact, if we reach 6.30 p.m., I will move a Motion for Adjournment for this Report. This Report must be discussed...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, even as you seek for allowance of a minute, you should just use your time not outside the debate or discussion. I give you one minute. Give him the microphone for one minute.

Hon. Aden Duale (Garissa Township, JP): I do not want Hon. Mulembe to be my fan. I am not a musician, but your senior. When I was in the 10th Parliament, I used to admire Hon. Orenge and Hon. Mutula Kilonzo senior. Those are people I used to admire when they spoke in the House. So, you must admire me.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, you have 45 seconds.

Hon. Aden Duale (Garissa Township, JP): I am so happy that the Chair, Rachael Omamo and her Vice-Chair, Khatib Mwashetani...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): She is not Rachael Omamo.

Hon. Aden Duale (Garissa Township, JP): Rachael Nyamai, Hon. Khatib Mwashetani and the Departmental Committee on Lands have done a good job. We must call a spade a spade. We should not stop here. That company called Africom has also eaten Kshs4 billion of the General Service Unit (GSU).

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am advised that it is called M/S Afrison Import and Export Limited.

Hon. Aden Duale (Garissa Township, JP): Yes, Afrison “something” of Mr. Mburu. We must also name those who ate the Kshs4.7 billion of the GSU land. Kenyans are working very hard, sweating and expending energy and there are people sitting in offices who sell hot air. I am sure the Ethics and Anti-Corruption Commission and the Director of Public Prosecutions will be very fair to our country and take the men and women who were involved. Let us not sacrifice Swazuri. He did this with a group. Those who ate with Swazuri must also face the consequences - those who are in the Ministry of Education, Science and Technology, the National Treasury and those who gave opinions about this land in the State Law Office. An opinion is a very important document. When the State Law Office says that their opinion is that that is private land, that itself must take you to court.

Finally, there is a Kshs1.5 billion audit query for Henry Rotich. This House has refused to sanitise it. How will you pay? We are giving Auditor-General Ouko the first audit query of the Kshs1.5 billion at the National Treasury. Ask who paid that amount. They must bring back our money.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Rindikiri Murwithania, Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, JP): Thank you, Hon. Temporary Deputy Speaker. I cannot agree more with this Report.

First, let me congratulate the Committee. I have been with this Committee in my constituency because of similar land issues. Our Leader of the Majority Party had summarised very nicely that the entire transaction was fraudulent. For the first time, we have seen three or four Government agencies and ministries in collaboration to defraud Kenyans of their money. A few years ago the National Land Commission was in conflict with the Ministry of Lands. Today, and specifically on such transactions, the Ministry of Lands, Ministry of Education, Science and Technology, the NLC and the National Treasury are in a very serious collaborative marriage to defraud Kenyans of their money. Any transaction involves a process and authorisation. Any transaction of this magnitude required that this money was budgeted for. All that was not done. The process was not followed.

One office of very questionable status is the NLC. I have issues with it concerning Buuri Constituency. We have been trying to look for title deeds for public lands which are as old as 20 or 30 years. But through the NLC, all the titles have disappeared. We are not talking about one acre; we are talking about more than 1,000 acres. I do not want to pre-empt another report concerning my constituency by the same Committee. When they appeared before the Committee, they gave us three names about a transaction of 934 hectares but when they came back to Nairobi, they said that they had no such document. Outrightly, we are dealing with an agency that is the source of corruption in this country. It is questionable. If Swazuri and his team, Rotich and his team and Matiang’i - who was the then Minister of Education - are serious about eradicating corruption in this country, they should step aside. They do not have to wait until this Report leaves the precincts of Parliament. They should hear the cries. The only thing that is left for them is to arrest Members of Parliament on Friday and take them to court on Monday. When

it comes to Kshs1.5 billion, they are still asleep and do not even want to appear before the Committees.

This is not a unique case because many more are coming. I thank the Committee. I agree with what they have stated. This is a grand robbery of Kenyans of Kshs1.5 billion. Kshs4.7 billion has gone. What next? There is more. Those are deposits. Kshs1.5 billion is a deposit. We support this Committee. I am very proud of the work they are doing. They are coming back to my constituency because of other land cases which all target the NLC. It is very difficult to get any justice under the current set-up of the NLC.

I join the other Members in supporting this Report and urge the Committee on Implementation - which will pick up this matter - to move forward with speed until all those culprits are brought to book.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Member for Karachuonyo, Hon. Okuome Adipo. He is next on my request list. Is he in the House? The next Member is also consulting, Hon. Members, this is a very emotive Report and most of the Members are consulting. Let us have the member for Laikipia, Hon. Waruguru Wanjiku.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I first want to congratulate the Departmental Committee on Lands for bringing this Report to the House. I know majority of us and Kenyans will agree that this matter has been in the public domain. The media houses have taken a bit of time trying to elaborate and explain to Kenyans exactly what happened. This afternoon, we are privileged as Members of Parliament to discuss and inform Kenyans exactly what happened and what we intend to do as the National Assembly.

I am asking myself a number of questions which I will also answer myself. I do not know whether an independent body or commission is above the Constitution or the law. In this case, we have had instances as a Committee where we have not been able to ask for documents or have documents produced on time because some individuals feel like they are above the law and are not supposed to comply with the questions asked by the Committee. The NLC needs to tell Kenyans exactly what happened and who, in this case, on behalf of the public and certain cartels in this country, authorised them to start an operation which was meant to pay out the more than Kshs5 billion that was lost.

