

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD****Wednesday, 30<sup>th</sup> October 2019**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****PETITIONS****Hon. Speaker:** Mhe. Alois Lentoimanga, Mbunge wa Samburu Kaskazini.**STATE OF INSECURITY IN SAMBURU NORTH CONSTITUENCY****Hon. Alois Lentoimaga** (Samburu North, JP): Thank you, Hon. Speaker.

I, the undersigned, on behalf of the undersigned residents of Samburu North Constituency, draw the attention of the House to the following:

That, alarming cases of insecurity have escalated in Samburu North Constituency following the unprecedented disarming of the National Police Reservists by the Government in July 2019;

That, since the ill-advised disarmament, more than ten people have been killed and over 900 cows and 1,000 goats stolen by bandits who are heavily armed with illegal firearms;

That, numerous households have been displaced from their ancestral homes, with many people fleeing to other sub-counties and neighbouring counties thereby closing businesses and deserting various towns including Baragoi, Marti, Barsaloi and Morijo;

That, the Government did not provide alternative security arrangements following the disarmament of local National Police Reservists, who had played a critical role in providing security and safeguarding the lives of the local people and their livestock;

That, the disturbing cases of insecurity over the last few months include the killing of Police Inspector in charge of Marti on 24<sup>th</sup> April, the murder of Mzee Lemagas and theft of 6 cows in Lkotikal area on 13<sup>th</sup> August, the killing of Ekatapan Longomo on 20<sup>th</sup> September, the killing of four people and theft of 750 goats and sheep in Illaut on 25<sup>th</sup> September, the murder of Abdi Abdillahi Ali, a teacher at Ngilai Primary School in Baragoi on 28<sup>th</sup> September, the harassment of herders by police officers based at Kambi ya Nyoka Police Camp, the killing of Christopher Euren, a Baragoi-based businessman, along the Latakweny-Baragoi Road, assault on women and murder of Mr. Lalaigwanani in Mbukoi on 6<sup>th</sup> October, the killing of three Ngilai herders and theft of 994 cows on 8<sup>th</sup> October 2019, among many other disheartening cases of insecurity;

That, no significant recovery efforts are ever undertaken despite the fact that the names of people whose livestock have been raided and stolen are available and known to the authorities;

That, area leaders and local residents have raised concerns on these matters with relevant state agencies through letters and face to face meetings but their efforts have not yielded any significant interventions;

That, the issues in respect of which this Petition is made are not pending before any court, or any constitutional or legal body

Therefore your humble Petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security:

1) Enquires into the escalating cases of insecurity in Samburu North Constituency with a view to facilitating the recovery of the 994 cows and 1,000 goats that have been stolen from residents, the compensation of residents for the stolen livestock in case of failure by state agencies to recover the livestock, the arresting and charging of the impunity-minded bandits, the investigation on complacency by local police officers, and the consideration of proposal to re-arm the National Police Reservists;

2) Makes any other recommendations it deems appropriate in the circumstances of the petition.

And your petitioners will ever pray.

Thank you.

**Hon. Speaker:** Very well. The Petition stands referred to the Departmental Committee on Administration and National Security. I see an intervention. Hon. Pukose, do you want to comment on the Petition?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. I want to support this Petition by Hon. Lentoimaga concerning state of insecurity in Samburu North Constituency. We know that insecurity has become a major issue in this area.

I would also urge the Departmental Committee on Administration and National Security, especially on this issue to do with KPRs... This House passed a law that KPRs need to be recognised by the National Police Service Commission and be given some allowance that can motivate them. These are people who protect livestock and lives without receiving any salary or anything to that effect. So, it is something that needs to be looked into. I want to support that Petition.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Kubai, you have the Floor.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker, for giving me this opportunity to comment on this Petition by Hon. Lentoimaga. I stand to support it. Insecurity in the northern part of Kenya, especially Samburu and Isiolo Counties, has become rampant, infiltrating up to Meru. When the KPR guns were mopped up, those with illegal guns were left there and they are now roaming the area with impunity because they know the KPRs do not have guns. The police stations within that area are not enough to cover the expansive area where these bandits roam. So, it is important that this issue is looked into, with a view of returning the KPR guns after they have been vetted, so that they can team up with the police to assist the residents against the infiltration of these bandits.

I thank you, Hon. Speaker.

**Hon. Speaker:** Let us now hear the Member for Kiminini.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Speaker. I want to comment on the Petition by Hon. Lentoimaga. Indeed, matters of security are very critical. As Hon. Pukose has clearly put it, the matter of KPR is one that we followed up last time and the NPSC said with time, if funds will be available, this people should be remunerated. In some areas we have KPRs who have not been vetted. They are the ones who are causing a lot of trouble. As the Committee will be looking into this matter, we are requesting it to try and extend it. There are other regions having similar problems. We request the Committee on security, under the able Chair of Hon. Koinange, to move with speed so that they can bring a report, if possible within 60 days.

I thank you.

**Hon. Speaker:** Member for Mwea, you have the Floor.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I also stand to support this particular Petition, more so on the issue of KPR. This is a section of Kenyans who do good work for us, but because they have not been recognised by our systems, they end up sometimes not doing the job they were appointed to do. Therefore, I urge that we move with speed on this particular Petition, recognise the KPRs and, if possible, ensure that they are remunerated so that they can feel motivated to do their job.

I also want to note that the solution to insecurity in some of these areas is not about KPR alone, but also strengthening other local systems like the peace committees that are there. There are also local people who bring problems and offer local solutions away from what we would offer from the central security system.

I support.

**Hon. Speaker:** Yes, Hon. Seroney.

**Hon. Sammy Seroney** (Nominated, WDM-K): Thank you, Hon. Speaker, for giving me this chance to at least declare my stand on that Petition of Hon. Alois Lentoimaga. That is a very serious issue which has been affecting the country in general. Every month, there are reports of such thuggery. I think our security personnel are doing business with this matter. I do not believe that animals are being stolen every time and again and there is no evidence of where the animals are taken. This matter must be taken very seriously. This is purely business and the culprits should be brought to book. Innocent people are dying down there for the benefit of those who are doing business. I support that Petition. Let the Committee on security take this matter seriously.

I remember when the Jubilee government was campaigning, they promised Kenyans, particularly the affected areas, that within 100 days they would never hear of cattle rustling. My question is: What has happened? Two-and-a-half years down the line, thuggery and cattle rustling are rampant. Let us take this matter seriously. As Parliament we need to support that Committee.

Thank you, Hon. Speaker.

**Hon. Speaker:** Finally, let us have the Member for Marakwet East. Hon. Members, it is not debate. I can see very many hands up. This time is just for comments and clarifications. Remember the entire period allocated in your Standing Orders, which you are likely to now deal with in Kiswahili, is only 30 minutes for all petitions. It is not debate. There will be a report upon which you will debate.

**Hon. Kangogo Bowen** (Marakwet East, JP): Thank you, Hon. Speaker. I stand to support my colleague, Hon. Alois Lentoimaga's Petition. Some of us who come from that region along the Kerio Valley Belt, cutting across to Laikipia have had several meetings with CS Matiang'i

about the issue of the NPRs. The NPRs play an important role because these are the people who understand the exit and entry routes of these criminals.

Again, Section 15 of the National Police Service Act says that NPRs are recognised. We want this section of the law to be operationalised and the NPRs to be recognised and remunerated, so that they help the locals in terms of security. The police we have had in those areas cannot do anything. I want to support this Petition and ask my friend Hon. Koinange, who is the Chair, to make sure that the National Police Service Act is operationalised.

I support.

**Hon. Speaker:** No! You are now making the issue of cattle rustling a village affair. It is not a nomadic matter. When you start shouting that Hon. Kamuren... I can see Hon. Pkosing is on his feet. O God! You are making it village-like. Let us allow the Committee to go and investigate so that it can give a report that the entire House can debate. Even if you make those comments now, they are not likely to inform anything. The Committee will still need to go and take evidence from the affected people and make proposals on how it thinks the issues raised by Hon. Lentoimaga can be addressed. So, even if you comment now, you are just entertaining yourselves. Or maybe you want the people out in the village to know that you have something about cattle rustling. I hope you are not going to confirm that you may be involved in it. In that case, I will give every one of you one minute. No! Hon. Lentoimaga, you cannot point to who should be given a chance. You have already presented the Petition. You included all the issues that you thought needed to be tackled by the Committee. Do not tell us that last night there was some invasion by hooded goons. No! It is not helping. Maybe we need informed comments like the one by the Member for Mwea about peace committees. Even when you comment on such matters, you should offer some suggestions on direction. What Hon. Pukose and Hon. Wamalwa referred to on the issue of KPRs and the need to hasten the process of vetting them, if there is need or desire to have them... Those are comments which give hope that something could happen. However, if you start telling us that something happened in some village; that there was a small forest and people went into that...

**An Hon. Member:** The chairman of cattle rustling!

**Hon. Speaker:** I can see that you people want to raise... Let me recognise the Member for Samburu, Hon. Leshoomo.

*(Loud consultations)*

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, JP): Asante sana, Mhe. Spika, kwa kunipatia hii nafasi ili niunge mkono Ombi la Hon. Lentoimaga.

Kuna maana ya Mhe. Lentoimaga kuandika Ombi hili. Nafikiri tuko na shida kubwa sana kuhusu haya mambo ya wizi wa mifugo. Sijui kwa nini inaitwa wizi wa mifugo ilhali ni kitu inaua wananchi katika pembe zote. Vita vilivyoko Baragoi ni mbaya zaidi. Ninaomba Kamati ya Usalama ichukue hatua na ihakikishe Waziri wa Usalama awe hapa ili wakutane. Shida kubwa iko kwenye hii ofisi. Watu wanauawa na inaporipotiwa, hakuna mtu anayejitokeza kuwa ni kweli watu wameuawa. Mali inaenda na watu wanaachwa bila chochote. Hakuna mtu anaangalia kwa nini hii mali inaenda. Hatupigani na watu wa kutoka mbali. Hivi ni vita vinavyotoka Kaunti ya Samburu. Naomba Mwenyekiti wa Kamati ya Usalama na wenzake wachukue Ombi hili la Mhe. Lentoimaga na kulitilia maanani; walichukulie kuwa ni la ukweli na ni kitu kimeangamiza watu kwa muda mrefu.

Miaka nenda miaka rudi, watu wamekuwa maskini na wengine kuuliwa. Hata sasa, tuko na watu karibu wanne ambao wako hospitalini Nakuru. Wamevunjika miguu na hakuna mtu anayewashughulikia. Wanapigana na kuuana tu ilhali Serikali iko kila mahali. Ng'ombe wanapita tu wakiangaliwa. Pia wao wanauliwa na hakuna hatua inayochukuliwa.

Ninaunga mkono Kamati ya Usalama ichukulie maanani Ombi hili. Ni suala ambalo halina mchezo.

Asante Bwana Spika kwa kunipatia hii nafasi.

**Hon. Speaker:** This is too much. Let me hear another gracious lady, the Member for Laikipia. If you want to know the people who deal with these issues...

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Speaker for giving me this opportunity. I do not take it for granted. Allow me to congratulate Hon. Lentoimaga. He has been our Chair for a long period. I am not making reference to what happened yesterday between Hon. Didmus Barasa and Hon. Kaluma. Informally, he has been able to bring the region together. We have been discussing the NPRs. There has been progress. When you see this Hon. Member rise to debate issues of NPRs, there is something as a region we are backing and that requires us to formalise the process of making sure we recruit the NPRs. They are properly remunerated, recognised, recruited and trained. They not only carry weapons to protect their communities from community raids or banditry but they also work in coordination with area OCSs, OCPDs and County Commanders.

There is no way we are going to deal with issues of cattle rustling if it does not start from the communities and even at our village levels. We have Nyumba Kumi and *wazee* who are working closely with our local administration. For us to be in a position to win this fight in areas especially that are prone to these problems, and areas where illiteracy and poverty levels are high, we need to make sure that as a Parliament we bring this debate to the right place. This is the right place. We need to come up with legislation out of the Petition that is going to be handled by this Committee and make sure that this matter is brought to an end.

Allow me to congratulate the Ministry of Interior and National Coordination. I come from Laikipia County. However, for once we have enjoyed peace in the counties of Samburu, Baringo and Elgeyo Marakwet. I can confirm that the incidences of cattle rustling have reduced. With that, I want to thank my neighbours.

I also want to recognise one Member although I cannot really recall his name...

**An Hon. Member:** Hon. Sankok!

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): No! It is not Hon. Sankok. He is from Samburu. It is Hon. Jackson.

**Hon. Speaker:** It is not done like that here.

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Yesterday we met over a cup of tea. He told me that they have lost a number of livestock –25 cows in particular, and over a cup of tea they were returned to Samburu County. What I am trying to say is that the issues which have been raised by Hon. Lentoimaga are matters that cannot wait. They need to be debated and supported by the Committee in charge so that the Ministry effectively implements what we agree on this afternoon.

Thank you.

**Hon. Speaker:** Very well. No more. It does not matter. The Petition earlier on stated is directed to the Departmental Committee on Administration and National Security. They will bring a Report if they find it appropriate so that the House can debate and discuss the matter from information that would have been gathered out in the field and elsewhere. The Member for

Laikipia talks about when they were having tea and we do not want to hear that. You can be having lunch or tea but this was not part of the Petition. I do not want any other person to tell us when they were having porridge, dinner or such like stories.

Let the Committee bring a Report.

Next Order!

### PAPERS LAID

**Hon. Speaker:** The Chairman, Departmental Committee on Finance and National Planning, the Floor is yours.

**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Departmental Committee on Finance and National Planning on its Consideration of:

1. The Equalisation Fund Bill, 2019.
2. The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.45 of 2019).
3. The Parliamentary Pensions (Amendment) (No.2) Bill (National Assembly Bill No.56 of 2019).

**Hon. Speaker:** Next is the Chair of the Departmental Committee on Lands, Hon. Nyamai.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Lands on its consideration of the following public petitions:-

By Taita Taveta Teachers Investment Company Limited regarding illegal occupation of land owned by the company.

By Mr. Edward Kamande (Peter Kairang'a) regarding settlement of over 25,000 shareholders of the Mutukanio Ngwataniro Company Land in Nakuru and Laikipia counties.

**Hon. Speaker:** Next Order!

### ORDINARY QUESTIONS

*Question No.464/2019*

#### ISSUANCE OF APPROVALS FOR TARIFFS AND PROJECTS IN THE COUNTRY

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Speaker. My Question is directed to the Cabinet Secretary for Energy and Petroleum.

(i) Could the Cabinet Secretary explain the criteria used by the Energy and Petroleum Regulatory Authority in the issuance of approvals for tariffs and projects in the country?

(ii) Could the Cabinet Secretary further explain why the Authority is unable to issue approvals for tariffs and projects in Laisamis Constituency?

(iii) What is the status of the various energy projects under Kenya off-grid solar access developments in Laisamis Constituency?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Energy to prioritise and arrange for the appearance of the CS.

The next Question is by the Member for Wundanyi, Hon. Danson Mwashako.

*Question No.465/2019*

CONFIRMATION OF DEPUTY HEAD TEACHERS BY THE TSC

**Hon. Danson Mwashako** (Wundanyi, WDM-K): Thank you, Hon. Speaker. My Question is directed to the Teachers Service Commission (TSC):

(i) Could the Teachers Service Commission explain why it is yet to confirm the various deputy head teachers who have been faithfully serving in acting capacities for the positions of head teachers in various schools for unjustifiably long periods of time?

(ii) Why are the affected deputy head teachers prohibited from indicating in their curriculum vitae and other official engagements with the TSC that they have been serving in these positions in acting capacities?

Thank you, Hon. Speaker.

**Hon. Speaker:** A written answer from the TSC shall be provided.

The next Question is by the Member for Embakasi East, Hon. Babu Owino. He has requested for deferment which request has been acceded to.

*Question No.466/2019*

SALARY REVIEW FOR GRADUATE POLICE OFFICERS

*(Question deferred)*

So, we move on to the next Question by the Members for Laikipia County. Hon. (Ms.) Catherine Waruguru.

*Question No.466/2019*

CONSTRUCTION STATUS OF MAKUTANO-NAROMORU TOWN ROAD

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Speaker. My Question is directed to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) Could the Cabinet Secretary provide the construction status of Makutano-Naromoru Town Road, and the stipulated timelines for completion of the works?

(ii) Why has the contractor abandoned the site before completion of the said project?

(iii) What measures are being put in place to ensure that the construction of the said road is completed on time?

Thank you, Hon. Speaker

**Hon. Speaker:** The Question is referred to the Departmental Committee on Transport, Public Works and Housing.

## REQUEST FOR STATEMENTS

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

### INCREASED INCIDENTS OF CRIMINALITY BY THE NATIONAL POLICE SERVICE

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you Hon. Speaker. Pursuant to Standing Order No.44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the increased incidents of criminality and armed robberies allegedly committed by members of the National Police Service.

Hon. Speaker, as a nation, we have recently been dismayed, alarmed and greatly concerned by reports implicating members of the National Police Service in shocking and brazen acts of criminality, armed robberies, and a myriad of other vices. This is exemplified, for instance, by the reported theft of Kshs72 million from a Nairobi bank by five police officers on 5<sup>th</sup> September 2019, and by claims of robbery of Kshs6 million from a businessman in Eastleigh, Kamukunji Constituency, by four police officers on 5<sup>th</sup> October 2019.

Hon. Speaker, it is a saddening fact that at times police officers implicated in such law-breaking incidents do not face the due reprisals as illustrated by the incident involving one Simon Mwaniki, who was arrested in July 2017 for robbing a foreign national at gun point on the Nairobi-Nakuru Highway. He was merely transferred to a different police station, only to be apprehended in October 2019 for his involvement in the aforementioned Eastleigh robbery on 5<sup>th</sup> October.

Hon. Speaker, it is on account of these alarming increase in incidents of criminality committed by various police officers that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

i). How many police officers have been jailed, dismissed or retired from the National Police Service since 2013 for engaging in criminal and corrupt activities or for unbecoming conduct?

ii). What specific steps is the Government taking to decisively deal with police officers implicated in incidents of criminality and to uncover and weed out criminal cells rooted within the National Police Service?

iii). Which particular reform initiatives is the Government taking to promote national values and inculcate the culture of discipline, service and integrity in the National Police Service?

I thank you, Hon. Speaker.

**Hon. Speaker:** The Statement is referred to the Departmental Committee on Administration and National Security. Hon. Koinange would you like to give an indication as to when you can give the response?

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Speaker. I will give him 21 days.

**Hon. Speaker:** Very well. Hon. Yusuf?

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker, I think this is a very urgent and important matter that requires a quick response. For that reason, 21 days seem to be too long for me. I request the Chairperson, if he could respond to this issue within 14 days.

**Hon. Speaker:** Hon. Koinange, in any event, it is a statement you get from the agencies concerned.



**Hon. Paul Koinange** (Kiambaa, JP): Okay. Thank you, Hon. Speaker. We can make it 14 days.

**Hon. Speaker:** Very well. Next request is by the Hon. Nakuleu, the Member for Turkana North.

#### SAFETY MEASURES AND MAINTENANCE OF AIRCRAFT IN THE COUNTRY

**Hon. Christopher Nakuleu** (Turkana North, JP): Thank you, Hon. Speaker. Pursuant to Standing Order No.44(2)(c) I wish to request for a statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding safety measures and maintenance of aircraft in the country.

Hon. Speaker, on 28<sup>th</sup> October 2019, an aircraft operated by Silverstone Company made an emergency landing at Eldoret International Airport after one of its tyres dropped off mid-air after take-off in Lodwar Airstrip with four passengers and five crew members. Further, the same aircraft, registration 5Y SMT Fokker 50 on 27<sup>th</sup> October 2019, collided with an East African Air plane 5Y SSB Kingair at around 7.25am at Wilson Airport under unclear circumstances.

Hon. Speaker, on 11<sup>th</sup> October 2019 the same airline skidded off the runway of Wilson Airport with 50 passengers on board as it prepared to take off to Lamu. Indeed, the Fokker 50, 5Y-IZO aircraft destined for Lamu Airstrip via Mombasa Airport skidded off the runway on Friday at 9.00 am, plunged into a thicket hitting some trees and breaking part of its wing before being grounded, and tilted to one side.

Hon. Speaker, on Friday August 16<sup>th</sup> 2019, a Safarilink commercial aircraft hit a wildebeest while landing at Kichwa Tembo Airstrip at the Maasai Mara National Reserve.

The Dash 8 aircraft, with registration 5Y-SLM, got into the accident during a scheduled service on the Nairobi (Wilson) – Maasai Mara – Nairobi (Wilson) route.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing to address the following:

1. The safety standards governing airline transport that safeguard passengers and crew members.
2. The routine maintenance procedures of aircrafts and who carries them out on our airline transport.
3. Who bears the ultimate responsibility of irresponsible airline operations in Kenya, and what compensation and insurance measures have been put in place for the airline users and passengers.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Pkosing, how much time do you need to give the Statement?

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Speaker. Of course, this is a very weighty matter knowing what is going on in the aviation industry. For this one I am requesting for three weeks. This Friday we have invited the Ministry, Kenya Civil Aviation Authority (KCAA) and Kenya Airports Authority (KAA) Safety Department to appear before the Committee at 10.00 a.m. to address what has been happening in the last one month. So, on Friday Hon. Nakuleu is invited to attend the meeting. I would like to advise him to write to you in accordance to the Standing Orders and be a friend of the Committee. He will have an opportunity to seek further clarification together with the Committee. But for this one I would like three weeks since it is a weighty matter.

**Hon. Speaker:** But you have invited those institutions on Friday this week.

**Hon. David Pkosing** (Pokot South, JP): Not on this Question but about the accidents which have been occurring in the last one month.

**Hon. Speaker:** Why not get the Statement in two weeks. They should be able to provide details.

**Hon. David Pkosing** (Pokot South, JP): I will abide by your advice but from the deliberations on Friday we want to do proper work. That is why I am asking for three weeks. I am sure some issues which are in the Statement will be clarified this week on Friday.

**Hon. Speaker:** Hon. Nakuleu is welcome to attend the Friday meeting if he may wish. Hon. Nakuleu, you are entitled to attend as a right.

**Hon. Christopher Nakuleu** (Turkana North, JP): Hon. Speaker, I am ready to attend the Friday meeting but from the information I have the Chairperson has invited Silverstone Air. I want a holistic approach addressing the entire aviation industry on this matter. Therefore, we should not deal with it in isolation.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Koinange you had already given a response or you want to read it out.

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Speaker, I can read it because there is information which Hon. Members would like to hear. So, if you allow me, I can go ahead and read it out.

**Hon. Speaker:** Sorry, I cannot follow.

**Hon. Paul Koinange** (Kiambaa, JP): I can read it out.

**Hon. Speaker:** Proceed.

## STATEMENT

### INCREASED ROAD CARNAGE

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Speaker. The MP for Kimilili Constituency Hon. Didmus Barasa requested for a Statement on increased road carnage and implementation of mitigation measures on road accidents by the National Transport and Safety Authority (NTSA). The Hon. Member specifically requested to be informed on:

1. The major causes of road accidents in the country as investigated by NTSA and National Police Service (NPS).
2. The mitigation measures being undertaken.
3. The mandate of NTSA with regards to reducing road carnage and actions on police investigations and whether corrective actions are acted upon and implemented.

I wish to state as follows. Road crashes are broadly caused by human component error, road and road environment and the vehicle component. In Kenya, human error contributes to 85 per cent of the causes of road clashes which is attributed to the drivers and riders. The remainder of the causes of road clashes is contributed by road and road environment and the vehicle component.

The specific causes include speeding, driver fatigue, driver road user attitude, driver road user inattention and distraction, driver impairment, tailgating, in experience in driver, road condition, bad weather and vehicle condition. The Government is undertaking the following measures and interventions to mitigate against road accidents:

With regard to enhanced enforcement of the law; the Government is enhancing the traffic law enforcement on major risk factors to ensure road safety is enhanced. Indeed, the Cabinet Secretary Ministry of Interior and Coordination of National Government convened a meeting with relevant road safety stakeholders on 25<sup>th</sup> September 2019 at Kenya School of Government to address this road safety carnage. As part of deliberations the Government through relevant agencies is currently undertaking the following measures.

A joint nation-wide operation by NPS and NTSA is being undertaken from 1<sup>st</sup> October 2019 to 31<sup>st</sup> January 2020. Road safety sensitisation across the country; enhanced targeted enforcement operation targeting drivers, passengers, motor cyclists and motor vehicle compliance; enhanced enforcement on speeding, drunk driving, indiscipline and unroadworthy motor vehicles; enhanced supervision of the officers conducting the operations; daily reporting of the outcomes of the operations; county security committees to take charge and regularly review the progress of the program. Collaboration with county governments and other relevant Government agencies, to enhance operations; enhanced publicity during the joint operations activities...

To deter bad behavior and practices of drivers and operators the following measures are

Undertaken; enhance public education to influence behavior change. Drivers found to have broken the law will be prosecuted as established by the law. Drivers found to have violated traffic laws will have their driving licenses suspended as provided for by the law. The suspended drivers have to undergo vigorous retraining and retesting for the driving license to be reinstated. Public Service Vehicles (PSV) operators, Savings and Credit Co-operatives (Saccos) and companies established to have flouted the terms and conditions of the licenses as stipulated by the PSV regulations, will have their licenses cancelled and withdrawn. Vehicles which are confirmed to be unroadworthy will not be allowed to proceed with the journey as this endangers the occupants of the vehicles. Equally, the drivers and owners will be prosecuted accordingly.

Secondly, enhance education and sensitisation of road users. The Government is conducting targeted national road safety education and sensitisation programme and enforcement operation. The road safety education and sensitisation programme include enhanced targeted sensitisation programme targeting drivers, passengers, motorcyclists, PSV operators, heavy commercial vehicle operators and members of the public. Enhancement of road safety education aims at mitigating major risk factors including speeding, drunk driving, lane indiscipline, pedestrian-indiscipline, wrong use of helmets, reflectors, jackets and un-roadworthy motor vehicles.

Thirdly, the programme seeks to improve driver training and testing. The Ministry, through NTSA and NPS, embarked on a nationwide vetting of driving schools. Three hundred and twenty-five out of 627 registered driving schools had their driving operating licences cancelled. The import of this is that the driving schools currently registered to operate have the capacity to properly, adequately and competently train drivers in Kenya. To further improve the capacity of driver training in Kenya, the Government is working with TVET institutions to train drivers in Kenya. Further, the Ministry has enhanced and improved on driver testing to ensure only competent and qualified drivers are licensed to operate on Kenyan roads.

Fourthly, the programme seeks to improve vehicle road worthiness. The Ministry, through NTSA, is enhancing capacity on motor vehicle inspection. The Traffic Act provides for periodic inspection of all motor vehicles in Kenya.

Fifthly, the programme seeks to improve self-regulation capacity on PSV operators to enhance road safety. The Member had asked a question regarding the functions of NTSA. The

NTSA Act No.23 of 2012 mandates the Authority to register and licence motor vehicles, conduct motor vehicle inspection and certification...

**Hon. Speaker:** You can omit that aspect. In fact, it is wrong for a Member to ask something which is already provided for in law. Every Member is deemed to know the law. So, do not read to him what is in the law. He can go and read it or engage the services of somebody who can read to read and interpret for him. That is why the Member is honourable. He can get somebody to get that information for him.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Speaker. Finally, upon completion of police investigations, appropriate actions are implemented by the relevant Government agency depending on the findings.

Firstly, if the investigation concludes that the road and road environment contributed to the crash, recommendations are made to relevant road authorities to improve it through appropriate road engineering measures.

Secondly, if the investigation reveals that the driver was at fault, he will be charged accordingly. The driver may have his licence suspended and...

**Hon. Speaker:** Hon. Koinange, how much more is remaining?

**Hon. Paul Koinange** (Kiambaa, JP): I am finishing, Hon. Speaker.

**Hon. Speaker:** The best practice for such a long Statement is to table it. The Member who sought it can read it.

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Speaker, I am sure that the Hon. Member will not ask the same Question.

General accident investigations will guide in the actions to be undertaken on the traffic offender but it also informs on appropriate counter measures to address similar events from happening.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** I think you can give that Statement to Hon. Barasa. Hon. Barasa, you know we cannot just deal with one issue.

**Hon. Didmus Barasa** (Kimilili, JP): Hon. Speaker, I just want to make a very small comment. I have gone through the whole document. I appreciate it is very detailed, but the fact that accidents are increasing and not reducing means all these Government interventions are not effective. I ask my Chairman to consider urging the Ministry to set some kind of a taskforce to review all these interventions. You cannot keep on doing the same thing over and over again and expect new results. That is all I want to say. I appreciate him for providing such a detailed Statement, which is actually a snapshot of what is happening in the Ministry. We need to see the number of road accidents going down, and not increasing. That is the only measure.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next time do not ask what a body whose functions are provided for in law does. You had asked what the NTSA does. What are its functions? Anyway, there is no need for argument. Just relax, Hon. Barasa. Take your seat. Can we get the Statement from the Leader of the Majority Party?

BUSINESS FOR THE WEEK COMMENCING 4<sup>TH</sup> TO 7<sup>TH</sup> NOVEMBER 2019

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, new Members should know that when the Speaker is speaking, they should remain seated and keep quiet. New Members, please read the Standing Orders. I mean the first timers.

Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement, on behalf of the House Business Committee (HBC), following its meeting held on Tuesday, 29<sup>th</sup> October, 2019.

Without anticipating debate on the Motion appearing under Order No.10, it is expected that we will not have a sitting tomorrow, Thursday, 31<sup>st</sup> October 2019 due to the Inaugural Parliamentary Forum scheduled for the entire day tomorrow. In this regard, the HBC resolved that the Statement regarding the Business for the coming week be given today.

On Tuesday, next week the House will consider the following Bills in Committee of the whole House:

1. The President's Reservations to the Finance Bill, 2019; and,
2. The Public Finance Management (Amendment) Bill, 2017.

The Data Protection Bill, 2019, will also be prioritised for consideration in a Committee of the whole House on Wednesday next week. We, therefore, urge any Member with proposed amendments to the Data Protection Bill or the Public Finance Management (Amendment) Bill to submit them to the Office of the Clerk before the end of today for processing.

Hon. Speaker, we will also consider the following Bills at Second Reading next week:

- (i) The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.45 of 2019);
- (ii) The Parliamentary Pensions (Amendment) (No.3) Bill (National Assembly Bill No. 57 of 2019);
- (iii) The Competition (Amendment) Bill, 2019; and,
- (iv) The Insurance (Amendment) Bill, 2019.

We have also prioritised the following Committee Reports for debate next week:

- (i) the Report of the Departmental Committee on Defence and Foreign Relations on Ratification of the Agreement Between the Government of the Republic of Kenya and the Government of the Republic of South Africa on Defence Co-operation, if we do not conclude it today; and,
- (ii) the Report of the Committee on Delegated Legislation on Annulment of the Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2019 and the Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment) Rules, 2019.

Hon. Speaker, in accordance with the provisions of Standing Order No.42A (5) and (6), I wish to convey that:

1. The Cabinet Secretary for Labour and Social Protection will appear before the Departmental Committee on Labour and Social Welfare on Thursday, 7<sup>th</sup> November, 2019 to answer Questions from the following Members:

- (i) Hon. Geoffrey Makokha;
- (ii) Hon. Nasri Ibrahim;
- (iii) Hon. Wilson Sossion; and,
- (iv) Hon. Alpha Ondieki, MP.

2. The Cabinet Secretary for Public Service, Youth and Gender will appear before the Departmental Committee on Labour and Social Welfare on the same day to answer Questions from Hon. Gladys Wanga, MP.

Hon. Speaker, the HBC will reconvene on Tuesday, 5<sup>th</sup> November, 2019 at the rise of the House to schedule business for the rest of the week.

I now wish to lay the Statement on the Table of the House.

*(Hon. Aden Duale laid the document on the Table)*

**Hon. Speaker:** Next is the Member for Nandi Hills.

**Hon. Alfred Keter** (Nandi Hills, JP): Hon. Speaker, pursuant to Standing Order No.42 (a), I rose before this House on 4<sup>th</sup> July - which is about three months ago - to ask a very pertinent question directed to the Ministry of Industry, Trade and Cooperatives touching on tea trading, foreign direct investment and registration of companies which participate in foreign direct investment at the Mombasa Auction. It is rather unfortunate and very frustrating that for the last three months, I am yet to receive any response or reply from the Departmental Committee on Trade, Industry and Cooperatives. It is coming at a time when farmers are receiving low payments in terms of bonuses.

Could the Departmental Committee on Trade, Industry and Cooperatives - through the Chair, Hon. Kanini Kega - inform this House at what level they have engaged on that issue so that I get a reply? It is an issue where I caucused with some Members of Parliament (MP) from tea-growing regions.

**Hon. Speaker:** Hon. Keter, was yours a question on 4<sup>th</sup> July?

**Hon. Alfred Keter** (Nandi Hills, JP): It was Question No.319 of 2019.

**Hon. Speaker:** Did you raise it on 4<sup>th</sup> of July?

**Hon. Alfred Keter** (Nandi Hills, JP): 4<sup>th</sup> of July.

**Hon. Speaker:** Has the Cabinet Secretary (CS) never appeared before the Committee? Chair of Departmental Committee on Trade, Industry and Cooperatives, Hon. Kanini Kega, that is an indictment on your part.

**Hon. Kanini Kega** (Kieni, JP): Thank you, Hon. Speaker. It is true that we got that Question together with many others. We directed them to the relevant Ministry. It is frustrating to say that for the last four months, we have been looking for the CS. He has either refused or decided not to appear before the Committee. For the last four months, we have been looking for the CS but unfortunately, he has refused to appear before us. Last week - because he was supposed to appear before us - I directed the clerk to write to you informing you that we have been unable to get the CS to appear before us.

On Tuesdays, the CSs usually say that they have the famous Matiang'i meeting. On Wednesdays, they say the principal secretaries (PSs) are in that meeting. On Thursdays, they say they are in the Cabinet meeting. We are frustrated as a Committee. So many other Members are also facing similar issues. We want direction from you. We cannot proceed. I cannot provide the answers because I am also looking for answers from the Ministry which we cannot get. That is the frustration we have.

**Hon. Speaker:** Hon. Kanini Kega, have the questions been forwarded to the Ministry?

**Hon. Kanini Kega** (Kieni, JP): Yes, Sir. We have the copies.

**Hon. Speaker:** Had you asked the clerk to write to me informing me that the CS has refused, neglected and/or failed to appear before you?

**Hon. Kanini Kega** (Kieni, JP): Yes, Sir. The Committee clerk.

**Hon. Speaker:** Without cause?

**Hon. Kanini Kega** (Kieni, JP): Yes, Sir. I told our Committee clerk to write to you. As per your directive last week, you said that if a CS does not appear before a Committee, we have to report as to why we did not prosecute the issues that we were supposed to.

**Hon. Speaker:** That is serious and grievous. Are you available on Tuesday? Is your Committee available to sit on Tuesday?

**Hon. Kanini Kega** (Kieni, JP): Yes, Sir. We are available to sit anytime. We have so many pending questions that have been brought forth by Members.

**Hon. Speaker:** I hereby direct and order that the relevant CS appears before the Departmental Committee on Trade, Industry and Cooperatives on Tuesday at 10.00 a.m. If it does not happen, bring the report here for this House to deal with him or her. It is this House that approves the appointments. The House cannot be taken for a ride. The Clerk is directed to also issue summons to the CS to appear without fail on that day.

We are through with that. That is clear. Let us have Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Speaker. I rise to seek your clarification and guidance on a matter of grave public importance.

I draw the attention of the Speaker for your interpretative and clear directions on the provisions of Article 95 of the Constitution. Article 95 (4) says that the power to budget and appropriate funds for the national Government is vested in this House as the House of Representatives.

Under Article 173, the Constitution, in securing the financial independence of the Judiciary, establishes the Judiciary Fund. In other provisions of Article 173, Parliament was obligated by the people of Kenya to enact a law that would properly anchor that Fund. If the House will remember, in 2016, through and assisted by the then Departmental Committee on Justice and Legal Affairs, this Parliament enacted the Judiciary Fund Act. That Act has not been operationalised for quite some time.

I remember about two months ago, there was a gazette notice published with the assistance of our Committee on Delegated Legislation that operationalises the Fund. What was published were the Judiciary Fund Regulations of this year. There is clarity on this matter. It is now common knowledge that Circular No.14A was issued by the Treasury on 24<sup>th</sup> September 2019 in which it has in effect proposed a reduction of the budgets made by this Parliament for the Judiciary and other arms of Government, including Parliament.

When I thought this could not be so, yesterday, as a Member of Parliament who still attends court, and as a person serving this Parliament in the Departmental Committee on Justice and Legal Affairs, my attention - as the attention of others - was drawn to Petition No.425 of 2019 in which the High Court issued an order - I do not believe it is purported; It is an order which I will table - to the Treasury compelling it to remit to the Judiciary Fund the monies this Parliament budgeted for the Judiciary from the Consolidated Fund. If the House remembers, this was merely Kshs18.8 billion - about 0.44 per cent of the national budget.

I stand before you to seek clarification on the provisions of Article 223 which allow the arms of Government to engage in some expenditure before appropriation where Parliament has not sat but to seek validation later. Looking at the entire Constitution, it does not appear to me that the Treasury has any power to reduce the budget of any arm of Government without prior reference to this Parliament. There is panic all over the Judiciary. If you have been alert, the media has been replete with cases where several courts and tribunals across the country are suspending sittings or judicial proceedings due to what they term as lack of resources.

I am saying this because when I heard of this proposed reduction of the Budget, I treated this as a reduction because I know in law and under Article 95 of the Constitution, only this House can reduce the Budget and make that determination. Hon. Speaker, because this is a matter of grave national concern, for posterity and precedent, I am requesting you to issue a

ruling that will not only re-state the law but will also importantly assert the budgeting authority of this Parliament. If there are measures which have been taken to interfere with that, we should get clarity on them. This Parliament does not act in vain. We budgeted the funds. The Chair of the Departmental Committee on Justice and Legal Affairs will confirm how much we had to reduce. Even most of the development budgets of the Judiciary in terms of our courts across the country were suspended. If we, as Parliament, went ahead and passed the Judiciary Fund Act and assisted the Judiciary as the delegated legislation authority to come up with the Judiciary Fund, can a direction go that this Parliament does not act in vain? All that Parliament did was in accord with the Constitution and should be respected.

I thank you, Hon. Speaker for allowing me to raise this matter.

**Hon. Speaker:** Hon. Members, we may not transact business to deal with these preliminary issues. Hon. Duale, the Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, from where I sit and the powers given to this House which is the National Assembly, this is not a serious matter. We cannot discuss memos. This House has the final powers to budget and appropriate. It appropriated resources for the three arms of Government and the independent commissions and offices.

In the event that the projection that the Cabinet Secretary (CS) for the National Treasury gave to this country is not achievable by the Kenya Revenue Authority (KRA), he will come back to this House to bring Supplementary Estimates as provided for in Article 223 of the Constitution. Yesterday was the most ridiculous day. Judge Makau has reduced the Judiciary to the lowest of the low. A judge gave an order against somebody who has no powers in the budget-making process. The CS for the National Treasury, Ukur Yattani, wrote a memo to the Clerks of the National Assembly and the Senate, and the Chief Registrar of the Judiciary. When the CS appeared before the Budget and Appropriations Committee, he said that he has a shortfall. He told them that was what he wanted the two arms of Government to deal with and look at their core business. I remember I saw the minutes. The Chief Registrar of the Judiciary went with her figure to go and look at her balances. The way the people of Kenya want justice to be dispensed is the way the people of Kenya whom we represent want water, electricity and roads. I was shocked when the Judiciary closed courts. I met a Supreme Court judge the other day. He or she told me that they have no water in their offices. Until the CS brings the Supplementary Estimates to this House, which I am sure he will do....

Article 223 of the Constitution allows the CS to spend money and come back and regularise it and the percentage is given. I remember there is a time we lost part of our National Government-Constituencies Development Fund (NG-CDF). We are debating an issue which is in memos. Let us deal with that matter when the CS brings the Supplementary Estimates. As we speak now, the amount of money which is uploaded by law to the Integrated Financial Management Information System (IFMIS) for the three arms of Government is the money that this House appropriated. Unless you bring a Supplementary Budget, there are no budgetary cuts that you can make. I want somebody to stand up and tell me that it can be done without bringing a Supplementary Budget before this House.

We should stop the shenanigans. There is a court order that was served to CS, Ukur Yattani. I was told that he is not around. Maybe they will serve him when he comes back from Riyadh in Saudi Arabia. He is with the President. In fact, they were better off to serve Hon. Ichung'wah here who is the Chairman of the Budget and Appropriations Committee or the Hon. Speaker. Even if they serve us, we will only deal with their matter when the Supplementary



Estimates are brought to the House, I table them and then they will be referred to the Budget and Appropriations Committee. They will then bring a Report which the House can reject the cuts. For example, if there is no money, even in our homes, there are times when we say that we will not eat chapati but ugali and sukuma. We must say when we are broke. That is why the same House opened the ceiling of the debt level. Let us not close our eyes. Let us wait for the Supplementary Estimates to come and see the cuts. I am sure the Budget and Appropriations Committee will look at them.

I want to speak to the Judiciary. They should read the Constitution. You cannot serve other people who do not have powers to make the Budget. You cannot purport to serve them and give them powers that they have not been given. The power to make budgets, give resources and make supplementary estimates lies with these 349 Members and not the 67 Members who are our neighbours. They cannot help you. I am telling the Chief Justice who is the President of the Supreme Court that he better starts with the Departmental Committee on Justice and Legal Affairs that oversees him and then he goes to the Budget and appropriations Committee to argue his case and then this House will deal with his matter. We are the only ones who can do that. Do not waste your time with our neighbours in the Senate. We only have one neighbour. They are the guys on our right side. The Chief Justice should conduct an induction course for his judges and tell them that they cannot give orders to people who do not have powers. The power lies with the National Assembly. It was given to it by the people of Kenya. Until the CS tables the Supplementary Estimates, the rest we see here, as you usually call it, are *gumzo mtaaani*.