I want to bring to the light of the House that on 13th September 2016, the National Lands Commission wrote to the Ministry of Education, Science and Technology informing them that there was a matter that was before them with regard to compensation and rated as a historical injustice. There are few rich men and individuals who have made sure that the NLC looks into their interests other than that of the majority of the Kenyans who are landless and those who were evicted but were not compensated. Others have been evicted forcefully by the Government, for example, the case of the Standard Gauge Railway (SGR).

In this case, the Ministry of Education, Science and Technology led by the Cabinet Secretary, Hon. Matiang'i, wrote back on 17th February 2017 to acknowledge that the NLC had requested the Ministry to commit itself to this matter. A letter originated from the NLC to ask the Ministry of Education, Science and Technology led by the CS, Mr. Matiang'i, and Principal Secretary, Mr. Belio, the same. The Office of the Attorney-General was sent a letter by the PS, Mr. Belio, requesting the implication...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order. Hon. Member. Let us learn, Hon. Members. The Speaker cannot speak in vain. Member for Laikipia County, there is a point of order by Hon. Junet Sheikh, Member for Suna East. What is out of order?

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, this is a House of rules and procedures. When we are debating a motion which is based on a report of a committee, you cannot import other matters outside the report. You can only debate based on what is contained in the report of the committee.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Which other matters has she raised, so that they can be on record?

Hon. Junet Nuh (Suna East, ODM): The Member has mentioned many names. She has said that a certain person wrote a letter but it is not in the Report. I have not seen those names in the Report which I have read. I have not seen the letter which she has mentioned. It is not in this Report.

Hon. Samson Nyoro (Kiharu, JP): (*Inaudible*)

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Hon. Temporary Deputy Speaker, protect me from Hon. Junet.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member, he is on a point of order. I will still get back to you. Your time is still there.

Hon. Junet Nuh (Suna East, ODM): Hon. Ndindi Nyoro has not yet known how many toilets we have in Parliament but he is shouting here. That is true.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Members.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): (*Off-record*)

Hon. Junet Nuh (Suna East, ODM): Is the Member in order, Hon. Temporary Deputy Speaker?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Laikipia, you are the one who has the Floor. He is on a point of order. You cannot shout from where you are. You will still have your time to speak. You cannot address the Member the way you are doing. I do not want to go on record to say what you have just said. Hon. Members, let us have order in the House. Hon. Junet, please state what is out of order. I know Hon. Ndindi Nyoro knows how many toilets are here in Parliament. Members, let us go to the point. Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, is the Hon. Member in order to mislead the House by introducing foreign evidence and names into the Report on the Floor of the House without amending the Motion?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I want to give this direction, Hon. Members. Order Members. We are debating the Report as it is. I must remind those Members who are entering the Chamber, those who are here and those who are debating that you have your Standing Orders and procedures. Let us be relevant, Hon. Members. I want to remind the House that we are debating the Report of the Departmental Committee on Lands on the Inquiry into Alleged Land Irregularities which is the Ruaraka Land. I know that it is an emotive debate but let us restrict ourselves. I will not allow exchanges in the House. Hon. Member, proceed but try to be relevant.

Hon. (Ms.) Catherine Waruguru (Laikipia (CWR), JP): Thank you very much, Hon. Temporary Deputy Speaker. As far as I am concerned, I am within the constraints of the Report of the Committee. I am very relevant. Everybody must carry his or her cross in matters of corruption, especially at a time like now. It is not about who you are but the office you hold. You took an oath as an individual and by name.

I want to continue. Before the Member interrupted me rudely, I was saying that the Ministry of Lands and Physical Planning was aware of the land issues. The NLC wrote a letter indicating that there was a historical injustice with regard to Ruaraka Primary School and Drive-

In Primary School. They sent the letter to the Ministry to respond. This is information which is in the Report. On 17th February 2017, the Ministry of Lands and Physical Planning gave an okay to the NLC to initiate the process of compensation. The go-ahead which was given by the Ministry of Education, Science and Technology is what gave the NLC the mandate to continue with this process and prepare for the compensation of this land. The Committee observed that the PS in the Ministry of Education, Science and Technology wrote to the National Treasury seeking to know the budget implication of the acquisition of the land occupied by the two schools prior to receiving advice from the Attorney-General.

We do not want anybody to mislead Kenyans and say that they do not know and they are not aware of these issues. The mother ministry in the Ruaraka Land scandal is the Ministry of Lands and Physical Planning which committed itself and acknowledged that this land was a historical injustice. It is upon this that the PS wrote to the National Treasury and the PS in charge responded and wrote to the Office of the Attorney-General to ask him to advise them on the implication of the same. I stand counted as a Member who unveiled what the likes of Mr. Mburu did to this country. There was compensation of land with regard to the General Service Unit (GSU) housing projects.

Hon. Members: On a point of order.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): There is a character and companies which have been mentioned. This is the second attempt. An amount of Kshs5billion was paid to compensate people for the sake of this land. These people never issued title deeds to the Government. This is the second time Ruaraka Primary School and Drive-In Primary School... There were no documents in regard to the same.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Wanjiku, is it a point of order or point of information? Is there anything which is out of order?

Hon. Members: Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Can we have order in the House? For us to be in the right procedures, you have your Standing Orders. Hon. Members, if you rise on a point of order, before you state what is out of order, please quote the Standing Order number and then you move on. We cannot start interrupting debates. If you do not quote the Standing Order which you rise on, I will rule you out of order.