*(Laughter)*

It is just like the memo that the Central Bank of Kenya (CBK) Governor gave to banks that you must fill a form to withdraw money. When we fixed it in the law, he decided to send the civil society to go to court. The banks use a memo to tell you to fill a form when you are withdrawing money. That is the problem with this country. People use memos to circumvent the law. We have senior counsels like the Member for Tharaka. This memo writing should stop. The Judiciary should wait. They should not close courts. We are ready to deal with court cases under trees. The way Kenyans want justice is the way our voters want water, roads and security. If we are denied some little money from NG-CDF, we must be convinced why it was done. So, do not close courts. You cannot blackmail the National Assembly.

**Hon. Speaker:** Very well. I can see very many of you want to speak.

*(An Hon. Member spoke off record)*

Just a minute. You are not the Chairman of Committee on Delegated Legislation or the Budget and Appropriations Committee. Look at Article 108 of the Constitution so that you can relax. Let us hear Hon. John Mbadi.

**John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. First, I thank Hon. Kaluma for raising a very substantive matter of national importance. What we are dealing with here is a grave matter. It is a matter we should not treat lightly and it should engage our minds as a Parliament that oversees the entire Government of the Republic of Kenya.

I see the problem before us as interference by a Cabinet Secretary in the affairs of two independent arms of Government. The earlier we deal with this matter, the better. There is no problem with the Government applying austerity measures. That is given and we support it fully.

But the application of austerity measures must be done within the law. Hon. Kaluma talked about Article 95 of the Constitution. It is clear that the National Assembly has been given the authority to determine the allocation of national revenue between levels of Government and goes ahead to appropriate funds under Article 95(4) (b), appropriates funds for expenditure by the national Government and other national state organs. So, appropriation of funds is an exclusive responsibility of the National Assembly.

Article 221 of the Constitution is clear that the Cabinet Secretary is required, two months to the end of a financial year, to prepare and submit to this House the estimates of expenditure for the national Government. Alongside that, the Chief Registrar of the Judiciary is required, together with the Parliamentary Service Commission, to submit estimates of expenditure to the National Assembly, not to the National Treasury. Once the estimates are approved, Article 221(6) of the Constitution says that the Appropriation Bill will be prepared and submitted to the National Assembly approved by the National Assembly and that will appropriate funds to various organs of Government.

Once that appropriation is done, it is again this House, through a supplementary budget, which can change and alter the appropriated funds. No any other organ or officer has the mandate in law to appropriate funds. What the Cabinet Secretary can do is to request this House to re-appropriate money in another way through a Supplementary Budget and that is what we expect him to do. But it should also be understood that the national Government, as the Executive, can decide through other methods within procedures to re-allocate funds within ministries and departments. There is no problem with that but it has to bring that to Parliament through a supplementary appropriation. But asking another arm of Government which this Constitution has exclusively given monies through appropriation of the National Assembly to cut its budget is an infringement of the Constitution.

I would have assumed and ignored, as the Leader of the Majority Party said, that this is just a circular. But we cannot just ignore it. I beg the Leader of the Majority Party to look at it the way we are. This Circular has been followed by an act of the national Treasury of uploading to the Integrated Financial Management Information System (IFMIS) half of the appropriated funds, which is contrary to the law. Therefore, even if the Judiciary wants to access the money, they cannot and Parliament cannot access money that the National Treasury has said we cannot through a circular. The same applies to the Judiciary. That is why we must speak to the National Treasury and tell them that they must allow the Judiciary to spend the money that was appropriated by this House until this House again brings a Supplementary Appropriation Bill the President assents and allows them to reduce the money. What the National Treasury did is irregular, unlawful and unconstitutional.

The Budget and Appropriations Committee, last Friday, had a meeting with the Cabinet Secretary responsible for finance. The Chair of the Committee will speak to it. We also held a meeting with the Chief Registrar of the Judiciary. We told the Cabinet Secretary in plain terms that he has no authority to reduce the budget of Parliament and has no authority to reduce the budget of the Judiciary. Therefore, let us be very clear and candid even as you make your ruling. You will just be re-stating what the Constitution says. The Judiciary has the budget we appropriated here until and unless this House approves another Supplementary Appropriation Bill which has to be assented. It is then that the Judiciary can spend the newly appropriated funds. But as it stands, there is no reduction or cut on the Judiciary's budget and there is not cut on Parliament's budget.

Hon. Speaker, before I sit, allow me to...

**Hon. Speaker:** Hon. John Mbadi before you sit, since I saw you holding a copy of the Constitution... I explained the provisions of Article 221 and 95(4) (a) and (b). You could, for the benefit of everybody, read out Article 94(5) of the Constitution on any mechanism used by any agency out there which may have the force of law. That is for the benefit of those who may not know.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. Let me read because I am obedient and loyal to your directive.

Article 94(5) says:

“No person or body other than Parliament has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation”.

*(Loud consultations)*

Hon. Speaker, I hear Hon. T.J, the “C.J” saying; “including a circular”. They need to take the word of the “CJ” very seriously. He is a lawyer who represented me in court when I was almost losing my nomination in ODM and he won the case very well. I thank him for that. I know he is a very sharp lawyer.

I want to conclude by asking the Judiciary to exercise restraint. The Supreme Court, in my view, behaved very well when they were dealing with the matter on division of revenue on the contention between the Senate, the National Assembly and other organs. The Supreme Court kept referring the matter back to Parliament to mediate. I also expect the Judiciary not to overstep its mandate by issuing orders but refer the matter to Parliament to deal with because appropriating funds is a function of the National Assembly. The National Assembly appropriates the money. The Judiciary cannot appropriate money. So, I caution that the Judiciary should exercise restraint and leave matters that are supposed to be legislative, matters that are supposed to fall within the mandate of the National Assembly to be dealt with by the National Assembly.

My final word is that the Judiciary, especially the Chief Registrar after our discussion on Friday should issue a new circular to the departments within the Judiciary and tell them that she has already lifted the instruction she gave. We agreed that their budget is intact. I do not see why this matter is causing serious national concern when it is already with the right authority or organ - the National Assembly.

Thank you, Hon. Speaker.

**Hon. Speaker:** In fact, put simply, the order should have been that until the Appropriation Act, 2019 is amended, its contents must remain valid and must be the ones to guide any person, body or authority responsible for release of funds. That is the authority required and it has been given. The Appropriations Act, which was assented to earlier this year, is still in force. It has not been amended. So, there cannot be any other mechanism through which anybody can claim to be appropriating funds to any other national State organ and other arms of Government. The Chair of the Budget and Appropriations Committee wanted to say something.

**Hon. Kimani Ichung’wah** (Kikuyu, JP): Thank you, Hon. Speaker. I want to begin from where the Leader of the Minority Party has stopped.

Indeed, on the order that is purported to have been issued, I do not want to call it frivolous. It is out of litigation and, therefore, in vain. It is also not only a waste of time for the court but also a waste of public resources for a judge to sit and listen to a matter that, as you said, would have been as simple as dismissing it until the Appropriations Act that we enacted here

before 30<sup>th</sup> June 2019 is amended through a Supplementary Bill. The Act remains as passed by this House.

What is more important for us, as the Budget and Appropriations Committee, is that when we heard all the noise that was going on, on our own volition, last week on Friday, we had a session with the Cabinet Secretary in charge of the National Treasury and his officers. In the afternoon, we had a session with the Judicial Service Commission that was represented by none other the Chief Registrar of the Judiciary, Ms. Anne Amadi, Judicial Service Commissioners and officers in their finance department. We made it clear to them that, as far as we are concerned, as the House that is charged with the constitutional responsibility of making the Budget, their budget remains intact until and unless a supplementary budget is tabled, considered and approved by this House. Therefore, I was taken aback yesterday when I heard that some judge had issued an order against an office memo. I do not know how you effect orders against office memos. Our judges should also be considerate on how they utilise their time. That is the time that should be utilised to settle matters that have been pending in court for a long time.

On relations between ourselves as Parliament, the Executive and the Judiciary, we are...

*(Loud consultations)*

Hon. Speaker, protect me from loud consultations behind me.

As much as the three arms of the Government are independent, it is the National Assembly that is charged with the sole responsibility of considering and approving the Budget Estimates that are tabled before this House. For Parliament, that budget comes to the Budget and Appropriations Committee. For the Judiciary, it goes to the Committee that Hon. Kaluma sits in. Hon. Kaluma can tell you that there is nothing that has been brought before them to vary what was approved on 30<sup>th</sup> June. In the same breadth, there is nothing that has been brought to the Budget and Appropriations Committee to vary the budget of Parliament as was approved on 30<sup>th</sup> June. This House should also pronounce itself on the question of whether the Executive can purport to, in a way, control the budgets of Parliament and the Judiciary using other tactics. It may not be lost on us that there are mechanisms within which you can vary budgets. For the Executive, it is very much within the law for the Cabinet Secretary to effect the changes he is effecting by varying the budgets in the Executive. But for Parliament and the Judiciary, until this House sits, considers and approves any variations, their budgets remain as they were. Also, because we are charged with the responsibility of overseeing the Executive, it is important that we stand our ground so that nobody takes over our mandate, as a House. If we are not careful, what we take pride in – that we are the budget-making House – may just be on paper. Therefore, we must guard that responsibility jealously.

The circular that was issued by the Acting Cabinet Secretary for the National Treasury remains a circular until the Supplementary Budget is tabled and passed. Having engaged with the Cabinet Secretary, I am sure that he will be tabling a Supplementary Budget as and when it is approved by the Cabinet. What is worrying is that before that is tabled; the Judiciary today are telling us that they have closed their stations in Malindi and other areas. Unless the Accounting Officer in the Judiciary is telling us that there is a way that, that circular forced her not to give money to other officers in those stations, there is no reason as to why justice should not be dispensed in Malindi and elsewhere.

There are concerns. We listened to the Accounting Officer of the Judiciary. Indeed, they were very elaborate in explaining the things that they cannot, and must not do without. They

include field stations. Judges have to move from one station to another and constitute benches of three judges. We agreed with them in a very constructive engagement that we shall consider when any proposals are brought to us. We shall protect that which will not interfere with dispensation of justice. But those other expenses that they can live without must be done away with. It must be clear to the Judiciary that the Judiciary cannot use the courts to prepare their own budgets. They must also respect the mandate that has been given to this House – that of preparing and approving budgets on their behalf. We agreed with the Accounting Officer of the Judiciary on Friday that they should do away with areas they can live without, and she agreed that, indeed, there are such areas. For instance, judges do not have to have a lot of international travel. Kenyans believe it is only Members of Parliament who travel outside the country. When you talk about foreign travel, Kenyans only think about Members of Parliament. There are judges who travel a lot, and they carry with them their researchers and personal assistants. Some carry their wives with them and...

**Hon. Aden Duale** (Garissa Township, JP): ... (*Off-record*)

**Hon. Kimani Ichung'wah** (Kikuyu, JP): I did not say that, Hon. Speaker. It is the Leader of the Majority Party who is speaking loudly. I am saying there is essential expenditure that we have agreed with them that probably should not be touched, but there is also non-essential expenditure even in the Judiciary that they can live without, just like in Parliament. We will be engaging with the Parliamentary Service Commission (PSC) which you chair, Hon. Speaker. What is non-essential expenditure should be done away with. We are living under very difficult times and everybody across the board must be ready to tighten their belts. The Cabinet Secretary has said there will be painful cuts. Everybody must be prepared for those painful cuts and to tighten their belts as we move forward.

**Hon. Speaker:** Hon. Members, this is expression of views. There is nothing which has been tabled here for me to interpret. Hon. Kaluma asked me to make some interpretation, but I am just wondering whether I need to interpret the obvious. Articles 94, 95(4), 221 and 223 are clear. I am just wondering what else I need to interpret. For purposes of what Hon. Duale called *gumzo mtaani* which heads nowhere, I can confirm that *gumzo mtaani* heads nowhere. Unless you just want to vent, I would suggest that we stop there.

*(Loud consultations)*

What? Are you suspending the business which is in the Order Paper? You would have to first of all dispense with this business. It is because there are some decisions you need to make when you quorate. Let me clear what is on Order No. 8, Order No. 9 and Order No. 10 after which, I will allow a few of you to make comments on that issue about the mechanisms being applied by the National Treasury to stifle the operations of other arms of Government.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): (*Off-record*).

**Hon. Speaker:** Hon. Jimmy Angwenyi, it is not done that way. I have said this one does not require me to put any Question. I am sure you know. Because I know we should very soon be discussing the draft Kiswahili version of Standing Orders, I am really waiting to hear many of you express yourselves in Kiswahili. However, this is squarely on my shoulders, to re-arrange the business in the Order Paper for the convenience of the House. That is so that we dispose of business appearing as Order Nos. 8, 9 and 10 after which, I will revert to this debate as a matter of national importance or as a matter of concern. Even then, when you go back to the Motion, I will request that we be focused and straight to the point on the issues.

Let me call for the next Order. I have re-arranged all the business.

## BILLS

### *Second Reading*

#### THE DATA PROTECTION BILL

*(Hon. Aden Duale on 29.10.2019)*

*(Debate concluded on 29.10.2019)*

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

#### THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL

*(Hon. William Cheptumo on 17.10.2019)*

*(Debate concluded on 29.10.2019)*

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

**Hon. Speaker:** Next Order! The Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, let this be my last time to speak in English this afternoon. After the next Order, you better prepare if you do not know Kiswahili. I beg to move the following Procedural Motion:

## PROCEDURAL MOTION

### ALTERATION OF THE CALENDAR OF THE ASSEMBLY

THAT, pursuant to the provisions of Standing Order 28(4) (Calendar of the Assembly) and notwithstanding the provisions of Standing Order 30(1) (Hours of meeting), this House resolves not to hold a Sitting on Thursday, 31<sup>st</sup> October 2019 in the afternoon.

As Members may recall, the Speaker, in a Communication yesterday indicated that the National Assembly is scheduled to hold the inaugural Parliamentary Forum for Committees. The event is scheduled to take place at the Parliament Gardens on Thursday, 31<sup>st</sup> October 2019 from 9.00 a.m. to 4.00 p.m. I ask Members to make themselves available. It is an important function that will showcase and profile the National Assembly. In this regard, the House Business Committee resolved not to hold a Sitting of the House on the afternoon of Thursday, 31<sup>st</sup> October

2019, which is tomorrow so as to allow the very important event to happen. That is considering the bulk of the business undertaken by the House in the plenary is first considered or processed by Committees before it is submitted to the House.

With those few remarks, I ask the Leader of the Minority Party, who is a member of the House Business Committee, to second.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I want to second this Procedural Motion.

As you read yesterday, tomorrow is a very important day in the life of this Parliament; the life of the National Assembly. More particularly, it is a day we are going to demonstrate part of our work to Kenyans. The work is so significant yet Kenyans are not able to appreciate it because it is done in the Committees. So, I ask the House to allow us to adjourn and not to sit tomorrow so that we can allow that very important occasion to be a success.

Hon. Speaker, if you allow me, I want to thank your deputy who is the Chair of the Liaison Committee for coming up with this initiative which is going to expose the work of Committees. It is also where we are going to launch the Chairpersons' Manual which is going to be very important for the work of committees. I think the way we need to conduct committee business and proceedings needs to change. I think this is a step in the right direction.

I second.

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

**Hon. Speaker:** Hon. Members, I may not put the Question before I propose it. We shall be going through those motions very soon.

*(Question proposed)*

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

**Mhe. (Dkt.) Robert Pukose** (Endebess, JP): *Weka Swali!*

*(Laughter)*

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, so that we can also resolve this other one very quickly, can I order that we go to the next Order No. 11 very quickly?

Naibu Spika.

## HOJA

### UIDHINISHAJI WA TOLEO LA KISWAHILI LA KANUNI ZA KUDUMU ZA BUNGE LA TAIFA

**Mhe. Moses Cheboi** (Kuresoi North, JP): Nasema “Mhe. Ndugu Spika” kwa sababu hivyo ndivyo inafanywa. Singesema hivyo kwa Kiingereza lakini tunasema “Mhe. Ndugu Spika” kwa Kiswahili na eneo ambapo Kanuni za Kiswahili zinatumiwa. Mhe. Ndugu Spika, naomba kutoa Hoja:

KWAMBA, Bunge hili liridhie Ripoti ya Tatu ya Kamati ya Utaratibu na Masharti ya Bunge kuhusu utafsiri wa Kanuni za Kudumu za Bunge la Taifa kwa lugha ya Kiswahili

iliyowasilishwa Mezani mwa Bunge la Taifa Jumanne, tarehe ishirini na tisa Oktoba mwaka huu, na kuidhinisha toleo la Kiswahili la Kanuni za Kudumu za Bunge la Taifa, na vilevile kuamua kwamba Kanuni za Kudumu za Bunge la Taifa kwa lugha ya Kiswahili zianze kutumika mwanzoni mwa Kipindi cha Nne cha Bunge la Kumi na Mbili.

Kanuni za Kudumu ni Standing Orders, Mr. Speaker. Nimesema “Kanuni za Kudumu”. I am just trying to keep abreast.

*(Mashauriano kwa sauti ya juu)*

Mhe. Spika, nimekuja hapa nikiwa nimejihami vilivyo. Niko na Kamusi ya Kiswahili sanifu ambayo naomba nimpe Kiongozi wa Walio Wengi Bungeni ili ajisaidie nacho nikiendelea na mchango. Najua hatanielewa.

*(Kicheko)*

Kama Bunge la Taifa tumeamua kwamba itakuwa bora tukianza kutumia Kiswahili na Kanuni zetu ziwe kwa Kiswahili. Itatusaidia kuangalia kwamba mambo yatakayo kuja mbele yetu yatatekelezwa kwa haki.

**Mhe. John Mbadi** (Suba South, ODM): Hoja ya nidhamu, Mhe. Spika.

**Mhe. Spika:** Mhe. Mbadi, hoja yako ya nidhamu ni ipi?

**Mhe. John Mbadi** (Suba South, ODM): Mhe. Spika, umeona wazi wazi...

*(Kicheko)*

Makamu wako amempa Kamusi Kiongozi wa Walio Wengi Bungeni na amemuacha Kiongozi wa Walio Wachache Bungeni. Naona huu ni ubaguzi Bungeni. Huo ni ungwana kweli?

*(Kicheko)*

**Mhe. Moses Cheboi** (Kuresoi North, JP): Mhe. Spika, niko na Kamusi nyingine ambayo nitampelekea ndugu yangu, Kiongozi wa Walio Wachache Bungeni.

Nachukua nafasi hii kuwashukuru wale walio jumuika katika kazi hii. Ni kazi iliyofanywa kwa miezi sita. Kuna wafanyikazi wetu hapa waliofanya kazi usiku na mchana kuhakikisha kwamba shughuli hii inafaulu. Pia, nashukuru Ofisi yako Bw. Spika kwa sababu wewe ndiye uliyetenga rasilimali za kuhakikisha kwamba tutakuwa Bunge la pili duniani kuwa na Kanuni za Kudumu zilizotafsiriwa kwa lugha ya Kiswahili. Wafanyikazi hawa waliweza kutembelea Bunge la Taifa jirani la Tanzania ambalo lina Kanuni za Kudumu kwa lugha ya Kiswahili. Ni wao peke yao waliokuwa na kanuni hizo kwa lugha ya Kiswahili duniani. Kwa hivyo, tutakuwa taifa la pili lenye Kanuni za Kudumu katika lugha ya Kiswahili

Tumegundua kuwa Kiswahili cha Watanzania na chetu kina tofauti kiasi. Hii ndio sababu tumeamua kuwa hatutatumia kanuni hizi mara moja. Ni lazima zipigwe msasa. Najua wengi hawaelewi msasa ni nini. Ndugu yangu Kiongozi wa Walio Wengi Bungeni atawaambia baadaye. Ni vyema tuwe na Kiswahili chetu cha hapa nchini. Tutahakikisha kuwa tumepeleka kanuni zetu katika vyo vyetu vikuu hapa nchini kama Chuo Kikuu cha Nairobi ili wataalamu wa lugha wazipitie na kutupa nakala itakayokuwa ya hapa nyumbani.



Kiswahili ni lugha maskini. Kwa mfano, jina “*Speaker*” tunalitoa na kuliita “Spika” badala ya kutafuta neno la Kiswahili litakalotoa tafsiri ya moja kwa moja.