Hon. Richard Onyonka (Kitutu Chache South, FORD-K): Hon. Temporary Deputy Speaker, hold on. Please protect me so that I can make my point. In this House, we are privileged to raise issues pertaining to certain critical issues without damaging the credibility of certain individuals by stating the facts correctly. If you go to the letter which Hon. Matiang'i wrote, he says:

“The procedure of acquisition is well within your purview.” This was information that Matiang'i was telling Swazuri.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Member. As much as you have the letter...

(Loud consultations)

Hon. Members, let us be guided. We are all Members of the House and I must run it using the best procedures. Hon. Members, please, quote the Standing Order you are rising on.

Hon. Richard Onyonka (Kitutu Chache South, FORD-K): *(Off-record)*

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Member. Order Members! The Hon. Member is in order. You cannot exchange words here. I cannot protect you and you are not ready to be protected. We must respect the procedures of the House. That is why I ruled that for us to run the House... I know some Motions and Bills are very emotive. Hon. Member, from where I sit, you have a point of information. I know that if you had raised your point of information well, the Hon. Member contributing would have accepted it if she thought that it was going to help the debate in the House. Of course, he is quoting a letter that is in the Report rightfully, but it is a point of information. There is nothing out of order.

Hon. Members, read the Standing Orders from the first to the last one. They guide the House. Hon. Member, you only have two minutes to finish. Be relevant and restrict yourself. He is right that you cannot mention names of people who cannot defend themselves here. So, if you do it, from where I sit, I have a right to rule you out of order.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Hon. Temporary Deputy Speaker, thank you for the opportunity. I want to stick to my time. I do not want to be interrupted. People do not want Kenyans to be told the truth.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Carry on, Hon. Member.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): It is clearly stated

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member, you cannot defend it. Please, restrict yourself. Do not mention names of people who cannot defend themselves here. That is provided for in the same Standing Orders. Have your two minutes and finish.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): The Committee also observed that Afrison Import Export Limited has been a past beneficiary of compensation of acquisition of the General Service Unit land and other pieces of land portraying lack of planning and management on compulsory acquisition by the NLC. No transfer of land was made from Afrison to the Government in regard to the GSU housing. This is the second attempt by similar names and same companies purporting to be international squatters or briefcase squatters in the Republic of Kenya. The first time they went with Kshs6 billion on the GSU housing project. Now this is the second time they want to get a primary school. This is the recommendation of the Committee and I stand by it. The mother Ministry of Lands, the National Treasury and the NLC should carry their crosses because Kenyans lost money they were entrusted to safeguard.

Therefore, the Office of the Directorate of Criminal Investigation and Ethic and Anti-Corruption Commission should not hesitate to go and recover the money lost in the case. It is very shameful that a Cabinet Secretary, in a matter as important as sugar, cannot appear before a Committee when Kenyans want to be told the truth. When we debate the Ruaraka Land scandal, it is the same names and individuals who initiated and gave ago ahead for the Ruaraka payment to be done. Therefore, nobody is above the law in the Republic of Kenya. In this case, let everybody carry their own crosses. Let John Mbadi, if he is caught, carry his cross. If it is Aden Duale, let him carry his cross. In this case

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your time is over. Hon. Members, let us not interrupt Members. It is a very emotive debate.

I now give priority to the Leader of the Minority Party, Hon. John Mbadi, Member for Suba South.

Hon. John Ng'ongo (Suba South, ODM): Thank you very much Hon. Temporary Deputy Speaker. I also want to support the Report by the Committee and add my voice that the Committee has done a commendable job in the sense that we have seen some concrete

recommendations, recommendations that are implementable and recommendations that can be pursued further.

I plead with the House that when it comes to matters as touchy as this one, matters bordering on clear cases of corruption, it is important we give each one of us the latitude to express ourselves freely and openly.

I do not want to challenge the Chair of the Committee, but the Report has touched on a number of issues. It has mentioned the NLC, starting from the chairman to other commissioners, it has mentioned something to do with the Ministry of Education or Early Education, the National Treasury is mentioned and the Attorney-General is in it. So, the House should allow Members to express themselves, including even what we think should have been included in the recommendations and is not. I do not think that if anyone makes such a recommendation, that the person is out of the Report. So, the MP for Laikipia County, in my view, was very right even to mention a Cabinet Secretary. If the name is left out and she feels it should be included, she is at liberty to recommend that it should be the case.

It is clear to me from the evidence and from the investigations that were carried out by the Committee that the process was initiated by the NLC. That is not in doubt to me. This is really hurting because as a country we felt that there were problems with land matters: historical injustices and illegal acquisition of land. In 2010, we created an independent commission because Kenyans could not trust the other three arms of Government to deal with land. The people of Kenya could not trust the Executive because initially, the power to allocate land was with the President through the Commissioner of Lands, but the people of Kenya decided to create the Commission. Our thinking then, and probably we were wrong, was that the Commission would safeguard the interests of Kenyans. Looking at the Report, it has come out clearly that the Commission is not protecting the interest of Kenyans. The Commission has worked in cahoots with other people to defraud Kenyans, which is very unfortunate and something that needs to be investigated properly and punished. I am happy that the Committee has recommended further investigations and prosecution, and that takes me to my next point.

The investigation should not just be restricted to the NLC, its chairman and other commissioners, but should go a step further because there is the parent Ministry of Education. It has an accounting officer. The accounting officer requisitioned for funds. When you requisition for funds, you must be certain that the application of the funds is above board and that is what we passed in the Public Finance Management Act; that the accounting officer is held accountable for any expenditure in the Ministry even if that money was further transferred to the NLC. The parent Ministry that requisitioned money and which should have ascertained that all legal requirements are met, that accountability is above board, is that ministry. So, if we have a problem probably with the names, the accounting officer in the Ministry cannot escape liability and responsibility.