(*Mashauriano kwa sauti ya juu*)

**Mhe. Spika.** Tumruhusu Naibu Spika aendelee kutoa mchango wake.

**Mhe. Moses Cheboi** (Kuresoi North, JP): Mhe. Spika, ninawaelewa. Ni vigumu kuelewa lugha ya Kiswahili. Nilivyosema, Kiswahili ni lugha maskini. Kuna misamiati ambayo haipatikani kwa Kiswahili. Ni lazima uazime kutoka kwa lugha ya Kiingereza na utoe, kwa mfano neno “*Speaker*” ambalo ni la Kiingereza. Tukitafsiri “*Speaker*” kama “Msemaji” huko ni kupotoka; hicho si Kiswahili sanifu. Tukijaribu kutafsiri, tutapata shida kiasi. Kama ujuavyo, katika Bunge la Kitaifa, tuna Waswahili wa kutosha. Kwa mfano, kuna ndugu yangu niliyeketi naye hapa, ambaye ninashauriana naye. Anaitwa Mhe. Mwashetani. Kuna Waswahili wazuri Bungeni. Tuko na Mhe. Ali, Mjumbe Ali Wario, Kiongozi wa Walio Wengi Bungeni ambaye amejifunza Kiswahili kama wengine na Captain Ruweida. Hili ni jambo la maana. Kuna lahaja za Kiswahili kama vile Kipate na Kiunguja. Kila mmoja wa wazungumzaji wake ana umahiri wa lugha. Naomba Wabunge waipitishhe Hoja hii.

Sababu ya kazi hii kufanywa haraka ni kuwa siku ya kesho – ambayo ni siku kubwa katika Bunge hili – tutakuwa na mkutano wa kwanza wa kuonyesha kamati za Bunge hufanya nini. Moja ya vitabu tutakavyozindua kesho ni Kanuni za Bunge la Taifa ambazo tunataka kupitisha siku ya leo. Kuna ndugu zangu kama Mhe. Kaluma na wengine ambao wamechoka kwa sababu hawaelewi. Kesho itakuwa siku nzuri. Tutazindua rasmi hizi kanuni. Mhe. Spika utafanya...

Nimemshauri ndugu yangu ambaye amekaa karibu na mimi. Nitaomba ulinzi mwafaka kutoka kwako ili ndugu yangu aliye karibu nami anipe nafasi nimalize. Itakuwa vizuri Wabunge waje kwa wingi ili tuweze kuonyesha, kama Bunge, kuwa tuna kazi kadhaa ambazo sisi hufanya. Tunaongea Kiingereza na lugha ya taifa vizuri. Kuna kazi ambazo sisi hufanya ambazo hatuwezi kujipiga kifua, lakini kesho tutapata nafasi ya kueleza kuwa tunafanya kazi hizo. Lazima kesho tuonyeshe kuwa kamati ni za maana kama *plenary*. Mwenzangu ameniambia kuwa ni “ukumbi” kwa Kiswahili. Kwa hivyo, ni kama vile ukumbi wa Bunge unavyofanya kazi. Tuna shida kidogo na ndio sababu ya kuwa na kamusi hapa. Kwa Kiingereza tunasema “*The august House*.” Nilimuuliza ndugu yangu ikiwa tafsiri yake tutasema ni “Nyumba ya Mwezi wa Nane”

(*Kicheko*)

Aliniambia la! Tutaitafsiri na kusema ni “Nyumba ya maana au ya kifahari” Hivyo ndivyo nitakavyosema. Kuna mambo kadhaa ambayo yataendelea kuwatatiza Wabunge kuyaelewa kikamilifu. Kwa mfano ukiangalia “*Petition*” kwa kawaida tungenesema ni “Ombi” Lakini tafsiri yake si “Ombi”

(*Mhe. Odhiambo-Mabona alimpatia maji Mhe. Moses Cheboi*)

Nataka nimshukuru Mhe. Millie kwa sababu ameniletea maji. Ameona ninajikaza. Kwa hivyo, ni vyema tuiptishhe Hoja hii. Nawaomba Wabunge wenzangu kwamba, katika hali ya *patriotism*; samahani, katika hali ya uzalendo, tuchukue nafasi hii leo na tuiptishhe Hoja hii haraka ili tuweze kuwasiliana na Wakenya wenzetu kwa urahisi.

Kwa haya, Mhe. Spika, naomba kuwasilisha hii Hoja na niombe Mhe. Ali Wario awe mwafiki wangu.

Ahsante sana, Mhe. Spika.

*(Kicheko)*

**Mhe. Spika:** Mhe. Wario.

**Mhe. Ali Wario** (Bura, JP): Mhe. Spika, leo ni siku ya furaha kwa hakika. Kwa heshima na taadhima kubwa, nachukua fursa hii kushukuru uongozi wa Nyumba, haswa akiwemo wewe, Katibu wa Kudumu wa Bunge na wafanyakazi wa Bunge kwa sababu leo wametupa tunu, wametupa zawadi, wametupa kitabu ambacho kwa mtazamo wa juu ukiangalia, watu watasema ni kitabu tu kama vitabu vingine. Lakini ili tutambue maana halisi ya kanuni za Bunge hili, Kifungu cha Saba cha Katiba na Kipengele 77 cha Kanuni za Bunge zinatambua Kiswahili kama lugha rasmi na lugha ya kitaifa katika nchi ya Kenya.

Wengine tumeanza msafara mbali. Miaka 16 leo, utakapokwenda kwa kumbukumbu za Bunge la Taifa, utapata ni barua ngapi nimeandika, ni siku ngapi nimesimama ndani ya Nyumba nikidai na kuomba lini tutapata Kanuni. Kwa nini tunaomba Kanuni. Kwa uchache nikiguzia tu, Mau Mau walisema Mzungu aende Ulaya, Mwafrika apate Uhuru, uhuru wetu utabaki kamili lini wakati tunatumia lugha ya kigeni?

*(Mashauriano kwa sauti ya juu)*

**Mhe. Spika:** Endelea Mhe. Wario. Naendelea kuisoma hii Ripoti yenu.

**Mhe. Ali Wario** (Bura, JP): Nashukuru Mhe. Spika. Kwa hivyo, Kiswahili si lugha geni. Kiswahili ni lugha yetu. Ili uhuru wetu ukamilike, mara kwa mara... Kwa ruhusa yako, nilikuwa kwa ofisi ya Kirui kujua amefikisha wapi hatua hii. Leo nina furaha kwa sababu ndio chimbukizo kwa utunzi wa sheria na sera kwa nchi nzima. Hivyo basi, ili tuweze kutunga sera na sheria kwa mujibu wa Kiswahili, ni lazima tuwe na kanuni za kudumu kwa Kiswahili. Tukio la leo ni la kihistoria. Mchakato mzima, msafara mzima wa kuleta Kanuni za Kudumu za Bunge la 12 la Kenya, unastahili kupewa kongole.

Mimi leo kwa sababu ya furaha, sitaki kuzungumza kwa upana zaidi. Nimesimama kuafiki Hoja. Na naomba iweze kupitishwa leo ili kesho izinduliwe rasmi. Kwa hayo, nimesimama kuafiki. Ahsante.

*(Kupendekezwa kwa Hoja)*

*(Mashauriano kwa sauti ya juu)*

**Mhe. Spika:** Nidhamu! Nidhamu Bungeni. Hakuna jambo kama kuweka Swali, Mhe. Pukose. Ngojewa watu wapate fursa ya kujadili. Kiongozi wa Walio Wengi.

**Mhe. Aden Duale** (Garissa Township, JP): Mhe. Spika, nasimama kuunga mkono Hoja hii. Kama tulivyosikia, ni Ripoti inayohusu Kanuni za Kudumu za Kiswahili. Shukrani na heko zangu kwa Kamati ya Utaratibu na Masharti ya Bunge kwa kuleta Hoja hii. Namshukuru Katibu wa Bunge na Jopo lililotayarisha Kanuni hizi. Hii ni hatua muhimu sana.

**Mhe. (Dkt.) Robert Pukose** (Endebess, JP): Jambo la nidhamu, Mhe. Spika.

**Mhe. Spika:** Kuna jambo la nidhamu kutoka kwa Mhe. Pukose. Utuambie ni utaratibu gani ambao haujafuatwa.

**Mhe. (Dkt.) Robert Pukose** (Endebess, JP): Mhe. Spika, kwa hadhi na taadhimu kuu, Kiongozi wa Walio Wengi anasoma badala ya kujadila Hoja hii. Nafikiri hiyo sio sawa.

**Mhe. Aden Duale** (Garissa Township, JP): Mhe. Spika, inakubalika katika Kanuni za Kudumu za Bunge la Taifa kuangalia yale umeyaandika ukiongea na wenzako katika Bunge hili. Lakini bahali yake huyu mtu ni kusumbua watu. Bahali yake huyu Mheshimiwa wa Endebess ni mtu wa matata.

Mimi nataka nipongeze na nishukuru Katibu wa Bunge la Kitaifa na lile Jopo ambalo lilitayarisha Kanuni hizi. Hii ni hatua muhimu sana katika historia ya Bunge hili na katika historia ya nchi yetu. Tutakumbukwa kama Wabunge walioweza kuwepo kwa Kanuni za Kudumu kwa Kiswahili. Na wewe pia utakumbukwa na Bunge la 12 litakumbukwa. Ni mara ya kwanza katika historia. Ningependa kuwaomba ndugu zetu Watanzania, kama wanatusikiliza na kufuatilia mjadala huu kwenye runinga, watusamehe. Huu ndio mwanzo wetu. Kadri tunavyoendelea, tutakuwa tumejua ufasaha wa lugha ya Kiswahili zaidi. Waheshimiwa wenzangu, Kiswahili ni sehemu ya maisha na utamaduni wa kila Mkenya.

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

**Mhe. Aden Duale** (Garissa Township, JP): Mhe. Spika, Mbunge wa kule Migori ni mtu wa matata. Naomba unilinde kutokana naye ili niweze kuongea Kiswahili sanifu kwa vile leo nimepewa Kamusi na ndugu Naibu Spika na Mwenye Kiti wa Kamati ambaye inawakilisha wanakamati wengine Bungeni.

Mhe. Spika, ni furaha yangu na ninaamini kwamba pia ni furaha yetu sote kama viongozi, kuona wananchi wakishiriki katika mjadala wa uongozi. Huu ndio uwezo na uwajibikaji wetu tukiwa wananchi wazalendo na viongozi. Vile vile, hii itasaidia kustawisha Jumua ya Afrika Mashariki na Afrika nzima. Kiswahili ni kiungo cha kuwaunganisha Wakenya, Wafrika na mataifa mengine ulimwengu kote.

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

**Mhe. Spika:** Ni utaratibu gani haujafuatwa, Mhe. Junet?

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

**Waheshimiwa Wabunge:** No!

**Mhe. Junet Nuh** (Suna East, ODM): Mhe. Spika, nimesimama kwa jambo la nidhamu. Kulingana na Kanuni ya 80, unaruhusuhiwa kuangalia kile ambacho umeandika lakini hufai kusoma. Ni lazima uifanye hiyo Kanuni itumike. Inaonekana Kiongozi wa Wengi Bungeni anasoma taarifa. Kanuni ya 80 ya Bunge la Taifa inasema kwamba tunaweza kuchungulia stakabadhi za maandalizi yetu na wala sio kusoma.

(*Kicheko*)

Mhe. Spika, ni lazima tufuate Kanuni za Bunge hili. Kanuni zetu zishageuzwa kwa Kiswahili. Ni lazima tufuate Kanuni ya 80, ambayo inaturuhusu kuchungulia maandishi yetu ya matayarisho. Mtu hafai kusoma kana kwamba anatoa hotuba. Kiongozi wa Wengi anatoa hotuba ndani ya Bunge. Inafaa azungumze bila kusoma. Anastahili kuchungulia tu maandishi yake ndiyo yaweze kumsaidia kidogo.

**Mhe. Spika:** Hiyo Kanuni umetaja ni ya kweli. Inasema kwamba hatufai kusoma michango. *Speeches may not be read. I have the advantage of having both the English and Swahili version of the Standing Orders.*

**Mhe. Aden Duale** (Garissa Township, JP): Mhe. Spika, Mbunge wa Suna hakusoma Kanuni ya 80 vilivyo na kikamilifu. Kanuni ya 80, Ibara ya (2), inasema kwamba Spika wa Bunge, mara kwa mara, kulingana na jinsi ambayo hoja iko – na kwa vile leo ni siku ya kwanza – anaweza kukubali. Nikimsomea, inasema “Spika anaweza kumruhusu Mbunge kusoma Mchango ikiwa Spika ameridhika kwamba kufanya hivyo ni muhimu katika kufafanua jambo.” Kwa hivyo, namuomba Mbunge wa Suna aridhike kwa sababu anafanya ubaguzi. Naibu wa Spika pia alisoma.

*(Mashauriano kwa sauti ya juu)*

Niacheni nimalize, tafadhalini!

**Mhe. Spika:** Mhe. Junet, kwa sababu nimekupa fursa...

**Mhe. Aden Duale** (Garissa Township, JP): Mhe. Spika, wahenga walisema, “Usiache mbachao kwa msala upitao.” Maana yake ni kwamba usiache ule mkeka wa zamani ukitafuta wa Kizungu. Hiyo ni kusema kwamba msala mbachao ni Kiswahili chetu. Kiswahili ni mbachao wetu. Kiswahili ni lugha yetu na ni sharti tukitukuze na kukienzi kama desturi yetu na pia kwa sababu Katiba yetu imetuamurisha kufanya hivyo.

Mhe. Spika, watu wengi wako na shida ya lugha ya Kizungu. Hoja hii ya leo itawasaidia. Wale ambao hawajaweza kuongea tangu Bunge la Kenya lilipoanza kwa sababu kuzungumza Kizungu kwao imekuwa shida, leo tunawapatia fursa wasome Kanuni za Kudumu za Bunge la Taifa ili waweze kuleta Hoja. Wakitaka kuleta hoja ya kusema kwamba idadi ya Wabunge haijatosha, watasema hivyo kulingana ha hoja ya akidi ama “*lack of quorum*”. Kuna wengine wetu ambao hawajui maana ya “*quorum*”. Hao watasema “Hoja ya akidi”. Wale ambao hawajui “*Committee*” ni nini, watasema “kamati”. Taarifa ni “*statement*”. Ukitaka kuleta petition, utasema...Ninafundisha akina Mhe. Kaluma, Mhe. Mbadi, Mhe. T.J., Mhe. Junet, Mhe. Millie na wengineo. Kuna wenzetu ambao wanajua Kizungu lakini ikifika kuongea Kiswahili, wanazubaa, wanabaki mabubu kama watu ambao hawasikii. Kuna wenzetu katika Bunge hili ambao Mhe. Mbadi, Mhe. T.J na Mhe. Shollei wanapozungumza Kizungu, wanakua mabubu. Sasa kuna fursa ya Bunge hili kujaa. Kila mtu anaweza kuongea Kizungu ama Kiswahili. Tukiendelea mbele, tutaleta lugha ya mama pia kwa sababu kuna wenzetu ambao hawajui Kiswahili ama Kizungu. Uongozi si lugha; uongozi ni vitendo. Uongozi si vile unavyoongea katika Bunge hili.

Mhe. Spika, jina lako litaingia kwenye kumbukumbu za historia. Ni katika enzi yako ambapo tuliweza kupata hiki chombo cha kupigia kura. Leo pia, umekalia Kiti cha Spika wakati tunapitisha Hoja hii. Kenya ni nchi ya pili ulimwenguni kupitisha Kanuni za Bunge za Kudumu.

Mhe. Spika, wengine wetu tutaandika vitabu na tutakupatia sura rasmi yako kama Spika ambaye ameleta mabadiliko muhimu katika Bunge. Wale wa zamani hawakufanya hivyo lakini walijaribu.

Nikimalizia, mimi naunga mkono Hoja hii na nataka Waswahili wapate nafasi ya kuja katika Bunge hili ili wachangie zile Hoja ambazo zitaendelea.

Ahsante Mheshimiwa Spika.

**Mhe. Spika:** Basi Waheshimiwa, ningetaka turekebishe kidogo. Mlikuwa mmezoea kutamka hoja ya nidhamu. Ni hoja ya utaratibu. Mheshimiwa Otiende Amollo.

**Mhe. (Dkt.) Otiende Amollo** (Rarieda, ODM): Ahsante sana Mhe. Spika. Nimesimama chini ya Kanuni ya Bunge, Kipengele cha 77 na pia 95. Kwanza, ningependa utoe uamuzi wa kipekee kulingana na Kanuni ya 77. Wenzangu wameendelea kudhania kwamba kwa sababu Hoja ilitolewa kwa lugha ya Kiswahili, eti ni lazima kila mtu aongee kwa Kiswahili.

Mhe. Spika, kulingana na Kanuni zetu za Bunge, inaonekana na kwa kuelewa kwangu ni uamuzi wa Mbunge yeyote kuamua iwapo atazungumza Kiswahili ama Kiingereza, mradi unapoanza kwa Kiswahili, umalize kwa Kiswahili. Ukianza kwa Kiingereza, umalize kwa Kiingereza. Ndio wale ambao hawawezi kuelewa lugha ya Kiswahili wapewe nafasi ya kuchangia na kuongea kidogo kidogo.

Pili, kulingana na Kipengele cha 95, ningependa kwamba kulingana na uamuzi wako wa hapo mbeleni, kuna lile jambo Mbunge wa Homa Bay alileta na inafaa tulichangie. Ningependa kwamba Naibu Spika, apewe nafasi ya kujibu halafu tukubali na twende kwa mambo mengine. Ahsante sana Mheshimiwa Spika.

**Mhe. Spika:** Ngojeni ! Ni kweli vile Mhe. Otiende Amollo amesema. Yale amesema ni ya kweli na ndiyo utaratibu uliyoko katika Kanuni zetu zilizopo. Ni vile tungetaka kuongezea kuwa tuna tafsiri ya zile Kanuni. Kwa hiyo, Kanuni zetu zipo bado. Hatujazifutilia mbali na zitaendelea kutumika. Kwa hivyo, ndio wengine wasiteseke...

*(Mashauriano kwa sauti ya juu)*

Nasikia Mheshimiwa wa Ugenya anasema “sio leo” na Mheshimiwa Millie Odhiambo anasema anataka Kiswahili. Basi, iwapo utachagua kutumia Kiswahili ni sawa. Iwapo unashindwa, tutakuruhusu kwa leo kama kuna jambo ambalo huwezi kulitamka kwa Kiswahili, unaweza kutumia lugha ya Kimombo halafu uwaulize wenzako karibu nawe wakupatie utafsiri wake.

Kwa sasa, nampatia fursa hii Mheshimiwa Dennitah Ghati kwa sababu wengi hawamuoni kule ameketi.

**Mhe. (Bi.) Dennitah Ghati** (Mbunge Mteule, ODM): Ahsante sana, Mhe. Spika kwa kunipatia nafasi hii ya kuweza kuunga mkono Kanuni za Kudumu za Kiswahili katika Bunge hili letu la 12.

Niruhusu kwanza nikupatie kongole zangu kwa sababu kwa mara ya kwanza katika historia ya Bunge hili, tumeweza kujadili maneno katika Bunge hili kwa lugha ya kitaifa ambayo ni lugha inatambulika katika Katiba yetu tukufu ya Kenya. Kwa hivyo, Kiswahili lazima kitukuzwe.

Hapa Kenya, Kiswahili ni lugha ya taifa. Mahali ninakotoka katika jamii yangu ya Wakuria, Kiswahili ndiyo lugha ambayo inatumika kama ya lugha ya mama.

Kanuni hizi ambazo zitaingia Bunge zitasaidia ili tuweze kuelewa vyema jinsi ambavyo tunajadiliana katika Bunge hili. Ninapongea hivyo, ningependa kwamba tunapoendelea kutumia lugha ya Kiswahili katika Bunge hili, wewe ukiwa kama Spika wetu, ningependa kuleta hoja ya kwamba katika siku hizi tatu ambazo tuko katika Bunge hili, ambalo tunaliita *august House*, uitenge siku moja ili Wabunge wenzetu waongee kwa lugha ya Kiswahili. Tukifanya hivyo, tutahakikisha kuwa tunakuza lugha ya Kiswahili.

Tunaweza kusema kwamba kila Jumatano asubuhi ama mchana, Wabunge wajiadili mambo yanayotuhusu katika lugha ya Kiswahili. Wale Wabunge kutoka eneo la Pwani, Kiswahili ni lugha ambayo inatumika siku baada ya siku. Kwa hivyo, ningependa kuomba hivi: Utenge siku moja ama masaa machache ambayo Wabunge wanaweza wakajadili mambo ya kitaifa katika lugha ya Kiswahili.

Ukifanya hivyo, wenzetu Watanzania wanaweza kufurahi kwa sababu tunavyoongea sasa hivi wao wanashangaa tunaongea Kiswahili katika Bunge hili. Wao wanongea katika Bunge lao na sisi kwa sababu ya Jumuiya yetu ya Afrika Mashariki, hili ni jambo ambalo wewe mwenyewe

kama Spika utaweza kuenda katika historia zetu kama Spika ambaye alipatia Kiswahili kipaumbele katika Bunge hili.

Ninapongea hapa, jamii yangu pale Kuria inafurahia kwa sababu wamezoea Kiswahili. Wanapooona kwamba Kiswahili kinaweza kuongewa hapa Bungeni, ni kitu ambacho ni cha busara.

Kiongozi wa Walio Wengi Bungeni alianza kwa kuongea Kiswahili. Tunaona kwamba Wabunge wenzetu wanazidi kutoka nje kumaanisha kwamba wanaogopa Kiswahili. Unaona wanachomoka mmoja baada ya mwingine. Kwa hivyo, ili tuhakikishe kwamba Kiswahili kinatumika jinsi ambavyo Katiba ya Kenya imekitambua, iwe ni lugha ambayo inaweza ikaongelewa katika Bunge la Kitaifa. Kwa hivyo, kesho wakati utakapokuwa unazindua hizi Kanuni za Kudumu katika Bunge hili la Kitaifa, ningependa kuomba hivi: Kwa vile tumeketi hapa, ninakuomba kila Jumatano asubuhi ama mchana wakati ambapo tuko na kikao katika Bunge hili, iwe ni siku ambayo tunajadiliana katika Bunge hili kwa lugha ya Kiswahili.

Mheshimiwa Spika, niruhusu nikubaliane na Hoja hii. Ahsante.

**Mhe. Spika:** Acha tumsikilize Mhe. David Ochieng’.

**Mhe. David Ochieng’** (Ugenya, MDG): Ahsante sana, Mhe. Spika. Nina furaha sana nikiunga mkono Hoja hii ya kuleta Kanuni za Kudumu za Bunge la Taifa. Lugha ya Kiswahili ni muhimu sana na Katiba imeitambua kama lugha ya kitaifa pamoja na lugha ya Kiingereza. Jumuiya ya Afrika Mashariki inatumia lugha hii ya Kiswahili. Kiswahili kinafudishwa katika shule za msingi, sekondari na hata vyuo vikuu.

Leo hii ni jambo la busara kwa sababu Wabunge wamekubaliana na aliyeleta Hoja hii kwamba Kiswahili ni lugha tunayotumia tukitafuta kura. Pia ni lugha ya mama kwa kila mtu mtaani. Kwa hivyo, tukipitisha hizi Kanuni, Wabunge wote hata mimi ni lazima tujue kuzitumia.

Hili ni jambo ngumu sana kwa sisi Wabunge wa Kenya. Ukiwasikia Wabunge wa Tanzania wakiongea lugha ya Kiswahili, inapendeza. Lakini aliyeleta Hoja hii amesema kwamba sisi kama Wakenya pia tuwe na Kiswahili chetu. Sio lazima tuzungumze Kiswahili safi kama Watanzania. Tunaweza kuwa na lugha yetu kama *Sheng* ambayo ni lugha ya mtaa. Kwa hivyo, Mhe. Spika, ningependa utuelekeze vile tutakuwa na Kiswahili chetu ambacho kitaeleweka na Wakenya na Watanzania ama Waganda hawataelewa matamshi fulani.

Ukienda Tanzania, wanaongea Kiswahili shupavu lakini hapa Kenya, tuna Kiswahili chetu. Pia Uganda wako na Kiswahili chao. Ndiyo nakubaliana na Naibu Spika kwamba kama Wakenya tuwe na Kiswahili chetu ndiyo tukizungumza hapa Bungeni, hata wananchi wanaelewa. Tusiongee Kiswahili cha ndani sana kama cha Mwashetani ama Wario, lakini kile rahisi cha mtaani ambacho kila Mkenya ataelewa.

Kwa hayo machache, naunga mkono Hoja hii na kuwaomba wenzangu wauunge mkono. Ahsante sana Mhe. Spika.

**Mhe. Spika:** Mhe. Mwashetani.

**Mhe. Khatib Mwashetani** (Lungalunga, JP): Ahsante sana, Mhe. Spika. Nakushukuru sana kwa kunipa fursa hii ili niweze kuchangia Hoja hii. Mwanzo nakushabikia sana. Wabunge wenzangu waliotangulia kunena wamesema kwamba utaingia katika historia na kumbukumbu kwa vile umekipa nguvu Kiswahili. Umehakikisha katika mipango yako yote umekiweka katika usikizano na kueleweka na Wabunge watakaokuwa wakiongea lugha hii.

Kiswahili ni lugha yetu na ni lazima tuwe na madaha nayo. Tukisikia wenzetu wanavyozungumza kwenye Bunge la Kitaifa la Tanzania, sio kuwa hawakusoma. Ile fikira kwamba anayezungumza Kiswahili hakusoma ni fikira ya uongo. Kwa sababu lazima tutambue kuwa kuna zile lugha ambazo zimekuja na zile tuko nazo. Wabunge wote ndani ya Bunge la

Kitaifa ama Seneti tukitafuta kura, tunatumia lugha ya Kiswahili. Lakini Kiswahili kile ni lugha ambayo kidogo hatujaipatia nguvu. Kwa wale Wabunge ambao wako hapa, niko na imani kwamba wakipatiwa fursa ya kuzungumza Kiswahili, kila mmoja anaweza kuzungumza.

Kama vile Mhe. Dennitah alivyotangulia kusema, itakuwa ni vizuri kama Kiswahili kinepitiwa nafasi katika zile siku nne tunazoketi katika Bunge hili la kifahari. Ndiyo tuwe na kikao kimoja ambacho Wabunge watajadili kwa lugha ya Kiswahili ili wawe na motisha na kila Mbunge atajitahidi kwa vyovyote kuzungumza hii lugha. Sisi tunaotoka Pwani, kila siku tunawasiliana na wananchi wetu. Kuna Hoja zingine ambazo zinaletwa hapa zikiwa na maneno mengine ambayo yameombwa kutoka kwa lugha ya Kiingereza. Kama ukizungumza kwa lugha ya Kiswahili upande wa fedha, utapata neno kama "*appropriation*" ambalo haliko katika lugha ya Kiswahili. Ukiambiwa kwa Kiswahili kwamba *mace* inaitwa siwa, wengi tutapotea. Pia kusoma dondoo ni "*refer*". Haya maneno yote yatakuja pole pole. Niko na imani na motisha na nguvu ambazo umetupatia. Pia niko na imani Wabunge watazungumza Kiswahili sanifu. Ila tu katika hizi Kanuni za Kudumu ambazo leo tunazijadili, nina imani kuwa Wabunge wote watapitisha Hoja hii ili kesho tuweze kuzipeana ziwe za kutumika katika Kikao cha Nne cha Bunge hili la Taifa.

Mimi kama Mbunge wa Lungalunga nimekuwa nikizungumza Kiswahili hapa Bungeni. Lakini sio kuwa nimekamilika kwa Kiswahili. Kiswahili ni kama Kizungu kwa sababu bila kukizungumza, kitakutatiza. Pia bila kuzungumza Kiswahili, kitakutatiza. Sisi katika Bunge hili, hii si mara ya kwanza. Hii ni lugha ambayo tayari Katiba imeitambua na Kanuni zetu zimeitambua katika Kanuni ya 77 ambayo inampa Mbunge yeyote ruhusa kujadili maswala ya Bunge akitumia lugha ya Kingereza au Kiswahili. Lazima umalizie katika ile lugha ulianzia. Hii basi tayari inaonyesha kuwa Katiba imetambua Kiswahili kama lugha ya taifa. Basi sisi tunaipa nguvu leo ili tuweze kutumia maneno sawasawa katika lugha hii.

Mhe. Spika nasema ahsante kwa kunipatia fursa hii. Nawaomba Wabunge wezangu waunge mkono Hoja hii ili tuwe Bunge la pili katika dunia kukipatia nguvu Kiswahili. Hii ni kwa sababu hata katika Jumuiya ya Afrika Mashariki, ukiangalia Rwanda, tayari wameanza, Tanzania wamekamilika. Basi hata sisi hatutakuwa pabaya ikiwa tutakamilisha kwa kusema tuwe na nafasi moja katika vikao vinne kuzungumza Kiswahili.

Ahsante sana Mhe. Spika, kwa kunipa fursa hii.

**Mhe. Spika:** Mhe. Millie Odhiambo.

**Mhe. (Bi.) Odhiambo-Mabona** (Suba North, ODM): Ahsante sana, Mhe. Spika kwa kunipatia fursa hii niunge mkono Hoja hii ya Uidhinishaji wa Toleo la Kiswahili la Kanuni za Kudumu za Bunge la Taifa, ambayo imeletwa na Mwenyeketi wa Kamati ya Utaratibu na Masharti ya Bunge.

Wahenga walisema kuwa Wabara hawaongei Kiswahili na "Kiswahili si mdomo chetu". Kwa hivyo, naomba mtu asisimame kwa hoja ya nidhamu ya kukataza nisome mchango kwa sababu ni lazima nisome. Ni muhimu kutafsiri Hoja hadi Kiswahili kwa sababu ni lugha ya taifa. Mhe. Spika, nimesema watu kama Mhe. Junet wasinisumbue! Nimesema Wabunge wasisimame kwa hoja ya nidhamu kukataza nisome mchango kwa sababu ni lazima *kurefer*. Vile mlivyo *ninominate* kwa kufanya kazi nzuri Bungeni, nikimaliza nipatiwe *nomination* kwa sababu ya kujaribu kuongea Kiswahili.

Lakini ninajua tukiamua kuchangia Hoja kwa lugha ya Kiswahili, kila wakati watu wengi watatoroka kama walivyotoroka. Ndiyo itaeleweka ni wangapi wanaelewa Kiswahili na wangapi wanatangatanga. Imeonekana wazi mchana kwamba mimi siwezi tangatanga katika Kiswahili kwa sababu naelewa lugha hii. Naelewa lugha ya Kiswahili lakini mngeniambia *kurefer* ni nini

kwa Kiswahili ili niambie hawa wawache kunisumbua. Nafanya kitu kinaitwa *kurefer*. Nimeruhusiwa kusoma dondoo. Nasema kuwa tusitafsiri tu Kiswahili. Kuna vijana wengi wa mtaa ambao wanaongea kwa *Sheng*. Tafadhali tukienda mbele, tuhakikishe kuwa tumeweka *Sheng*. Kuna wengi wetu ambao wanaongea *Sheng*. Ukikwama, unaongea Kiingereza halafu unasema unajua *Sheng*. Lakini ni shida tu ya Kiswahili ndio unapata. Kwa hivyo, kwa sababu ya watu kama mimi ambao wana shida kidogo kidogo, wacha tutafsiri kwa *Sheng* ili mimi pia niweze kuponyoka.

(*Kicheko*)

Mhe. Spika, ningepomba unilinde dhidi ya wale wanacheka bila kunyamaza. Jukumu letu ni kuhakikisha kuwa Wakenya wanafahamu yale tunasema Bungeni. Ndio sababu nasema ingefaa tutafsiri kwa *Sheng*. Nataka pia kupongeza Wanyarwanda kwa sababu tayari wameongeza Kiswahili kama lugha ya taifa. Ningepomba pia Kenya tuongeze Kifaransa ndio sasa tutakuwa na kile kitu kinaitwa *Pan Africanism*. Hawa wengine wanajifanya wanajua Kiswahili sasa wajaribu kutafsiri *Pan Africanism*. Najua hawajui.

Mhe. Spika, ingawa tunaongea kuhusu Hoja ya Kanuni za Kudumu za Bunge la Taifa, tuisahau kuzuia mmomonyoko wa ardhi. Tusifanye tu leo lakini tufanye kesho, kesho kutwa, mtondo na mtondogoo. Nilikuwa nataka kuwaeleza hawa kuwa naelewa Kiswahili.

Kwa hayo machache, naunga mkono. Ahsante, Mhe. Spika.

**Mhe. Spika:** Mhe. Sankok.

**Mhe. David ole Sankok** (Mbunge Mteule, JP): Ahsante sana, Mhe. Spika. Naelewa kwamba “Bwana Spika” kwa lugha rasmi ya Kiswahili ni “Kiranja wa Bunge”. Nashukuru kwa fursa hii ambayo umenipatia niunge mkono Hoja hii. Mhe. Spika, nakupongeza. Kama watangulizi wangu walivyosema, utaingia katika vitabu vya kumbukumbu kwamba wewe umeleta maneno mazuri katika Bunge la 12. Umeleta vifaa hivi ambavyo tunasema ni vya kidijitali. Pia umeleta Kanuni za Kudumu katika Bunge hili. Kabla hujaleta, mimi nilikuwa nafikiri *Standing Orders* zinaitwa “amri ya kusimama”. Lakini sasa nimejua haziitwi hivyo.

Wabunge wenzangu wakistaajabu ya Musa, wataona ya Firauni. Ya Firauni bado yaja kwa sababu katika nchi hii, tuko na lugha tatu ambazo zinafahamika kama lugha za taifa. Lugha hizo ni Kiswahili, Kiingereza na Lugha ya Ishara ya Kenya. Mimi ningetaka pia wakati ambao tutasema Jumatano asubuhi tutaongea kwa lugha ya Kiswahili, basi saa nane tuongee Lugha ya Ishara ya Kenya. Kwa wale ambao hawajui, Lugha ya Ishara ya Kenya ni *Kenya Sign Language*. Hii inatambulika kama lugha ya tatu katika nchi ya Kenya. Kwa hivyo, ikifika Jumatano saa nane Mhe. Spika nakuomba kila mtu anyamaze. Hakutakuwa na kelele. Itakuwa...

(*Mhe David ole Sankok alitumia ishara*)

Mhe. Spika, ndio sababu...

(*Mashaurino kwa sauti ya juu*)

**Mhe. Spika:** Mngemsikiza. Mhe. Sankok anasema kwamba Kenya ni nchi ambayo imetambua lugha tatu. Alikuwa anaonyesha vile itakuwa ikifanyika.

**Mhe. David ole Sankok** (Mbunge Mteule, JP): Hiyo nimeongea ni lugha ya ishara. Ukienda kutafuta kwa HANSARD, nimempongeza Mhe. Mbadi na Naibu Spika kwa sababu ya



kuongea Kiswahili sanifu. Ndio sababu nimefanya hivi kwa sababu unampatia *sign name*. Ndio sababu nilikuwa *narefer* kwake.

Kwa hivyo, Mhe Spika, nakuomba kwa sababu Kenya imetambua lugha tatu, pia tutambue, kama Bunge, lugha zote tatu kwa sababu hakuna wakati ambapo wenzetu ambao wako na ulemavu wa kutosikia wanajua chenye tunazungumza hapa ndani ya Bunge. Wakiona wengi wetu kama mimi, Mhe. Junet na Mhe. Mbadi ambao tunaongea tukirusha mikono kama tuko katika mkutano wa hadhara, wanafikiri tunapigana ndani ya Bunge kwa sababu hawaskiiki chenye tunasema. Na hao ni milioni moja katika nchi ya Kenya. Pia ni wananchi ambao walitupigia kura na wanataka kujua chenye kinaendelea katika Bunge hili.

Mhe. Spika, nakuomba kwa unyenyekevu mkubwa sana kwamba pia tutambue lugha hiyo na wakati ambapo tutakuwa na *live coverage* kesho, iwe na lugha ya ishara pia ili waweze kufuata. Nimefurahi sana wakati huu ambao niko Bunge la 12 kuona kwamba tutakuwa tukiongea Kiswahili sanifu. Umesikia nikiongea Kiswahili sanifu. Nimeongea vizuri kuliko Mhe. Millie Odhiambo. Wenye wamenipita ni Spika na Naibu Spika peke yao. Nimemshinda Mhe. Mbadi na hata Kiongozi wa Chama cha Walio Wengi. Kwa hivyo, leo nimejaribu na inaeleweka sasa kwamba sisi Wamaasai tunatangatanga kwa lugha ya Kiswahili kuelewa kabisa. Sisi hatujui kungoja kueleweka baadaye ama kutoeleweka. Sisi tumeshatangatanga ndani ya lugha ya Kiswahili kikamilifu tukiwa Wamaasai na wafugaji wote tuko na Kiswahili kabisa.

Ahsante sana na naunga mkono Hoja hii mia kwa mia.

**Mhe. Spika:** Mhe. Junet.

**Mhe. Junet Nuh** (Suba East, ODM): Mhe. Spika, nasimama kuunga mkono Hoja hii ya Bunge kuridhia kwamba Kanuni za Kudumu zitafsiriwe kutoka Kiingereza hadi Kiswahili. Jambo la pili ni kwamba nilikuwa nimekosea hapo mbeleni. Nilisema kwamba *kurefer* ni kuchungulia. Ni kusoma dondoo. Nimegundua saa hii. Nilikuwa nimesema *kurefer* ni kuchungulia. Kumbe kuchungulia ni mambo mengine. Sasa ni kusoma dondoo. Kurejelea ni kurudia. Mimi siwezi kuongea zaidi ya dakika mbili. Sitaki kukudanganya. Kiswahili changu hakiwezi kupita dakika mbili.

(*Kicheko*)

Siwezi kukuambia ati nitaongea dakika tano. Nitakuwa nakudanganya. Nitaongea dakika mbili peke yake. Jambo la kwanza ni kushukuru Bunge kwa kutafsiri Kanuni hizi kwa Kiswahili. Namshukuru pia Naibu Spika. Neno “Spika” ni la Kiingereza. Nimewazia jinsi linaweza kugeuzwa kuwa Kiswahili. Sijui kama nitakosea kwa kusema liwe ‘Mstahiki Mkurugenzi wa Bunge’. Nataka neno hilo liwekwe kwenye gazeti kama watu watakubali.

Naishukuru Bunge kwa sababu hili ni jambo muhimu sana. Kuna wakati nilimsikia Mbunge mwenzangu akisema kuwa kuna wale wanaoongea Kiingereza kingi huko Bunge. Sasa watu waje waongee Kiswahili kingi hapa Bunge. Hakuna haja ya Kiingereza. Lugha hii siyo vile tunavyofikiria. Wakati unapooongea katika matanga ama *rally*, unaongea Kiswahili lakini hujui unasema nini. Kumbe kuongea lugha hii hapa na huko nje ni tofauti. Kuna maneno muhimu ambayo lazima uzungumze.

Jambo hili limechelewa. Lilifaa lije zamani. Unapaswa uangalie vile wanavyozungumza katika Bunge la Tanzania. Hapa Bungeni kuna aina tofauti tofauti za watu. Kuna wasomi, wale wamesoma sheria, madaktari na wakulima. Sasa wakulima na wezi wa ng’ombe wanaweza kuongea Kiswahili.

Naunga mkono Hoja hii. Hili ni jambo la maana sana ambalo limefanyika katika Bunge. Kama vile wenzangu wamesema, tuwe tukizunguma Kiswahili siku moja kwa mfano, Jumatano asubuhi. Hakuna haja ya wewe kuvurutana na Kiingereza. Naunga mkono Hoja hii. Nimesindikiza Hoja hii vibaya sana.

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

**Mhe. Vincent Tuwei** (Mosop, JP): Ahsante sana, Bwana Spika kwa kunipa nafasi au fursa hii ili nichangie jambo hili ambalo ni la kuleta raha, furaha, basheshe na bashasha. Hiyo ni lugha ya Kiswahili.

Nataka kukupongeza kwa sababu utakuwa katika kumbukumbu za vitabu vya Bunge kama aliyeleta mabadilisho - *that is reforms* - ambayo tumeyaona katika Bunge hili la 12. Nakushukuru kwa sababu lugha ya Kiswahili ina lahaja mbali mbali. Mimi kama Mkalenjin kutoka Nandi, tuko na lahaja za Kinandi. Mjalu pia ako na lahaja zake za Kijaluo. Wale ambao wanaongea lugha ya Kiswahili kutoka Pwani si kwamba hawana lahaja katika lugha hii. Nashukuru kwa sababu tumezindua Hoja ya Kanuni za Kudumu za Bunge ili sisi sote tupate kujumuika katika hali ya kuchangia na kukuza lugha hii ili ikubalike Afrika Mashariki na ya Kati.

Ndugu wapenzi, Wabunge wenzangu, lugha hii si ngumu kuelewa. Siku ikitengwa maalum ya kuchangia katika lugha ya Kiswahili, sisi sote tutaenda maabarani kuangalia vizuri ni lugha gani na msamiati gani tutatumia. Niko na kitabu ambacho Waswahili na wale ambao wanaongea lugha ya Kiswahili na ya King'eng'e wamejaribu kuidhalilisha ili tuipate katika lugha ambayo inafaa. Inaitwa Istilahi za Kiswahili. Hapo ndipo tunaweza kupata mambo yanayohusiana na Kizungu ili tuchangie Miswada na Hoja ambazo tutapata hapa Bungeni.

Nashukuru sana kuona Mheshimiwa Junet anajikakamua kabisa kuelewa lugha ya Kiswahili kwa njia zote. Kupotea njia ndio kujua njia. Kutoka leo, tukianza kuongea lugha hii ambayo tunaienzi na kuipenda wakati tunapata nafasi ya kuchangia Miswada na maono yetu, tutaongea kwa wepesi na kuizoea zaidi.

Kumalizia ni kwamba lugha ya Kiswahili inakua. Kuna maneno ambayo tutaazima kutoka lugha nyingine kama Kizungu na lugha inayohusiana na kitaalamu. Wataalamu wengine kama madaktari wako na lugha yao. Tunaweza kuchukua kutoka kwa lugha yao katika ile hali ya kujieleza.