Further, I see in the Report that the Attorney-General is being excused. I do not agree with the Chairman on that. We have employed the Attorney-General of the Republic of Kenya as the legal advisor to the Government. He is supposed to advise the Government in all matters legal. The AG must carry out with diligence any matter presented to him. He must look at all the aspects of that request and advise accordingly. He cannot tell us that he was only advising on the side of compulsory acquisition. That is not advice that we expect from the Office of the AG. That office has staff who work from 8 a.m. to 5 p.m. and earn a salary. We expected the AG to advise the ministries accordingly. In fact, there is no way you can hold the Ministry of Education, Science and Technology accountable and leave out the AG, in my view. How would

you do that? The AG advised them to go ahead but when things backfired, they say that they were only advising them to proceed with compulsory acquisition. What have we employed the AG to do? I can even offer that opinion as well. Why do we need legal minds to do that?

The investigation must not only end at the NLC, it should go a step further to the AG and the Ministry of Education, Science and Technology. Why the National Treasury is standing out for me is because this money was paid out of funds that were not available. As we speak, the people of Kenya have incurred an expenditure which is illegal. Parliament has not approved the Kshs1.5 billion that was paid to these crooks. The Kshs1.5 billion was supposed to be sanitised through Supplementary Budget which we rejected as Budget and Appropriations Committee and finally as a House. I am a finance expert; I know very well that for any expenditure to be incurred under Article 223 of the Constitution, the CS for National Treasury, Henry Rotich, must authorise. For him to allow expenditure of any amount that is not appropriated is not a walk in the park, you have to convince the National Treasury beyond reasonable doubt that that expenditure is important, urgent and cannot wait. Tell me how paying some individuals, even if it was a legitimate payment, who lost the ownership and occupation of land so many years back could not wait for normal budget process and parliamentary approval. Someone somewhere was broke and could not wait for this process. So, a need was found to spend this money through Supplementary Budget. The Treasury must explain their role.

Let me confess this and it is not something secret. When we were in the Budget and Appropriations Committee meeting where we invited the CS to come and justify this Kshs1.5 billion in the Supplementary Budget, the CS sat there as if he was confused and told us he needed to consult with the line Ministry what the money was all about.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Which CS?

Hon. John Ng'ongo (Suba South, ODM): Cabinet Secretary for National Treasury, Henry Rotich. You did not want us to mention the names and I am telling you we have to mention these names. If we have to slay the dragon of corruption in this country, we have to mention names. These people are not faceless. We put you in public office in trust to protect taxpayers' money. Remember Kenyans who earn less than Kshs20,000 pay tax. They pay tax for other people to profit. People who earn huge sums of money at the end of the month still want to take Kenyans' money. It is painful. The CS pretended to be ignorant. In fact I asked him, personally: "*Bwana* CS, I know you. You can hardly authorise any money to be paid out of Consolidated Fund especially under Article 223 without being so certain that that money is for a good cause and that the expenditure is urgent and cannot wait." Given that this money was paid under Article 223, the CS for National Treasury must be investigated with the people who approved this payment.

There is a very curious recommendation here, that the Ethics and Anti-Corruption Commission should take responsibility for loss of public funds amounting to Kshs.1.5 billion as part payment made by the NLC to Afrison Import Export Ltd and Huelands Ltd. The EACC could have slept on the job but why do they take responsibility for money eaten by others? We know very well that NLC is the one that made this payment. The Ministry of Education, Education, Science and Technology agreed with them and the National Treasury paid the money. Why then do you push it to an investigative organ? Very soon you will be told that Parliament should take responsibility for not investigating this matter when it came up. There are so many times that I do not agree with EACC in their work, but on this one, this recommendation is misplaced. The right people mentioned here should be held responsible. It is very clear. The Chairman of the NLC who is my good friend, and I am sure he is watching, said he can even go

to The Hague. To me, it is very simple. If I were the one who does such kind of job for the people of Kenya, I would not wait to go to The Hague, I would just resign. We cannot put you in an office and then you mess up with our funds and tell us you can go to The Hague.

The Committee's finding is that there was no valuation. Honestly, which NLC would pay land without valuation? Did we employ competent people in the NLC? Which NLC would make payments for land without valuation? They are telling us they relied on stamp duty paid for other pieces of land around that place. Maybe they were asking people who have land in that area the prices of their land. Is that the way NLC conducts its work? This is a body that we thought was so professional, a body that we created to protect our interests and ensure that our public and private land is secure. We were wrong. We have people who are incompetent; people who cannot protect our interests at all.

My last point is on the Committee's observation that the AG's opinion on the two parcels of land was advisory in nature and only to the extent that the Commission could process the acquisition of the said land in accordance with the law. That to me, is allowing the AG to escape responsibility. If there is going to be amendment to this Report, we need to bring back the AG to take responsibility. This idea of trying to help the AG is not right. If it was Githu Muigai, and probably that is why he was removed from office, let him explain to the people of Kenya what he was doing. He is a very intelligent, sharp legal mind. He cannot tell us that he was only giving some advisory opinion. We do not employ you just to give advisory opinion, we employ you to give advisory opinion that should be respected by the Government.