Nashukuru kwamba mwaka huu tutaongea lugha ambayo itakuwa rahisi kwa wananchi ambao tunawaongoza kuelewa ni nini ambacho tunasema kama Wabunge. Sheria ikitungwa katika lugha ambayo wananchi wanaelewa, ni rahisi kwao kufuatilia maelezo, matukio na maendeleo hapa Bungeni.

Ili nisichukue muda mrefu, nachukua nafasi hii kukupongeza na kushukuru wenzangu na wale wote ambao wamefanya ukalimani na kutafsiri hizi Kanuni za Kudumu katika lugha ya Kiswahili. Nawapongeza sana. Tukae tukijua kwamba lugha ya Kiswahili inakua siku baada ya siku.

Kwa hayo machache, nashukuru kwa nafasi na fursa ambayo nimepata kuchangia wazo hili.

**Mhe. Spika:** Mheshimiwa Makali Mulu. Ngoja kidogo. Kuna hoja ya utaratibu.

**Hon. (Dkt.) Chris Wamalwa** (Kimini, FORD-K): Ahsante sana, Mheshimiwa Spika. Nasimama kulingana na hoja ya utaratibu ya 95 kwamba Hoja hii imejadiliwa kutosha. Tulitaka kuongea kuhusu yale maneno ya *Treasury* na *Judiciary*. Ulitupa hakika ya kwamba tutayajadili baadaye. Wengi wetu tuko hapa kwa sababu tunataka tuchangie jambo hilo. Naomba tumuite aliyeleta Hoja hii, Naibu Spika, ajibu ili tuendeleo na mambo mengine.

**Mhe. Spika:** Nimekusikia lakini nilikuwa nimempa Mheshimiwa Makali Mulu fursa ya kuchangia.

**Mhe. Makali Mulu** (Kitui Central, WDM-K): Ahsante sana, Mheshimiwa Spika. Ningependa kujiunga na wenzangu kuunga mkono Hoja iliyo mbele ya Bunge hili. Siku ya leo, tumeandika historia kama Bunge la 12. Ukiangalia Katiba yetu, tuliidhinisha kama Wakenya kuwa Kiswahili kitakuwa lugha rasmi ya nchi yetu. Itatubidi tutie bidii ili tuweze kuongea lugha hiyo rasmi. Kwa hivyo, ninapona Kamati husika ikitia bidii tuweze kupata hizi Kanuni za Kudumu, lazima tuipongeze kwa sababu imefanya kazi nzuri. Sisi kama Wabunge, hatuna budi ila kusema pongezi sana.

Kama Mbunge wa sehemu za mashambani, nafurahi sana tunapongea lugha ya Kiswahili kwa sababu nina uhakika kwamba mzazi wangu ambaye haelewi Kiingereza, wakati mwingine atapata kusikia na kuelewa. Kwa hivyo, Mhe. Spika, tunapojitayarisha ili siku zijazo tuweze kuanzisha Kanuni za Kudumu rasmi, kama Wabunge wa Bunge la 12, tunafurahi sana. Tulisoma Kiswahili na tulipomaliza kidato cha nne, hatukuendelea zaidi ya hapo. Lakini, ninaamini kwamba tutatia bidii ili tuweze kuongea Kiswahili. Ninashukuru sana kwa sababu wale wote ambao wako na tatizo la kuongea Kiswahili kidogo, kama Mhe. Millie Odhiambo na wengineo, wanatia bidii. Ni vizuri tuendeleo kutia bidii.

Nikimalizia, tunapokutana na ndugu zetu kutoka Tanzania, wao husema Kiswahili kilizaliwa huko kwao na wanakiongea kutoka wazaliwe na wakiendelea kukua. Kilipofika Kenya, kikalelewa kidogo. Kwa sababu sisi tulilea Kiswahili, hatujafikia kiwango cha kujua Kiswahili sanifu. Kilipofika Uganda, kilikufa huko. Kilipoenda Rwanda, wakakiweka kwa kaburi. Kwa hivyo, tusiwe na shaka tunapongea Kiswahili. Tutie bidii. Tukiendelea kuongea, utafika wakati wa kuweza kuongea Kiswahili sanifu na tutakuwa tunasaidiana na wale Wakenya ambao hawaelewi lugha ya Kiingereza.

Kwa hayo mengi, ninakushukuru kwa kunipatia nafasi ili niweze kuiunga mkono Hoja hii.

**Mhe. Spika:** Mhe. Mohamed Sheikh.

**Mhe. Mohamed Mohamud** (Wajir South, JP): Asante sana, Mhe. Spika kwa kunipatia fursa hii ya kuongeza sauti yangu katika kuunga mkono huu mpango wa kuidhinisha fursa ya lugha ya Kiswahili katika Bunge hili. Hii ni fursa ambayo tumeingoja kwa muda mrefu. Hayati Mzee Jomo Kenyatta, ambaye alikuwa Rais wa Kwanza wa Kenya; hayati Kwame Nkrumah, hayati Julius Nyerere na viongozi wengine wa Afrika, waliunga mkono Kiswahili kiwe lugha ya Afrika. Ni lugha ambayo ilizaliwa katika Bara la Afrika. Ni fursa muhimu sana tukijadiliana katika Bunge la Taifa kwa lugha ya Kiswahili.

Kwa hakika, Hoja hii itabadilisha mambo mengi. Wananchi wa Kenya wanazungumza kwa lugha ya Kiswahili. Tukitumia Kiswahili, wataelewa ni mipango gani tunafanya katika Bunge kila siku. Kwa hivyo, itakuwa ni fursa nzuri sana kwa Wakenya wote wakisikia kila neno ambalo linasemwa Bungeni linasikika kila mahali. Kila Mkenya ataelewa kabisa.

Kwa hayo machache, ninaunga mkono Hoja hii.

**Mhe. Spika:** Mbunge wa Turkana ya Katikati. Ni Turkana ya Kati ama ya Katikati?

**Mhe. Members:** Ni Turkana ya Kati.

*(Kicheko)*

**Mhe. Lodepe Nakara** (Turkana Central, ODM): Asante sana, Mhe. Spika. Mimi ni Mhe. Lodepe Nakara, Mbunge wa Turkana ya Kati. Nimesimama kuunga mkono Hoja hii lakini

ningependa kusema kwamba siyo lazima tuongee Kiswahili sanifu. Iliyo muhimu ni kuwasiliana. Kwa hivyo, nawatia Waheshimiwa moyo. Tunapoongea, tujulikane tunawasilisha ujumbe fulani. Haijalishi lugha ambayo unatumia kwa maana yule mtu anayekutazama angependa kuelewa.

Pili, tutakuwa tunatia watu wetu *morale* ya kutazama runinga waone vile ambavyo tunaongea. Watu wetu watakuwa wakitazama runinga nyumbani waone vile waheshimiwa wanajadili mambo ya taifa kwa sababu wengine hawajui Kiingereza. Tutakapokuwa na siku moja ya kujadili Hoja zetu kwa lugha ya Kiswahili, tutawapatia watu wetu *morale* ya kutazama runinga ili wafurahi. Naona ya kwamba jambo hili ni nzuri.

Mhe. Spika, kama walivyosema wenzangu, jina lako litaingia kwenye vitabu vya kumbukumbu kama mmoja wa Waheshimiwa Spika katika Bara la Afrika waliotafsiri Kanuni za Kudumu za Bunge la Taifa kwa lugha ya Kiswahili.

Kwa hayo machache, ninaiunga Hoja hii mkono.

**Mhe. Spika:** Kama alivyosema Mhe. Naibu Spika, ni lazima Kanuni hizi zipigwe msasa ili unapoanza kuchangia kwa lugha moja, uendeleo nayo mpaka mwisho. Hiyo si sawa kwa sababu hata wenzetu katika Bunge la Tanzania huwa wanachanganya lugha na hakuna shida yoyote.

Nataka kugusia yale yaliochangiwa na Mhe. Otiende Amollo. Ni lazima tuangazie Kanuni ya 77 ndiyo tuweze kuondoa ile changamoto iliyoko.

Hon. Chelule, I have been told that everybody wants to speak for one minute.

**Waheshimiwa Wabunge:** Yes.

**Mhe. Spika:** Speak in Kiswahili.

**Mhe. (Bi.) Liza Chelule** (Nakuru CWR, JP): Asante sana, Mhe. Spika kwa kunipatia nafasi niunge mkono mambo ya utumizi wa Kiswahili katika Bunge la 12. Nashukuru sana kwa sababu itatupatia nafasi sisi, kama Wabunge wa Bunge hili, tuelewe sana kuongea Kiswahili na hata kuandika.

Nimekuwa nikijua ya kwamba Kiswahili siyo lugha rahisi sana. Kuongea Kiswahili sanifu ni kazi ngumu sana. Kukubali kama taifa la Kenya kutumia Kiswahili katika Bunge letu ni kwa maana sana, sio kwa Wabunge peke yao lakini kwa wale wote waliotuchagua kule nyumbani. Unaelewa kwamba wengi ambao walituchagua ni zaidi ya asilimia 90 ama 80. Kwa hivyo, tukianza kutumia Kiswahili ndani ya Bunge, watafurahi sana na watakuwa wakitenga wakati kusikiza kwa umakini ni nini tunaongea. Mambo ambayo tunaongea mara nyingi ni yale yanayohusu wananchi wa Kenya, na wengi wao hutumia Kiswahili.

Mhe. Spika, nimefurahi sana kwa kuanza kutumia Kiswahili. Tunakupongeza. Ninampongeza Mhe. Naibu Spika ambaye alijaribu sana kuitetea Hoja hii wakati aliposimama kuongea kuhusu kuzinduliwa kwa matumizi ya Kiswahili katika Bunge hili. Nawapongeza sana. Nampongeza Mhe. Millie sana kwa sababu alijaribu sana kuongea kwa lugha ya Kiswahili. Kama ulivyosema, ni heri tupatiwe nafasi tuchanganye lugha ya Kiswahili na Kiingereza wakati huu tunapoanza. Ikiwa huwezi kutamka neno fulani kwa Kiswahili, unaweza pia kulitamka kwa Kiingereza. Tutaendelea kujua kuzungumza Kiswahili. Kama leo, nimejua maana ya neno “dondoo”. Kwa hivyo, kutumika kwa hii lugha katika Bunge letu ni bora sana. Nafurahi na ninajua tutajifunza sisi sote. Unaelewa kwamba kuna sehemu fulani humu nchini ambako watu hawakujifunza Kiswahili darasani. Nilipata bahati kwa sababu kwetu tulikuwa tukifunzwa Kiswahili kutoka darasa la kwanza hadi darasa la saba. Kuna watu wengine ambao hawakujifunza na hii itakuwa ni nafasi yao ya kujifunza ili twende mbele pamoja. Lugha ya Kiswahili ni lugha ya maana sana, kwa sababu akina mama kule nyumbani wataelewa ni nini tunazungumzia hapa Bungeni. Wengi wao hawaelewi Kiingereza.

Kwa hivyo, nakupongeza wewe pamoja na *team* yako kwa sababu ya kufikiria tuanze kuongea Kiswahili katika Bunge la Taifa la 12. Kwa hayo machache, Mhe. Spika, ninaamini tutaendelea kutumia lugha ya Kiswahili kwa kutenga siku maalum ambayo tutaongea kwa lugha ya Kiswahili tuwe kama Watanzania. Asante sana.

**Mhe. Spika:** Hatukuwa tumezuiwa kutumia lugha ya Kiswahili. Tunalofanya ni kuhakikisha kuwa Kanuni zetu za Kudumu zimeandikwa kwa lugha ya Kiswahili ijapo kuwa mbeleni ungetumia Kiswahili. Wengi wamekua wakichangia mijadala mbali mbali kwa lugha ya Kiswahili.

Mhe. Dkt. Nyikal.

**Mhe. (Dkt.) James Nyikal** (Seme, ODM): Asante sana Mhe. Spika kwa kunipatia nafasi hii nichangie mjadala wa Kanuni za Kudumu kwa lugha ya Kiswahili.

Hii ni Hoja muhimu sana kwa sababu kulingana na Katiba yetu, tuko na lugha tatu za kitaifa, kama Kizungu, Kiswahili na Lugha ya Ishara ya Kenya. Ni vizuri tutumie lugha zote hasa Bungeni ambapo mambo yote ya kitaifa yanajadiliwa.

Tuko kwa Jumuiya ya Afrika Mashariki na hatuwezi kusema kuwa hatuwezi kutumia lugha hizi. Tukienda kwa Bunge la Afrika Mashariki ni lazima tutumie lugha ya Kiswahili. Sio hapo peke yake. Shuleni, watoto wanafunzwa Kiswahili. Sio vyema kutumia pesa kukifunza Kiswahili ilihali hatukitumii Bungeni. Ni muhimu tufanye mazoezi ya kutumia lugha ya Kiswahili ili tuzoe kuitumia.

Nchi zingine kama Korea, Japan ama Uchina wanatumia lugha zao kwa sayansi. Kwa hivyo ni lazima tukikuze Kiswahili hata tuandike vitabu vya sayansi ama vya uuguzi kwa lugha ya Kiswahili. Hivyo tutaendelea.

Siku ya leo ni muhimu sana kwa kuidhinisha Kanuni za Kudumu kwa Lugha ya Kiswahili. Mhe. Spika, tuchape vitabu vingi kwa lugha ya Kiswahili. Kama vile Kiongozi wa Walio Wengi Bungeni amesema, kila Mbunge apewe Kamusi ili tujifunze na tuendeleo kuzungumza kwa lugha ya Kiswahili Bungeni na shuleni. Tutakuza Kiswahili hivyo ili tukitumie kama lugha yetu ya taifa.

Asante sana, Mhe. Spika. Ninaunga Hoja hii mkono.

**Mhe. Spika:** Mhe Ng'ang'ara King'ara.

**Mhe. Simon King'ara** (Ruiru, JP): Asante sana Mhe. Spika kwa kunipatia mwanya huu nichangie jambo muhimu sana katika nchi yetu ya Kenya. La muhimu ambalo umefanya ni kutumia ujasiri na hekima yako kuleta maendeleo ya Kenya hasa kwa uwiano na uasiliano wa wakenya.

Nchi nyingi duniani zimekua na misimamo yao mizito. Lakini katika Afrika, tumeshindwa kuwa na misimamo mizito. Kati ya misimamo hii ni lugha tunayotumia kuwasiliana sisi wenyewe. Kama vile waliongea mbele yangu walisema, wakati umefika wa Wafrika hasa Wakenya kujiamini na kuheshimu lugha za mawasiliano.

Wakenya wengi ni wakulima. Lugha ambayo inatumika mashambani na viwandani ni lugha ya Kiswahili. Lakini hapa Bungeni, Kiswahili kinaonekana kuwa cha walio wadhofu na Kizungu kinakaa kama cha wasomi. Mhe. Spika umesimama nasi na kukubali tuwe na maendeleo ya Kiswahili hasa katika Kanuni za Kudumu za Bunge kwa lugha ya Kiswahili. Hili ni jambo la kujivunia. Nimefurahi kwa sababu waliokua wanatumia lugha ya Kiswahili Bungeni walikua wachache sana. Umesimama nasi na ombi langu ni utenge muda maalum kila siku au kila wakati ambao Wabunge watakua wakitumia lugha ya Kiswahili ili Wabunge wote wakichukulie kama njia moja ya kuwasiliana katika Bunge na hata kule nje. Tukifanya hivyo, Kenya itatambulika. Kama tuvyojua, hata viongozi wetu, hasa kiongozi wa nchi, Uhuru Muigai

Kenyatta, wakati anataka kuwasiliana na Wakenya anatumia lugha ya Kiswahili. Kwa nini sisi Wabunge tusiige huo mfano kwa kuendeleza Kiswahili kiwe njia moja ya mawasiliano hapa Kenya?

Mengi yatasemwa lakini nakupongeza Mhe. Spika na nakuombea uendelee kuweka uzito kwa yale mema yatapatikana tukitumia lugha ya Kiswahili.

Sitasema mengi ili nipatie mwanya wengime ambao wangependa kuchangia kama mimi. Asante, Mhe. Spika.

**Mhe. Spika:** Mheshimiwa, hata ile Hoja ambayo iko nyuma ya hii unaweza kuichangia ukitumia lugha ya Kiswahili. Hata yale yanayokuja, unaweza kuchangia ukitumia lugha ya Kiswahili. Kama vile nimetamka hapo awali, Hoja hii inahusu Kanuni za Kudumu tu. Sio nafasi ya Waheshimiwa katika Bunge hili kutumia lugha ya Kiswahili. Kwa hivyo, hata kwa Hoja ambayo inafuata, unaweza kuichangia ukitumia lugha ya Kiswahili.

Ni kuitimisha sio kujibu. Hii ndio sababu sikumuelewa Mhe. Chris Wamalwa aliposimama akataja “kujibu”. Nilishindwa kama kuna mtu alikuwa ameuliza swali. Kwa hivyo, Waheshimiwa mukikubali, tunaweza kumwalika mwenye Hoja kuitimisha. Ni sawa?

Mhe. Sabina, dakika moja.

**Mhe. (Bi.) Sabina Chege** (Murang’a CWR, JP): Asante Mhe. Spika kwa kunipa nafasi hii.

**Mhe. Spika:** Shida sasa ni kuwa nikimpa nafasi mheshimiwa mmoja, mwingine anauliza mbona sio yeye amepewa nafasi. Mhe. K’Oyoo anasema anataka pia kuchangia. Nini kimetendeka leo? Kiswahili kimefurahisha wengi. Kuna mjadala kuhusu jambo nzito ambalo lilitajwa hapo awali. Hata ninaarifiwa kuwa Wabunge wengi wako pale nje wakingojea kuja kuchangia hiyo Hoja.

**Mhe. (Bi.) Sabina Chege** (Murang’a CWR, JP): Mhe. Spika, nakushukuru kwa kunipatia nafasi hii. Ni heshima kubwa. Bunge la 12 litakumbukwa na Wakenya kwa kuidhinisha Kiswahili. Najua wengi wetu tunaogopa kuzungumza kwa lugha ya Kiswahili kwa sababu ya kuathiriwa na lugha ya mama. Ninaunga mkono Mheshimiwa kutoka Ruiru aliyesema kuwa itakuwa vizuri tukitenga siku moja ili tuzungumze kwa lugha ya Kiswahili ili tupate mazoea ya kuizungumza. Tunajua kwamba tunaruhusiwa kuzungumza kwa lugha ya Kiswahili wakati wowote lakini tukijua siku kama ya leo tunafaa kuzungumza kwa lugha ya Kiswahili, wengi wetu watajitahidi na tukienda pale nje, tutazungumza Kiswahili sanifu.

Kwa sasa, ninasema hongera, Bw. Spika, na tuendelee kutukuza Kiswahili.

**Mhe. Spika:** Mheshimiwa Kizito Justus. Dakika moja ndio tumalize.

**Hon. Justus Kizito** (Shinyalu, ODM): Asante, Mhe. Spika. Kwa heshima na taadhima kuu, ningependa vilevile kuchangia Hoja hii na kuiunga mkono kwa sababu ni Hoja muhimu sana. Hoja hii itatupelekea sisi kuwa tunazungumza kwa lugha ya Kiswahili ambayo ni lugha ya taifa na inatuletea ule uasili wetu kuona kwamba sisi kabisa ni Wakenya na tuna lugha ambayo inatuletea pamoja. Inatupatia ule mshikamano wa kitaifa ili tuweze kuenda mbele kama taifa linalozungumza lugha moja.

Zaidi ya hapo, Hoja hii inaipatia lugha ya Kiswahili heshima yake na hadhi kubwa katika Kenya na hasa kuchochea wale wangependa kujifunza lugha hii. Kama mnavyojua, wanafunzi wengi hutumia lugha hii na mara nyingi huweza kuiga na kufuata mfano wa viongozi. Kama sisi viongozi tutakuwa tukitumia lugha hii katika Bunge hili, itakuwa nafuu sana na wanafunzi wale wanaweza kufuata mfano ule na kufanya tena utafiti zaidi na hata sisi kama Wabunge tutafanya utafiti mwingi zaidi ili tuweze kuzungumza lugha sanifu na kadhalika.

Jambo ambalo ningependa kusema ni kwamba lugha ya Kiswahili si lugha ya watu hafifu, si lugha ya wale akina pangu pakavu nitilie mchuzi, wale watu wa chini, hapana. Lugha ya Kiswahili ni lugha ya hata wasomi na kadhalika ijapokuwa hapa Kenya hatujakipatia Kiswahili nafasi kubwa hasa katika Bunge ili tuweze kukizungumza kwa wingi ili kuona kama ni cha mno. Kwa hivyo, ninashukuru sana Mhe. Spika. Unaingia moja kwa moja kwenye shajara ya historia na salua ya nchi hii kama Spika wa kwanza aliyetusaidia sana kuibua lugha ya Kiswahili na kuiweka katika ngazi ya juu.