With those many remarks, I want to agree with Hon. (Ms.) Waruguru that everybody should take responsibility. That will be after investigation. All these people must be investigated; all of them.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, for guidance of the House and future reference, I refer you to Standing Order No. 87 on the content of speeches. It talks about the personal conduct of the President, the conduct of the Speaker or of any judge, or the judicial conduct of any other person performing judicial functions, or any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office. The removal from such offices is dependent on the decision of the House. Please go, read and familiarise yourselves with it. That is so that we are able to know when and how we mention people.

I also refer you to your Standing Orders No. 91 on responsibility for statement of facts. You are required to substantiate on accuracy of any facts you allege to be true. Refer to that one at your own time.

Hon. John Ng'ongo (Suba South, ODM): On a point of order.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is nothing out of order. You are almost the next one to speak. What do you want to do? Is it a point of order or you want to debate on this one? The next one is Hon. Wanga then you are almost there. Leader of the Minority Party, do you want to have a point of order on yourself? You were the one who was on the Floor. One minute, Hon. Wanga. Let me hear what the Leader of the Minority Party has to say.

Hon. John Ng'ongo (Suba South, ODM): When we make reference to the Standing Orders, we need to be very clear. You have just referred us to the one on personal conduct. We have not been discussing any personal conduct here. We have been discussing accountability issues.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Minority Party, you are the one on the Floor. There was nothing totally out of order. There was no way you can raise a point of order on yourself. I was just reminding Members. This is an order they need to go and read for themselves. You are right in what you are saying. I was informing you on what you can substantiate and who you can refer to or not in future. It was just for information as you debate this Report. The Leader of the Minority Party is very well informed on what to do and what not to do. This was a directive from the Chair for Members to go and read for their own sake and know at what point we raise such issues. No one stood on your debate. I am just trying to remind Members on where to find information in future.

Hon. Wanga.

Hon. (Ms.) Gladys Nyasuna (Homa Bay, ODM): Thank you, Hon. Temporary Deputy Speaker. I think you were giving us homework to be reading at night so that we are informed when we come the following day.

Let me support this Report so much and thank the Committee for coming up with very concise recommendations. The Committee is really right that this matter squarely falls within the purview of the NLC. If you look at the role of the NLC within our Constitution, one of them is to initiate investigations on its own or on a complaint into present or historical land injustices and recommend appropriate redress. The NLC was within its mandate. With this scandal on their head, it is in the appropriate place. The chairman and the NLC cannot run away even if they run to The Hague and back. This is squarely on their doorstep. They cannot delegate it to anybody.

It is very clear from their Report that the NLC initiated the process on their own. They conducted no public participation. The school that was being acquired was not even aware that this was happening to them. They were just operating on their own. To be honest, the NLC must take responsibility. I agree with the Committee. We can speak about education and these other people but if you look at the letter that was being mentioned as being written by CS Matiang'i, it simply said, "The procedure for acquisition is well within your purview if you want to acquire land. Go and do whatever is within your purview." What is wrong in somebody saying, "Do it if the procedure to acquire land is within your purview"? Even if somebody wants to drag other people into this matter, the Committee has put it where it really belongs. Instead of addressing historical injustices, the NLC was addressing historical injustices in their stomachs. They were obsessed with how much they could eat, how much they could acquire and how much money they could make. It is a shame. The NLC must know that it is truly a shame. As has been said by other Hon. Members, if Swazuri is still going to be in office after this Report has been debated and concluded on the Floor of this House, we better meet elsewhere. The House must go accordingly.

Because many Members want to speak, let me leave my point at that. I can see that the time is up and we have something else to debate.

Thank you.

Hon. Junet Nuh (Suna East, ODM): On a point of order.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): What is out of order, Hon. Junet?

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to contribute to this Motion and support it. I want to inform the House that what we are discussing are matters of land. We gave ourselves a new Constitution in 2010 because we had serious problems with land matters in the old system as provided for in the old Constitution. We went farther and created an independent constitutional body called the NLC. When you look at

the provision of the Constitution that gives power to the NLC, it says that the Commission is supposed to manage land on behalf of the national Government and county governments. They have the complete constitutional mandate and powers to deal with anything and everything called land. The Commission now tells this House, through their chairman, that they delegated their functions to the Ministry of Education, Science and Technology, the Ministry of Lands and the National Treasury. The Commission has committed a serious crime against Kenyans. This is the height of incompetence that an independent commission can be associated with.

When you are given original jurisdiction to deal with issues of land in this country, whether they are historical, past, present or even into the future you cannot come here and tell us that we sought an opinion from the Attorney-General so-and-so and paid for this land based on that. This is an example of a case we used to hear of during the old KANU days. We used to hear that an individual owned the title deed of the High Court land in some town, or that the titles of the Office of the President or District Commissioner in a certain town were owned by certain individuals. Those are the old KANU days. This commission has all the expertise and people that can determine whether land belongs to Kenyans or not.

(The light on the Table turned red)

I have not spoken for even a minute. Stop doing that. Why are you rigging people? To finish...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Whip of the Minority Party, just go on.

Hon. Junet Nuh (Suna East, ODM): No, I can see rigging going on here. It is rigging. If we can do rigging inside Parliament, what do you think we can do outside there?

(Laughter)

This issue squarely lies within the NLC. This beating around the bush that so-and-so did it is bad. If an accounting officer requested for money from the National Treasury, he requested to pay on recommendations that were given by the NLC. Why are we trying to insulate people who have stolen Kshs4 billion from public coffers? Matiang'i has no role in this matter. I do not see the officials of the ministries.

I want this matter to lie squarely on the head of the NLC. Lastly, you know there are many independent commissions in this country and they have failed Kenyans. We have the Independent Electoral and Boundaries Commission (IEBC), the Salaries and Remuneration Commission (SRC) which only works on Parliament, the NLC which is stealing land and the National Police Service which is a dead commission. The 15 commissions that were created by this Constitution are all dead. These are thieves who should have been jailed long time ago.

Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Pursuant to Standing Order No.43(1), this House will go to Zero-Hour. Hon. Vincent Mogaka, Member for West Mugarango has a statement to make.

ZERO HOUR

HARASSMENT THROUGH FREQUENT ARRESTS BY POLICE

Hon. Vincent Mogaka (West Mugirango, FORD-K): Thank you, Hon. Temporary Deputy Speaker. In the recent past, we have experienced several arrests being made to Members of Parliament, other senior public officers and members of the public, particularly on Fridays.

The officers from DCI and the general police force, usually pounce on the members of the public and other senior public officers, arrest them, take them to the police stations and keep them in custody throughout the weekend without according them bonds so that they can appear in court the following Monday or the following day and be charged.

Article 49(1) provides that an arrested person has the right to be released on bond or bail on reasonable conditions, pending a charge or trial unless there are compelling reasons not to be released on bond. On several instances, there have been directions from above that the suspects who are arrested should remain in police custody until the following Monday. This practice is intended to intimidate and harass innocent Kenyans who are only suspects. They are convicted by keeping them in the police station awaiting trial. In the last one month, we have experienced not less than two Members of Parliament who have been arrested on a Friday and have been kept in police custody till the Monday. One of them is Hon. Innocent Obiri of Bobasi, who was arrested on a Friday and was in custody till Monday. The recent one is Hon. Arama who was arrested in Nakuru and he had to stay in the police cells till Monday. Very early in the morning of Monday at about 5.00 a.m., he was transferred to Nairobi and was charged. We have also had Mr. Charles Ongwae the Managing Director, Kenya Bureau of Standards (KBS) among many other Kenyans out there who were innocent and cannot speak for themselves.

As a House, we have a responsibility to voice our concern and say that this intimidation, and harassment is intended for innocent Kenyans and this House should make a finding that it should be stopped forthwith.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Just for the record, for Zero Hour, pursuant to Standing Order 43(1-3), the Mover has three minutes and the rest of the membership, because of the numbers, speaks for two minutes. Can we have the Member for Kipipiri?

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I want to thank the Member who has asked for this and really commend him for bringing this matter of national concern to the House. We are gradually retrogressing into the bad days when human rights were not respected. When we fought for and worked on the new Constitution, it was on the understanding that every Kenyan has a right to be respected and to enjoy his life and privileges without interruption. I wish the lawyers in this House were here.

What we have seen, much as we all dislike the issues at the NYS, all the people in court are suspects until proven guilty. But when the public says they should be locked up and hanged, you have already condemned them. That is not what we want. That is not what a nation that prides itself as being founded on the rule of law should be doing. You do not see that anywhere. If we do not condemn it as a House, tomorrow it could be you or somebody else. That is where we join the mob and when it happens to you, as it happened to our colleague Hon. Arama over the weekend and so many others, it is only when they come for you, for all manner of things, that you will actually hear what it means to keep silent when illegalities are being committed.

We used to have something called robbery with violence and people would be banged in forever because there was no bail available. And that was one of the reasons when we went to Bomas, we said let every offence be bailable so that people have an opportunity to access their

lawyers, to tell their case and to be protected by the law. If this House allows the current practice that we are seeing, then there is no telling where it will end.

I beg to support the Motion and to condemn what is happening in terms of people being denied their rights which they are entitled to by the Constitution of this country.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ong'era.

Hon. Janet Ong'era (Kisii CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Let me congratulate Hon. Gimose for bringing this matter for us to discuss, a matter that is extremely weighty and sad. Two Members of this House have been arrested arbitrarily. I say arbitrarily because these Members of Parliament have been arrested like they were in a war zone. Forty police officers went to arrest Hon. Arama, arresting him on flimsy issues on a matter that was a civil case. I have documents here which clearly indicate that this matter had been dealt with and concluded. It is very sad when we try to bring political differences in this House to have Members arrested because there are powerful people who sit in this House and they can just arrest somebody.

I agree with Hon. Kimunya that the days of arbitrary arrests are back. The dark days are back. This House will not sit and condone dark days being brought back to this country. My Member of Parliament for Bobasi, in exercising his political rights, in defending his people where he has chosen to be the people's representative, was arrested by over 50 policemen and he was treated like a highflying criminal. He was escorted to Kisii by over 50 vehicles. It is a shame in this country and we condemn this. We will not tolerate as Members of Parliament to sit back and see our colleagues being arrested on bailable offences without being allowed to be bailed out.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you. Let us have Hon. Hassan Hulufu, Member for Isiolo North.

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. I support the Hon. Member who has brought this Motion. As we speak about violations of rights of our fellow Members, in other parts of Kenya such as my constituency, we have police officers' rights being violated by armed civilians. It is unfortunate that in developed parts of Kenya for political reasons, hundreds of policemen are sent to arrest Hon. Members while in a constituency such as mine, very few police officers who are ill equipped are sent to deal with cattle rustlers.