Kama unavyojua, kuna wengi wanajua Kiswahili hapa, wale tunawaita wakereketwa ama wakiritimba wa lugha ya Kiswahili. Ni wengi sana hapa lakini nafasi imekuwa kidogo. Ningependa kuhimiza na kuunga mkono Waheshimiwa wenzangu waliosema ni muhimu tutafute siku moja angalau tuweze kuzungumza kwa lugha ya Kiswahili.

La mwisho, ningependa tujue kwamba sisi tunasema kwamba tunataka kujilinganisha na Tanzania hasa katika usemi wa lugha ya Kiswahili. Ningependa kukuambia kwamba wale wakereketwa, wasomi wakuu katika lugha ya Kiswahili, wanapatikana Kenya. Kiswahili ambacho kimejaa ustandandi ni Kiswahili cha Wakenya. Kwa hivyo, tunapoangalia Kanuni hizi ama kaida hizi, lazima pia tuzipige msasa ili kuziainisha na lugha zetu na ile lahaja yetu ya Wakenya, sio ile ya Watanzania ambayo imeegemea sana upande wa Kiunguja. Sisi hapa Kenya kuna ule muegemeo wa upande wa Kimvita, kwamba Kiswahili chetu kina ustandadi mkubwa sana kushinda kile cha Tanzania.

**Mhe. Spika:** Mheshimiwa Janet Nangabo.

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia CWR, JP): Asante sana, Mhe. Spika kwa kunipa nafasi hii pia nichangia Hoja hii. Ninaungana na wenzangu kukupatia kongole kwa kuturuhusu kujadiliana Hoja katika Bunge hili letu. Ninataka kusema Kiswahili katika nchi yetu ya Kenya kilianzia mbali kwa sababu mahali penye nimezaliwa tulikuwa na makabila mengi sana na haikuwa rahisi kuwasiliana na wengine, ndiposa tukapata wasomi waliokuja hapo katikati wakatafanya tukifahamu Kiswahili na tukaanza kuongea na wengine.

Wengi wamesema kwamba sio rahisi. Ni kweli Kiswahili sio rahisi. Lakini kwa wale wamejitolea kama wenzetu katika kamati hii kwa kutafsiri Hoja hii, wamefanya jambo nzuri sana. Katika michezo ya Afrika Mashariki, inawachukua Waganda muda mrefu sana kuwasiliana na Wakenya ama Watanzania kwa lugha ya Kiswahili. Itakuwa vyema sisi tukijifunza katika Bunge letu kuongea lugha ya Kiswahili kwa sababu wananchi wanatuelewa kwa manufaa ya Bunge letu.

Mhe. Millie amesema kwamba tujifunze Kiswahili na tulete *Sheng*. Hatutaongea *Sheng* na Kiswahili. Tukifanya hivyo, tutakuwa tunachanganya wananchi kwa sababu kama tunaenda kujifunza Kiswahili katika Bunge letu, ni vizujiri kiwe Kiswahili sanifu ili tuwasaidie wananfunzi. Tunaenda kwa kongamano nyingi na ni vizuri tuwe tunajua kuongea Kiswahili, kimombo au lugha ya ishara. Itatuwezesha kuwasiliana na watu vizuri. Ukikuja kule Trans Nzoia, kwa sababu ya makabila megiti tunatumia Kiswahili.

Nikimalizia, ninamshukuru Naibu wako kwa sababu anatupa ufahamu. Mheshimiwa Chris Wamalwa ameongea kuhusu matunda, lakini tunaidhinisha Kanuni hizi za kutusaidia katika Bunge letu ili tuweze kutafsiri kwa lugha ya Kiswahili.

Ninakushuru Mhe. Spika. Asante sana. Mimi pamoja na Wakenya wote na watu kutoka Trans Nzoia County tunakupa kongole. Ubarikiwe sana.

**Mhe. Spika:** Kufikia hapo, nitamwalika mwenye Hoja kuitimisha. Mhe. Naibu Spika yuko na haki ya kusambazia wengine muda. Ninaona wengine wameanza kuinua mikono.

**Mhe. Moses Cheboi** (Kuresoi North, JP): Mhe. Ndugu Spika, ninakubaliana nawe. Ni kama amri kwamba niwape nafasi Wabunge kama wawili. Ninajua kuna Mbunge wa Lamu ambaye alitusaidia sana na ninampatia dakika moja pamoja na Mhe. K'Oyoo, na akiharibu lugha polisi wanaweza kumshika. Halafu Mheshimiwa ambaye pia yuko kwa hiyo kamati ambaye tulikuwa naye hapo jana, kutoka Baringo. Wanne dakika moja kila mmoja.

**Mhe. Spika:** Mhe. Ruweida.

**Mhe. (Bi.) Ruweida Obo** (Lamu CWR, JP): Asante Mhe. Spika kwa kunipatia nafasi hii ili niunge Hoja ya kuidhinisha Toleo la Kiswahili la Kanuni za Kudumu za Bunge la Taifa. Mwanzo, ninachukua nafasi hii nimwombe Mungu na nimpongeze Hayati Rais wa Kwanza wa Kenya, Mzee Jomo Kenyatta. Yeye ndiye aliyetoa amri Bunge la Kitaifa litumie Kiswahili. Kwa sababu hiyo, kama hangetoa amri, saa hii hatungekuwa tukiunda hizi Kanuni. Ni vyema tumtambue na tumwombe Mungu amweke pahali pema.

Pili, ningependa kuzungumzia kidogo kwamba hili Bunge limekuwa likitumia Kiswahili kwa zaidi ya miaka 60. Ni kushukuru wewe kwa sababu baada ya hii miaka, sasa tuna hizi Kanuni za Kudumu. Pia, ningependa kupongeza lile jopo na Kamati ya Utaratibu na Masharti za Bunge ambayo pia mimi ni mojawapo.

Mhe. Spika, ningependa kumrekebisha Naibu Spika aliyesema kwamba Kiswahili ni maskini. Kiswahili si maskini. Ni vile wanapenda kufanya mambo rahisi na kuomba kwa lugha jirani. Lakini Kiswahili kina lahaja tofauti tofauti kama vile Kipate, Kitikuu, Kisiu, Kiamu, Kimvita, Kijomvu, Kichichifundi ambacho chatoka Kwale na Kivumba ambacho kimetoka Vanga. Kwa hivyo, Kiswahili ni tajiri - ni vile tu wameziwacha hizi lahaja.

**Mhe. Spika:** Wa pili ni Mhe. Onyango K'Oyoo.

**Mhe. Onyango Oyoo** (Muhoroni, ODM): Asante sana Mhe. Spika kwa kunikumbuka ili nipate nafasi kuchangia Hoja hii muhimu sana.

*(Kicheko)*

Wakicheka wanafikiria sielewi Kiswahili. Sehemu ninayowakilisha Bungeni inanibidi nijue Kiswahili kwa sababu kule ni uso wa Kenya. Kabila zote ziko hapo na mimi ndiye mkubwa wao. Sasa niko nao.

Nakupongeza sana. Vile walisema ama kutaja hapo mbeleni, ningetaka iwe lazima tuwe na siku fulani ambayo tunachangia kwa Kiswahili kila wiki ili watu waongee kwa lugha ya Kiswahili kwa sababu hii ni lugha ya taifa. Tena, tumepata nafasi ya kugundua wale walitumia njia ya mkato kufika Bungeni. Ni sharti mtu aelewe Kiswahili na Kizungu, lakini kuna watu hapa ambao hawakijui Kiswahili. Tunaanza kujiuliza jinsi walipata kuingia katika Bunge. Haya ni maneno ya Kiswahili. Walipita namna gani na hawaelewi Kiswahili vizuri? *Chief Whip* wangu haelewi Kiswahili vizuri.

**Mhe. Spika:** Mhe. Mishi Mboko. Hayuko. Ni nani? Ni Mwambire, Mheshimiwa wa Ganze?

**Mhe. Teddy Mwambire** (Ganze, ODM): Asante sana Mhe. Spika kwa kunipa fursa nitoe mchango wangu. Moja kwa moja, nakupa kongole kwa kuwa wa kwanza kuleta tafsiri ambazo zitakuwa njema zaidi katika Bunge letu. Kwa miaka mingi, kutoka mwaka wa 1974 ambapo Bunge hili lilianza kutumia lugha ya Kiswahili rasmi, Kanuni za Bunge zingali katika lugha ya Kiingereza. Kupitia kwako, wema wako na Kamati ambayo unaongoza na mimi ni mmoja wa Wabunge, tumeweza kuleta tafsiri za Kanuni za Kudumu za Bunge hili. Hii imetupa



historia nzuri zaidi. Najua itakuwa changamoto kuu lakini naomba tutafute mikakati ili tuwe na tafsiri ya Kanuni za Kudumu za Bunge kwa Kiswahili.

**Mhe. Spika:** Mhe. Gladwell Chesire.

**Mhe. (Bi.) Gladwel Chesire** (Baringo CWR, KANU): Asante sana Mhe. Spika. Pia, nimesimama kuwapa kongole wale wote wameunga Hoja hii mkono, ambayo, kupitia naibu wako, imetufanya tuzungumze kwa lugha ya Kiswahili. Naibu wako anataka Kanuni za Kudumu za Bunge zizinduliwe kwa lugha ya Kiswahili. Anaposema kwamba tunamshukuru Rais wa kwanza wa Kenya ambaye alitoa amri iwe haki ya wananchi kuongea kwa lugha ya Kiswahili Bungeni, ni vyema pia kukumbuka kwamba Rais wa pili wa nchi ya Kenya, Rais Daniel arap Moi, pia aliendeleza Kiswahili na akakifanya mashuhuri. Sikumbuki siku moja alipoongea lugha ya mama katika kazi yake. Alikuwa na huo moyo. Tunampongeza katika hiyo hali.

**Mhe. Moses Cheboi** (Kuresoi North, JP): Nakushukuru sana, Mhe. Spika.

Nikimalizia, nachukua nafasi hii kusema asante sana kwa waliochangia. Ni ajabu nimekuwa hapa kwa Bunge hili kwa miaka nyingi na sijapata kuona Hoja ambayo inaungwa mkono asilimia mia kwa mia. Hii ni mojawapo. Wabunge wote ambao wamezungumza hapo mbele wamechangia mambo tofauti, lakini wamesema kwamba inabidi tubadilishe kipengele ambacho kinasema umalizie Kiingereza ukianzia Kiingereza. Tunaweza kuchanganya lugha. Ni vizuri lakini pia tuchunge ili tusiweke *mix* kubwa mpaka tuwe na *Sheng* na kuileta katika Bunge letu. Hiyo itabidi twende kutafuta Kanuni tofauti za ile *Sheng*.

(*Kicheko*)

Kwa hivyo, ni lazima tuwe tukiomba neno moja au lingine kutoka ile lugha nyingine ili tuwe na Kiswahili sanifu ambacho wanafunzi wataiga.

**Mhe. Spika:** Mhe. Kutuny, hiyo ni hoja ya utaratibu au ni nini?

**Mhe. Joshua Kutuny** (Cherangany, JP): Mhe. Spika, ni tatizo kubwa sana kwa sisi ambao tumebaleghe katika lugha kuona watu wananjisi lugha hapa. Nimebonyeza dude hapa tena kwa muda mrefu sana nikitaka kutoa muongozo.

Ni hoja ya nidhamu.

**Mhe. Spika:** Kuna Hoja nyingine ambayo inakuja saa hizi. Ukitaka kuchangia ukitumia lugha ya Kiswahili, utaitumia. *You cannot just engage.*

**Mhe. Moses Cheboi** (Kuresoi North, JP): Mhe. Spika, muongozo utatoka kwako tu, Spika mwenyewe. Wale Wabunge tutakuwa chini hapa itakuwa ni kufuata amri. Kwa hivyo, ndugu yetu ambaye ni msemaji sana kwa lugha ya Kiswahili, angojee. Hapa ilikuwa ni *practise* kwa wale ambao...

(*Kicheko*)

Ni mazoezi kwa wale kama K'Oyoo ambao hawaelewi Kiswahili vizuri. Nikimalizia, ni shukrani sana kwa Wabunge ambao wamechangia na wale pia wameketi hapa kusikiza. Sio kawaida Wabunge kukaa na kufuatilia Hoja mpaka dakika kama hii. Nashukuru afisi ya Spika. Pia, nashukuru afisi ya Karani wetu wa Bunge. Kazi ambayo wameiweka hapa ni ya maana sana.

Naomba kuhitimisha. Asante sana, Mhe. Spika.

(*Question put and agreed to*)

**POINT OR ORDER**

## MATTER OF JUDICIARY BUDGET CUT

*(Resumption of Debate on Hon. Peter Kaluma's Point of Order)*

**Hon. Speaker:** Hon. Junet, you can now have the flexibility of using either of the two languages. We revert to the point raised by Hon. Kaluma to debate the issue of purported or attempted budget cuts to the Judiciary or any arm of Government. It is a general debate.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, let me speak in English.

**Hon. Speaker:** I would encourage that we do not take more than five minutes. It is better that way, so that we can have as many Members as possible contributing.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Speaker. Let me speak in English on this one.

There is a very bad trend that has been happening in our country for the last one week. We have said more than once that it is only this Parliament that has the mandate of budget-making powers in the Constitution. The budget process begins sometimes in October in this House and when we come back from the long recess, the Cabinet Secretary for the National Treasury presents the Budget Policy Statement (BPS), which we discuss and that gives us the cornerstone and the foundation of the budget-making process. After that, the budget is divided into two in terms of division of revenue, namely, money is allocated to the national Government and the county governments. After that, the budget is divided among the three arms of the Government, namely, the Executive, Judiciary and Legislature.

Once the money is divided between the national Government and the county governments - and you remember this time the way we haggled over money that was allocated to the county governments where we could not agree with the Senate and we had mediation more than two times - the money that has gone to the county governments cannot be touched once allocated. The same principle applies to the three arms of the Government; the Executive, Judiciary and Executive. Now the Cabinet Secretary for the National Treasury goes ahead to issue a circular telling the Judiciary that their budget has been slashed. He does not have those powers in the Constitution. Those powers are vested in Parliament. If he wants austerity measures to be effected, he can only negotiate with the Judiciary: That, our country is going through difficult times. How much money can you refund from your budget? Do you have excess money in your budget? Do you think there are programmes that you can postpone to the next financial year, so that we can get some money back to the Treasury to pay some loans or to do some things? But he cannot unilaterally make a decision and say that he has slashed the budget. Judiciary is an independent arm of the Government. It does not operate under the Cabinet Secretary for the National Treasury.

As much as we want our country to develop, we must observe the cardinal responsibility of safeguarding our institutions. What this country needs are strong institutions. It is our responsibility, as the representatives of this country - people who have been vested with the sovereign power of the people - to make sure that the cardinal responsibility of protecting our institutions is protected, whether it is Parliament, Executive or Judiciary.

So, I want to tell the Judiciary to talk to the other arms of the Government and negotiate. But they should not also, on the other hand, dramatise what is happening in the country. The same letter I am sure came to Parliament. Parliament has not stopped sitting. We are sitting

today. We sat last week and we will sit next week. I am sure the Treasury has also written to Parliament that they need to cut their budget. That is just a letter of intent telling you that: “Can we talk over something?” The Judiciary should not also go to the extreme of taking the matter and giving a court order and saying that they shall ignore the circular. That is not the way to go about it. The Judiciary has gone to the extreme. For example, the budget has been cut or is intended to be cut, but nothing has stopped a judge from going to his office and doing his job. I am sure there is a vehicle that carries him from his home to his office to listen to cases. As much as we support them, they should also be careful on how they handle the matter lest they are taken to be chest-thumping or are seen to be people who think they are above all institutions in the world.

My final submission is that the Cabinet Secretary for the National Treasury must climb down. Let him come and sit down with the Budget and Appropriations Committee of this House. Let him share the problems he is having. Let the Budget and Appropriations Committee sit down with the three arms of the Government. If they have to revise the budget, this is the place to do it. It is not at the National Treasury. Once Parliament and Judiciary have been allocated their money, it is up to them to decide what to do with it. The Cabinet Secretary for the National Treasury can slash any budget of the Executive. If he wants to remove money from the Ministry of Interior and Coordination of National Government, the Ministry of Energy, the Ministry of Defence or any State department or agency, he can do so because he is part of the Executive. But once the budget has been passed in this House, the Appropriations Bill has been passed and enacted into law and signed by the President, his mandate on how to manage budgets of other arms of the Government ends there. We must call a spade a spade even if we are under the frame of handshake. Of late we have been quiet, but on this one we cannot and we must tell it because we love our country. We want things done rightly.

Hon. Speaker, I urge the Judiciary to continue with their work. Let them not also overdramatise. Let me not overreact as if there are no other arms of the Government that can discuss the matter. This issue of giving out court orders *kienyeji namna hii*... What happens if the Minister for Finance goes to court and says that he has no money? If he tells the Judiciary to collect taxes from the people because they are unable to get enough money that they are asking for, there would be a stalemate. Let them not overreact. Let them know that Parliament is the one that has the responsibility to do budgeting in this country and that as a House, we will support the budgetary allocation of the Judiciary to the end.

With those few remarks, I urge the Chief Justice to show leadership. At his level, he should discuss these matters with the Speaker of the National Assembly and not the Senate. The Speaker of the National Assembly is the Chairman of the Parliamentary Service Commission (PSC) and he is third in command in the Constitution. Let him also discuss with His Excellency the President who is also the head of the Executive and the Head of State. I am sure an amicable solution will be found, but in Parliament we will defend the budget of the Judiciary to the end; you can take that to the bank and take a loan on it. We want institutions to remain in this country. What is going to save this country’s institutions is Parliament, the Judiciary and strong institutions like the Executive.

I support.

**Hon. Speaker:** Hon. Cheptumo, the Floor is yours.

**Hon. William Cheptumo** (Baringo North, JP): Thank you, Hon. Speaker. It is my Committee which oversees the Judiciary. I want the Members of this House to understand the seriousness of this matter. The resource requirement for the Judiciary in 2019/2020 Financial

Year was Kshs23.3 billion. This House approved Kshs18.9 billion. Out of that amount, Kshs14.5 billion is for recurrent and Kshs4.4 billion for development.

Hon. Speaker, these figures are important for Members to understand, so that you know the extent of this matter. The National Treasury now intends to reduce that budget by Kshs2.9 billion arising from the so-called memo. Hon. Speaker, you missed some critical points I was making, and I want the House to appreciate the extent of this matter, so that out of the Kshs18 billion that was approved by the House, Kshs14.5 billion was for recurrent and Kshs4.4 billion for development.

Hon. Speaker, The National Treasury now proposes to reduce that budget by Kshs2.5 billion out of which, Kshs1.5 billion will be from recurrent and Kshs1.4 billion for development. This House should understand the effects of that reduction. We represent the people. I represent a constituency. They are in our Constitution and are entitled to access justice in their constituencies. Most of the Members in this House will confirm that there is a big challenge under the Constitution. Every county has to have a High Court. As is the case now, Kenyans travel very many kilometres to access our courts and therefore, access justice.

I would like to give an example which will shock Hon. Members here. Out of the Kshs1.8 billion for development, Kshs1.4 billion was supposed to build courts across the country from the funding by the Government, not to mention the ones by our donors. Out of the Kshs1.8 billion, Kshs1.4 billion will be taken away leaving Kshs400 million for development of our courts. That is the thing that worries me most. It means that we cannot build the courts that we have earmarked for development. In addition, the reduction on the Recurrent Expenditure again affects the entire process of the Judiciary in terms of the mobile courts and many other activities.

I just want this House to appreciate the fact that we are directly affected as Hon. Members because we represent the people and they are affected when they are unable to access courts. Even when they travel all the way to the courts, they are unable to be attended to because of proposal that the Judiciary wants to suspend sittings in courts.

Hon. Speaker, I agree with the Members here that what the Judiciary is trying to do is illegal. Article 94(4) states:

“Parliament shall protect this Constitution and promote the democratic governance of the Republic.”

I want to agree with the Members that we will never sit down here and allow the National Treasury to continue undermining the Constitution of this country. I am worried because as much as the Chair of the Budget and Appropriations Committee (BAC) said that those memos have no effect in the process, I want to assure you that even with...

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

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I want to make four quick points on this matter.

First of all, is the jurisdictional issue. Our role is representation, oversight and legislation. Just the same way we must ensure that we are not legislated for is the same way we must ensure that our budget making jurisdiction is not taken away through the backdoor. It is only since the 2010 Constitution that the then Parliament assumed the role of overseeing the budget-making process. By these shenanigans, we will be ceding back and going back to where we were before 2010. We cannot do that.

The second point is the question of the National Treasury memos that we are now discussing. Does the Treasury or the Executive have that jurisdiction to issue memos that now give limits and adjustments to a budget that is passed by this House? The answer is a clear no.

Recently the PS from the National Treasury is on record when he appeared before us in the Public Accounts Committee and I put this question to him. He conceded that there is no constitutional or statutory basis for those memos and yet immediately after conceding that, they went ahead to issue the memos. Hon. Speaker, we cannot allow that.