Yesterday, we lost two police officers, an administrative police post was overrun by bandits and yet these officers who were sent to arrest Hon. Members who are suspected to have been involved in certain criminal offences which are civil in nature and bailable, could be deployed in a constituency like mine to protect lives and properties of Kenyans. I take this opportunity to condole with the families of very young officers whom we lost in Isiolo as they were pursuing rustlers. As we speak, our police County Commander for Isiolo is admitted at Aga Khan Hospital as a result of injuries sustained from the banditry attack. Therefore, as a country, we need to have a police service which is deployed properly to safeguard lives and properties of Kenyans rather than for settling political scores.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Leader of the Minority Party, please, signal when you are ready. Let us have Hon. Makali Mulu.

Hon. Benson Mulu (Kitui Central, WDM – K): Thank you. I join my colleagues in supporting this Motion. This is very important and I hope Kenyans are not seeing it as a Motion

that is brought to this House simply because MPs have been arrested. The truth of the matter is that our Constitution is very clear that once you are arrested you are assumed innocent until proved guilty. Unless that has been done, you should enjoy bail like any other Kenyan. This idea of denying people bail is unconstitutional. We are a law-making House and it will be very unfortunate that we make laws and then people just break them. When we swear after elections, or when taking up whatever public office we are given, we all swear to protect the Constitution of this country. We cannot protect the Constitution when we are breaking it. This idea of arresting people at night, 9.00 p.m. on a Friday does not send the right signal to anybody in this world. As a country we need to be more civilised such that if you want to arrest somebody, do that during working hours unless they have killed somebody. I do not think these Hon. Members had murdered anybody to warrant an arrest in the night. So, this is intimidation of the highest order and I do not think, as MPs, we are going to allow any room for intimidation.

With those remarks, this must stop and I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Omboko Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary deputy Speaker for giving me this opportunity. I thank the MP who has brought this to the House. The menace being seen in this country in terms of ensuring that people are arrested on Friday is a way of escaping the fact that formerly, during the one-party state one would be arrested and detained for a very long period of time before being produced in court. Now, to try and jump that element, that is why the police and other senior people are going ahead to arrest not only Hon. Members but also Kenyans and keeping them in custody over the weekend so that they can extend that time.

Our Constitution in Section 50(2)(b) is very clear that one is presumed innocent until the contrary is proved. That is one factor that they are contravening. Therefore, this is something that should be stopped. I like the cue the House has taken. It began simply with maybe Miguna Miguna and at that particular time we thought it was just easy and politics. It later went to some Cabinet Secretaries whom Members of Parliament do not want to be mentioned like the CS, Interior and he went away with it. It is catching up with everybody. It is better we stand strong and keep to the law and protect even the NYS suspects.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Mbadi.

Hon. John Ng'ongo (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker, because of time I will just say two things. One, it may be so easy to look at the alleged crime and even think that those people do not deserve to be released on bond. Wait until the same starts getting abused by the State. The right to bond or bail is guaranteed under Article 49 of the Constitution. You can only deny someone that right if there is a compelling reason for not releasing them.

I am not defending Arama or whoever because they are our colleagues but this should go to any Kenyan including Lillian Omollo who is charged for NYS fraud. They should be given bail. If there is a reason for not giving them bail, it should be very clear. So, we should not allow any institution to use bail as if it is a right that can be dished as and when they so wish.

Finally, we congratulated the DPP when he started cracking the whip on corruption cases in this country. I just want to caution him that they should stick to that lane so that we take them seriously. If they get into many petty issues which may turn out to be political, then they will lose it. At the moment, they are enjoying the confidence of Kenyans. We love what they are

doing in terms of arresting people who are stealing our funds. However, let them be cautious not to be used by...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Turkana Central.

Hon. John Nakara (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. Fighting corruption is not violating the human rights of people. If you saw the people who are involved in the NYS saga, they had small children who were being breastfed in jail. Denying a mother bail for three days is torture. The law must apply to everybody as a Member has said. In Turkana people are being killed everyday including yesterday.

The MP for Turkana East, Hon. Ali Lokiru is on the mountain looking for the camels that were taken. What happened in Isiolo is just a community quarry between the Turkana and neighbours. The police took 50 vehicles to go and disarm the Turkana people. Those guys refused to listen to anybody. The regional commissioner threatened the former MP of Isiolo, Hon. Joseph Samal, with arrest and yet the guy was in Nairobi. The law should be applied equally to everybody because all of us are Kenyans. Threatening a former Member just because he did not make it back to Parliament is not good.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, I came from Turkana this morning and I learnt how to appreciate Kenya. Hon. Nyikal, Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I must first start by appreciating the Member of Parliament who has raised this. We must look at this in the environment in which this is happening. What we are seeing now is arresting people at the end of the week with the idea of detaining them the whole week, arresting people using excessive force and denying them bail. We know that we like the fight against corruption but it is my fear that what we are doing now is actually intimidating people and diverting attention from the problems we have of corruption and actually settling political scores and vendetta. This is really not what we expect the police force to do. At this time when we are fighting corruption, all the relevant laws must actually be adhered to when people are being detained. We shall not accept these diversionary tactics of implementing the law. We want the fight against corruption to be clean and focussed.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Seroney Kipkorir.

Hon. Sammy Seroney (Nominated, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise to support what the Member has brought to the House. I was involved very closely during the arrest of Hon. Arama. When Hon. Arama was arrested, I actually went to the police station and we sat there the whole of Saturday and Sunday waiting for him to be taken to court in Nakuru but we were surprised that at 4.00 O'clock, he was bundled into a car and brought all the way to Nairobi.

What I am wondering is how a Member of Parliament who has been elected by the people of Kenya can be arrested at night on a Friday and denied police bond yet the rights of a person under arrest are entrenched in the Constitution. He should be given a bond, particularly, the leaders who are elected. Where are they going to run to? I was so surprised because when you read this letter that emanated from the lawyer of the other party, who had an issue with Hon. Arama, they had already settled this issue. When we asked the investigators from the EACC what they were looking for because according to the writings from the lawyer of the other party

they had already settled the matter out of court, they said they were looking into the criminal aspect of it. If they were doing that, why not let the DCI conduct investigations? What is the work of the DCI if the EACC are going to investigate the issue of a criminal nature and yet the director of criminal...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Next is Hon. Junet, Member for Suna East.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Motion brought by the Member. It is painful that somebody in this country is judged guilty before he even takes plea in court, in the public opinion. This issue of denying people bail or bond is very painful because I went through it. I was detained in Pangani Police Station for five good days for no reason.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): That is the famous Pangani Six.

Hon. Junet Nuh (Suna East, ODM): We were taken to court and the court was told not to give us bail by the prosecutors. We just stayed there for no reason.

I agree with what Hon. Kimunya has said. It looks like we are going back to the dark old days where the division between different arms of government was not known. One arm of government can give directives to the other arm of government without due regard to the laws. In the modern society, if you have seen any criminal offence committed by, for example, Hon. Arama, there is no harm in telling him to report to a police station on Monday morning so that you can take his fingerprints and statements and take him to court the same day and then the court will decide what to do with him. What is the point of arresting someone on Friday and then holding him over the weekend for no reason? This culture of impunity must stop. It is a culture of impunity that this House must stop once and for all. Otherwise, very soon they are going to arrest everyone in this country without even an offence. You will just be picked on the streets of the town and you will be taken to detention without any trial and you end up staying in that cell for as much as the Officer Commanding Station (OCS) feels like.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Members, some of you are trying to catch my eye but your names are not on the request list. I may not know whether you really want to catch my eye. I am going as per my request list. Next is the Member for Mwingi. You have two minutes. Hon. Wanga, you will speak after the Member for Mwingi. But the Member here is trying to blink his eyes. Consult with the Clerks-at-the-Table whether your name is on the list because I may not see it.

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. If murder is bailable, what is not? We have witnessed a return to the Nyayo era of settlement of scores and people trying to muscle out each other, especially Members of Parliament. Therefore, those arbitrary arrests must stop. Those people making arrests should be summoned to Parliament to explain why they are doing so. It is high time Parliament demanded a list of those who have been arrested and denied bail so that we know how many they are. There are so many Kenyans who are suffering out there.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have Hon. Wanga.

Hon. (Ms.) Gladys Nyasuna (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. Those arbitrary arrests began in the last Parliament. We had the famous Pangani Six and the Muthaiga Two and nobody spoke. It is a classic case of: "First they came for the socialists and I did not speak because I was not a socialist; then they came for the trade unionists and I did not speak because I was not a trade unionist, then they came for the Jews and I did not

speak because I was not a Jew but when they finally came for me, there was nobody left to speak up for me.”

It is wrong because we all know that Article 49 of the Constitution provides for the rights of arrested persons. One of those is the right to bail. As a people, we must not cheer when injustices go on. We have seen people cheering. Just because it is not me, I can afford to cheer when other people are shot, killed and maimed. When it finally comes to your doorstep, you do not know who will rise up and speak. This is a matter of principle. We must rise up and speak at all times. Whether it is Arama, Wanga, Kimunya or Junet, we must all speak as a matter of the rule of law.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the baby of the House although she is no longer a baby. She has now grown. Let us have the Member for Kitui West.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I support the Motion.

We should condemn this culture of impunity in the strongest terms possible. The members of the public, especially the ones we represent, run to us as Members of Parliament to assist them when they are arrested by the police. What happens when they see that the one who is helping or assisting them - the Member of Parliament - is now the victim? This would make us hopeless. We must condemn, in the strongest terms, this act of impunity.

As we support our Members, we should also support the members of the public who are arrested every day for no good reasons. Some of them are just going about their own businesses but the police expect to be bribed. They are arrested every time. You hear members of the public calling you every time to help them because they have been arrested while doing their normal duties. We should follow the rule of law in our land so that there will be some unity and small businesses can thrive.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Gatanga, one minute.

Hon. Joseph Ngugi (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker. I also want to support the Motion brought by the Member. The idea of arresting people on Friday like it happened to our fellow Member should stop. It is continuously happened to some of us on Fridays. The other day, a colleague of mine from Murang'a County was arrested just for drinking soda. Just because he is a Member of the County Assembly he was chased around with cameras and this is something which should not be happening. I also support that this should stop.

The other thing I wanted to say is, some of the people who were charged at NYS were very young mothers, and others very junior and you could see the time they spent...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Okelo, one minute.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Temporary Deputy Speaker, in supporting this Motion, I would like to state that the arbitrary arrests, incommunicado detention and the deliberate refusal of bail by the police is an affront to the constitutional right and enjoyment of freedom rights which must be put to a stop. Let us backtrack a little. The Constitution in Article 239 gives security organs the mandate to discharge their duties with great impartiality. We have seen even during the period when the two successive general elections of last year were bungled by proponents of impunity, the police had a penchant for harassing people from political divide. Everybody kept quiet.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, I must remind Members on the dress code. Ladies, as per the Standing Orders of the House on dressing, you are not supposed to dress in sleeveless outfits. This is a reminder.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The time being 7.02 p.m., this House stands adjourned till tomorrow, Wednesday 27th June 2018 at 9.30 a.m.

House rose at 7.02 p.m.