Thirdly, is it true that the National Treasury can adjust the budget of the Judiciary? Of all the arms of the Government and the departments mentioned, there is only one that has special protection in terms of the budget in the Constitution and that is the Judiciary. It is only the Judiciary that has a special fund under Article 173 and a clear reading of that Article gives no role at all for the National Treasury. The Chief Registrar of the Judiciary is expected to raise their proposals and to engage with the National Assembly. We, in the National Assembly, once we are persuaded, can adjust or otherwise, but once we are persuaded and it is passed, that money that is allocated is a direct charge on the Consolidated Fund. If anything, it is a direct charge on the Consolidated Fund, the President, the CS, the PS and everyone else gets to have no say.

My last point, is it a mere intention as the Chairman of the BAC was saying? It is not a mere intention. We cannot sit here and say that the National Treasury memo is of no effect until they bring proposals for adjustment of the budget. The truth is that the administrative mechanisms that have been put in place make it a directive. We have an administrative arrangement under the Integrated Financial Management Information System (IFMIS) and they merely control it from the National Treasury and ensure you cannot access that money.

The truth of the matter is that the National Treasury without a constitutional or statutory basis went ahead and adjusted a budget which had been passed by this House without coming back to us to look at it, persuade us or rationalise it. They went ahead and decided, like a demented tailor, to cut the budget by this much for Parliament, Judiciary and independent commissions. Therefore, there is no rationality even in these budget cuts. The reason the Constitution says it must come back is because we are the ones to rationalise it. It is not that the Judiciary cannot have cuts, but this must be brought back to us. So, I think this is a matter which we must speak to very strongly and ensure it ends now and for all.

**Hon. Speaker:** Hon. Murugara, you have the Floor.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Speaker. I rise to add my voice to this very important discussion this evening with regards to the action taken by the National Treasury of reducing allocations to arms of the Government in what they are referring to as posterity measures.

The Leader of the Majority Party tried to trash the order made by the court with regards to the memorandum issued on 24<sup>th</sup> September 2019. The order that has been supplied to some of us appears to be under a constitutional reference as a petition. In actual fact, in my view, the person who went to court should have gone for judicial review. So, we would have orders of *sub jurary* removing this memorandum from the court and get an order cushioning the same. This notwithstanding, I think legalising and trying to go into technicalities are taken care of by Article 250(10) of the Constitution.

Most important is the argument that was advanced by the Chair of the Budget and Appropriations Committee. He said that the directive of 24<sup>th</sup> September 2019 is merely a memorandum that has no force and should be treated with the contempt it deserves. Unfortunately, I agree with the Member for Rarieda and the Chair of the Departmental Committee on Justice and Legal Affairs that this directive is being enforced because the

Executive, and more so, the National Treasury has a mechanism of enforcing directives and we have made reference to IFMIS.

Therefore, if it remains as it is, it will simply be enforced. The Judiciary will not get the money it needs to discharge its functions and the same will extend to this august House, which is supposed to do the functions given to us by the Constitution as one of the Houses of Parliament. So, where do we go? Absolutely, the Judiciary is right. A drowning person clings to a straw. Therefore, since there are laws which protect the Judiciary and its funds, this order is valid and if the National Treasury, which is the first respondents, deem it not valid, then they will face the consequences when the time comes.

This House is supposed to pronounce itself since it is the budget-making authority in the country once we make allocations under the Finance Act and Appropriations Act. They need to bring amendments to us because we are the ones who make laws. It is only Parliament that can repeal these laws or amend them as necessary.

Finally, and most importantly, we must also go to the Judiciary. We have been informed that there is some sort of go slow or some attempt to ensure that justice is not dispensed because of a memorandum dated 24<sup>th</sup> September 2019. We do not understand how a single judge in a resident station in Chuka is going to wake up one day, take out all the matters from the court list and say: I cannot proceed with these matters because of the memorandum dated 24<sup>th</sup> September 2019 simply because it has been making cuts as regards certain expenses. The position is that the Judiciary must live to its expectation. Citizens are looking upon it to dispense justice even in these hard circumstances. Most importantly, this House should look into the exigencies being exhibited by the Treasury.

With those remarks, we seek that you guide us because we think this memorandum is outside the powers of the Treasury. Thank you.

**Hon. Speaker:** Hon. Chris Wamalwa, you have the Floor.

**Hon. Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Speaker. It is said that justice delayed is justice denied. This is as much a matter of national importance as it is a matter of concern. Article 95 of the Constitution says that this Parliament can deliberate and resolve on any matter of national importance. Indeed, if justice is going to be delayed and denied, obviously it is a big concern to the people and to this House.

Right now, we are under the presidential system. Under the presidential system, parliament is a budget-making House. However, it is unfortunate to note that we still have hangovers in the National Treasury. Many times when we pass Bills here, particularly those with money implications, we seek the concurrence of Treasury. It is high time the Treasury understood that under the presidential system, Parliament is the budget-making House. It is very ridiculous for the Treasury to issue such a memo. Under this system, the Treasury is like a storekeeper. You are there to keep and then yours is to distribute based on the formula that you have been given. So, they cannot go and purport to reduce the budget for the Judiciary without getting concurrence from this House. It is this House that allocates and appropriates money. So, to me, whatever the Cabinet Secretary is trying to do is violation of the Constitution and these can be good grounds to impeach the current Cabinet Secretary who is acting.

I read in the papers that some courts are closing in some areas. We want our people to access justice. We have a lot of matters pertaining corruption in this country. We have heard His Excellency the President say that a lot of cases are being delayed in courts. However, if at all he allows his Executive to do this, then it is going to be worse. Parliament cannot act in vain. On matters of legislation, there is no other body which has legislative authority apart from this

House even though we see some sneaking from behind by the President courtesy of Article 115 of the Constitution. So, we cannot allow this to continue. Parliament must stand up. We must defend ourselves and what belongs to us.

The shoe wearer knows where it pinches most. I heard what the Leader of the Majority Party said. He was attacking the judge and the judgment he made. To me, that was totally wrong. There is independence of the Judiciary and independence of the judge. He is the shoe wearer. He knows where it pinches. So, I do not see the problem there. The Leader of the Majority Party is also entitled to his own opinion, but he does not speak on behalf of Parliament because we are here as parliamentarians and we feel it. Our constituents have matters in court. We have land cases that have taken forever. They have been going to court day in, day out. I know of a family, which the body of their father has been lying in the mortuary for the last almost one year because the matter is in court. However, when you go there, you are told: We do not have funds and so, we have suspended A, B, C and D. Kenyans are the ones who are going to suffer.

Hon. Speaker, we call upon you to provide direction, so that we can resolve this matter. If this continues, I think we should bring a Motion to impeach the Cabinet Secretary because he is violating the Constitution. Many times, even Parliament has been frustrated by the National Treasury especially on the issue of IFMIS. Every now and then, money is not sent. It is like a tap of water. They open and close it. It is a conspiracy. This is something that they have been using to frustrate other arms of the Government and we are not going to allow it to continue. We are very disappointed. We register that this is a very bad decision that has been made and it must be revoked immediately.

I thank you.

**Hon. Speaker:** Hon. Members, remember when Hon. Peter Kaluma raised this issue, it was by way of seeking direction. I commented that what is provided for in law is supposed to be straight and clear to everybody. After listening to the various contributions, we cannot just sit here and lament. Therefore, Hon. Members, even as we address this issue, those of you who have copies of the Constitution - because I am also thinking aloud - can you look at the power given to a House of Parliament under Article 125 and suggest what you think? We cannot just sit here and lament. We cannot be saying - and we are very clear in our minds - that we have the final authority when it comes to appropriations. There is encroachment on that power.

Let us hear Hon. Olago Aluoch.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Speaker. You have said it right. The issue that was raised by Hon. Kaluma is very fundamental. The House is asking you to give clarity on what you, all other Members of the House and I know as obvious - one of the responsibilities of this House in budget-making. That should be very clear to all Members. The problem that we have now, which Hon. Kaluma has brought up, is what happens if those in charge of the “purse” of the nation decide on their own without regard to Parliament or the law.

One cannot fault the Judiciary. If you are in consultation with senior members of the Judiciary, particularly those who are in charge of finances, you will be informed that the Treasury has consistently ignored the requirements of Article 173 of the Constitution because the Judiciary Fund Act is in force. The Judiciary Fund Regulations have been gazetted and they are also in force. Once Parliament appropriates funds for the Judiciary, it is expected that those funds are then taken from the Consolidated Fund and put into the Judiciary Fund. In actual fact, what happens is that the IFMIS has been configured in such a way that funds are released in bits to the Judiciary, so that they are not able to operate as they should. They are operating at the mercy of the Treasury. What does that mean? It simply means that the independence of the Judiciary is

being interfered with and eroded by the Treasury on behalf of the Executive. The Executive is in effect telling the Judiciary: “You will operate as and when we want you to.” Is that what we want as Parliament?

You are being asked to state the obvious for those who may not know, that it is so obvious. The process of budget-making solely belongs to this House. If there is need for this country to apply austerity measures, be it through Parliament, the Executive or the Judiciary, those measures must come back to this House for us to deliberate them, through the Budget and Appropriations Committee, and then see what is best for our country. We cannot allow the Cabinet Secretary for the National Treasury, whether he is acting or is substantive, on his own motion, to interfere with this process. In my humble view, even if the Acting Cabinet Secretary for the National Treasury has appeared before the Budget and Appropriations Committee, he should be brought before the House so that action can be taken against him. This sort of indolence should not be allowed to happen in our country.

I have the privilege of serving this House in the Departmental Committee on Justice and Legal Affairs. We would not have reached this space where we have to discuss these issues before the House if there was proper consultation between the Judiciary and the Departmental Committee on Justice and Legal Affairs as the Committee that oversees the Judiciary in this House. But because when the Judiciary is under pressure, they think that the best way they can sort out their problems is without consulting the Departmental Committee on Justice and Legal Affairs, we end up with the kind of messy situation we are in. It is very messy because the court has issued orders in favour of the court. The Judiciary is sitting on an issue where they are parties, which is not right. We can avoid that mess by simply consulting. Lack of consultation is what has brought us where we are. I join Hon. Kaluma and other Members of this House in asking you to issue strict instructions which will not determine the outcome of constitutional Petition No.425, which has now brought all this fear. Nobody out of this House should imagine that what we are deliberating on this evening touches on whether Petition 425 of this year will succeed or not. We are looking at our responsibility as Parliament. We do not care how that Petition ends. That is for the Judiciary.

Hon. Speaker, with all humility, I ask you to issue directions. Thank you.

**Hon. Speaker:** Let us now hear the Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I also want to add my voice to this discussion that touches on a very important matter in this country. We are talking about a memo that was released by the Cabinet Secretary for the National Treasury.

Not only did the Judiciary receive the memo, but also various State departments. Even as we are discussing here, this Cabinet memo is being acted on. So, services out there are already suffering. This begs the question as to whether the Cabinet Secretary has the powers to issue such a memo that touches on the budget that has been passed by this House. Two, it also begs the question to what extent our Executive is capacitated in the budget making process. We know that this country, like any other country, goes through a very expensive exercise called the Mid-Term Expenditure Framework (MTEF), which includes, among others, setting targets, coming up with a Budget Policy Statement (BPS) and ending up with an Appropriation Bill.

We want to take this situation that we are in our country to assess the capacity of our budget-making team to understand whether they have the necessary capacity to set targets and go through the MTEF. Does the Cabinet Secretary understand the Appropriation Bill and the fact that once it is passed by Parliament, it can only be amended through a Supplementary Budget? I am worried because the same Cabinet Secretary is the one who is supposed to initiate the



Supplementary Budget. If he is allowed to be taking such short-cut measures to cover the weaknesses of his department in the MTEF, then, even the Supplementary Budget may never come at the appropriate time. Therefore, this is something that should not be allowed to pass. Hence, I join my colleagues in requesting or urging you to come up with a direction on this matter, so that those Cabinet memos that are out there to various departments which touch on various activities that have been assessed and approved by this House can be clarified. Our people out there are waiting for these services. They cannot get them because of this Cabinet memo, which came from one person or ministry, has no one to assess and balance it. They can lean on one area and end up supporting services that only go to one direction. As Parliament, we have no opportunity to look at what the Cabinet Secretary is focussing on.

We understand that we have various agenda items that we are following up on. This Parliament supports that. Therefore, it would have been prudent for the Cabinet Secretary to come back to this House and admit, first and foremost, that they had poor income focus and this has gone on for a long time. We commented during the budget-making process that we are pleased with large figures of forecast that end up coming back to us to approve a budget that is never met in the country. So, we need to go back three years and start tracking ourselves and ask whether we are capacitated to go through this process and if we are not, ask what we need to do. We expect that when we have this MTEF process, we will come up with a forecast that is within margins of 10 to 20 per cent. But now we have a case where we come up with a forecast and a budget that are far apart so much so that sometimes it is about 100 per cent error. This should not be allowed to continue in the country.

**Hon. Speaker:** The Member for Yatta, you have the Floor.

**Hon. Charles Kilonzo** (Yatta, Independent): Thank you, Hon. Speaker. Let me add my voice to this matter because it came up in our Committee sitting this morning and even yesterday.

Let me remind Members the provisions of Article 95(4)(a) of the Constitution on the role of the National Assembly. It states that the National Assembly determines allocation of national revenue between levels of Government as provided in Part IV of Chapter 12. It further says in Article 95(4)(b) that it appropriates funds for expenditure by the national Government and other State organs. Article 95(4)(c) says that the National Assembly exercises oversight over national revenue and its expenditure.

We cannot have somebody else trying to legislate outside Parliament. The circular issued by the National Treasury shows some disrespect to this House and more importantly to your Chair. Hon. Speaker, this morning you ruled, because we seem to have problems with certain cabinet secretaries. There are some cabinet secretaries, who when summoned to this House, they totally ignore the summons. It looks as if they have conspired when they meet with the CS for Interior and Coordination of National Government on Tuesday or when they meet. It is as if they have said that they will total disregard this House. So, the House has to come out clearly because we cannot say we are fighting corruption and at the same time rush to the Judiciary and slash their funds. Let me remind the Members that the biggest scandals like the Goldenberg and the Anglo Leasing originated from the National Treasury. There is no way we should allow the National Treasury to touch funds. If it had issues, the best option was to come to Parliament, but not issue a circular. We need to come up with solutions. Article 125 of the Constitution is very clear. We need to summon the CS to explain why he issued that circular and the evidence he has to the contrary.

My experience tells me that if cabinet secretaries become rogue, this House has the responsibility of bringing Motions of censure against them. I see two coming, namely, for the Minister for Interior and Coordination of National Government because he has no respect for Committees of this House, and the other censure Motion will automatically be on the Cabinet Secretary for the National Treasury. Unless we do what the 10<sup>th</sup> Parliament did, these cabinet secretaries will never have regard for this House. For a cabinet secretary to decline to appear before a committee and to require the Speaker to rule that the cabinet secretary has to appear is not only disregard to the House, but also disrespect to the Speaker of the National Assembly. If I remember very well, we talked about the Head of State as number one, the Deputy as number two and the Speaker of this House as number three. So, any cabinet secretary who does not respect this House, who declines to appear before this House and purports to legislate outside this House, must be dealt with through a Motion of Censure. That way, cabinet secretaries are going to have respect for this House. Short of that, this will remain a toothless Parliament.

Thank you.

**Hon. Speaker:** The Member for Cherangany, you have the Floor.

**Hon. Joshua Kutuny** (Cherangany, JP): Asante sana, Mhe. Spika. Ni masikitiko sana kwamba tunaregesha tena kuzungumzia suala ambalo sheria ina mkondo wake. Mfumo na ufunuzi wa kutengeza bajeti upo. Kuna kuchukuliwa kwa maoni. Inakaliwa na kamati husika katika Bunge. Mswada unaletwa hapa, Makadirio ya Taifa yanajadiliwa, mwisho yanaidhinishwa. Kila kitengo kwa taifa kinapata kitita chake. Baada ya hiyo ni matumizi. Kwa Waziri kutoa nakala yake ni udhofu wa nidhamu. Ni kuzembea kwa kazi. Haki ya Mkenya kwa leo inapatikana kortini. Sisi sote tukiwa na tatizo lolote tunaenda kortini. Hatua ya kujaribu kupunguza fedha waliotengewa korti ni kuhujumu mahakama kutoa haki kwa Wakenya.

Mhe. Spika, umesema kwamba tunapozungumza tutafute suluhu. Kuna Kamati husika ndani ya Bunge hili. Wamwite waziri wamuulize hatua yake inalingana na sheria ipi. Sisi viongozi ndani ya Serikali hatuwezi kukosana. Ni kama meno ya mbwa. Tuko marafiki kufa kuzikana lakini ikifika hatua zingine, tunaona kwamba wanahujumu utendakazi na upeanaji wa haki katika taifa la Kenya. Kwa hivyo, ningependa kamati husika kumwita Waziri na kumuuliza maswali. Hoja ambayo inaibuka ni kwamba kiranja wa mahakama ametoa ilani kwamba kutasitishwa kesi zingine ama mahakama haitajadili masuala fulani. Wana haki? Sisi kama Bunge, wakati kitita chetu kinaingiliwa na Serikali huwa tunafanya maandamano. Taifa lolote haliwezi kuruhusu kitengo cha usalama na kitengo cha korti kikome kwa sababu itahujumu haki ya taifa.

Sheria ni lazima ifuatwe. Tuliidhinisha pesa hizi na hata sheria ya matumizi inayojulikana kwa lugha ya kimombo kama “Appropriations Bill” ilipitishwa na hakuna kitengo ambacho kina uwezo wa kukiuka na kupindua isipokuwa Bunge hili. Yeyote anajaribu kufanya yale anavunja sheria. Mimi ninaunga Serikali mkono. Hiyo inajulikana wazi na sihitaji kuipigia sifa, lakini inafika wakati lazima haki itendeke katika taifa la Kenya. Ndio sasa inanileta katika jambo lingine la kuzungumzia. Katiba tuliyonayo ambayo inalimbikiza mamlaka kwa kitengo kimoja cha taifa ni Katiba ambayo tunahitaji kama taifa ambalo linapiga hatua kuipiga msasa. Ninaweza kuzungumza kama mtu aliye na tajriba ya Bunge la Kumi ambapo mawaziri walikuwa ndani ya Bunge. Imefika wakati ambao ni lazima tuangalie Katiba tuliyo nayo - mawaziri watoke ndani ya Bunge kwa kuwa wao ndio wanajua matatizo ya wananchi.

Kwa hivyo, tusikejeliane hapa. Tuzungumze na tuseme waziri aitwe na kamati husika na hatua ichukuliwe mara moja ili mahakama ipate kitita chake. Asante.

**Hon. Speaker:** It is only one more Member who can speak. Before I give that chance, I want to quite agree with Hon. Joshua Kutuny. Given the way this matter rose in the House by way of an intervention from Hon. Kaluma, the Speaker may not issue directives. In order to bring it in the formal way or order of business, I will direct that the Office of the Clerk facilitates the Budget and Appropriations Committee to get copies of the HANSARD of this afternoon and the sentiments or contributions by all the Members, so that the Committee invites the Cabinet Secretary for the National Treasury and formally submits a report on this issue to the House. That is so, so that the House can be able to act upon that report. That report should be tabled before the House before the end of next week, which means it must be before Thursday, next week. So, the Committee is instructed to sit and make sure that they invite the Cabinet Secretary and whomever it is that will assist him or her to come and address the various issues you have raised in your contributions. After that, the BAC can bring a formal report which we can debate and make a resolution one way or the other.

Finally, let us hear Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. You have actually removed words from my mouth. I sit in the BAC and I know it sat last week. Even though I did not attend, I think one of the ways that I was going to say is that the BAC needs to bring a report before this House, so that we summon the relevant cabinet secretary.

I do not need to belabor this point. The only point that I can say is that unlike what the public thinks, this is not a spit on the face of the Judiciary. This is a spit on the face of Parliament. What the Cabinet Secretary is doing is to disregard an authority and order of the House. When we pass the budget, the Cabinet Secretary appears before the BAC and we agree to disagree. Whatever is finally passed by this House has the stamp and authority of this House. That cannot be changed by a mere memo. A memo has no authority of law. It cannot stand. We are putting the Judiciary in a very awkward situation. We are making the Judiciary to be judge over their own cause because there is nowhere else to go. The Legislature has spoken to it. We are now forcing the Judiciary to defend themselves. We will defend the Judiciary because we have spoken as a House and the BAC.

This is not an isolated incident. I have observed the same trend is visited upon the same House even using IFMIS. I have spoken about it. I think it was yesterday, when I stated that technology is sometimes not very pro-democracy. When you use IFMIS, you can use it to punish Parliament and to punish other arms or Government. We need to talk in a broader debate about the control the Executive has over budgeting and the process of release of money for other institutions. We may budget, but they start giving you money like Panadol over malaria.

## ADJOURNMENT

**Hon. Speaker:** Order, Hon. Millie! Well spoken, though, to the point. Hon. Members, it is now 7.00 p.m. and having passed the Motion earlier altering the Calendar of the House, the House stands adjourned until Tuesday, 5<sup>th</sup> November 2019, at 2.30 p.m.

The House rose at 7.00 p.m.