

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Tuesday, 9th June 2020

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: We may need to check the other stations in order to determine whether there is quorum.

I think we can start with the preliminaries.

REQUESTS FOR STATEMENTS

EXTRA-JUDICIAL KILLINGS IN MATHARE CONSTITUENCY

Hon. Anthony Oluoch (Mathare, ODM): Hon. Speaker, pursuant to Standing Order No. 44 (2) (c), I wish to request a Statement from the Chairperson, Departmental Committee on Administration on National Security, on extra-judicial killings in Mathare Constituency.

Hon. Speaker, on Monday the 1st of June 2020, a resident of Mathare Constituency by the name of James Murithi Njeru alias Baite was shot and killed by police at about 7.05 p.m. in area 3C, Mabatini Ward in Mathare Constituency. The deceased was a homeless man who is reported to be seeking shelter at night alternately between *vibandas* and shades erected outside buildings within Mathare. Further, James Murithi Njeru also lost his life under unclear circumstances through a bullet.

Hon. Speaker, on or about 25th March 2020, an innocent 13-year-old by the name of Yassin Moyo, a KCPE candidate had his life cut short by a bullet that got him while in the balcony in the presence of his parents in their house in Kiamaiko area, in Mathare Constituency.

A resident of Mathare, Michael Njau alias Gorba disappeared while on his way from Thika Town in the company of three other persons. This is more than a month ago. Despite being searched by his family and residents from Mathare where he hails, his whereabouts nor his body cannot be established.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security to address the following:

- (i) The circumstances that led to the death of a resident of Mathare Constituency namely James Mithii Njeru alias Baite who was shot and killed by police in Area 3C, Mabatini Ward on Monday, 1st June 2020.
- (ii) What steps have been taken to ensure speedy arrest and prosecution of the police officer responsible for the loss of life of the mentioned deceased person?

- (iii) The whereabouts of a resident of Mathare Constituency by the name of Michael Njau alias Gorba who disappeared while on his way from Thika Town in the company of three other persons more than one month ago despite this having been reported to the police.
- (iv) The circumstances that led to the death of an innocent 13-year old named Yasin Moyo from Kiamaiko Ward on 25th March, 2020 and what steps have been taken to ensure speedy arrest and prosecution of those responsible for the loss of life.
- (v) The ongoing extrajudicial killings in the country, especially during the enforcement of curfew and other measures to curb the spread of Covid-19.

I thank you, Hon. Speaker.

Hon. Speaker: The Chairman of the Departmental Committee on Administration and National Security, when do you intend to respond? I have seen Hon. Koinange make his way in.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. I had actually spoken to the Hon. Member. It will take two weeks to reply to the Statement.

Hon. Speaker: Hon. Oluoch, it will be two weeks. The Member for Kilifi North, you have the Floor.

CONSTRUCTION OF THE RONALD NGALA UTALII COLLEGE IN KILIFI COUNTY

Hon. Owen Baya (Kilifi North, ODM): Pursuant to Standing Order No. 44(2) (c), I seek a Statement from the Chairperson of the Committee on Implementation regarding the progress of construction of the Ronald Ngala Utalii College in Kilifi County in view of the status of implementation of the Public Investments Committees (PIC) Special Report on the college dated May, 2017.

The Committee considered a special audit report that questioned the circumstances that led to the escalation of the project from its original cost of Ksh1.9 billion to Ksh8.9 billion before it was scaled down to Ksh4.9 billion. The National Assembly's PIC recommended that the project be implemented as per the Catering and Tourism Development Levy Trustees (CDTLT) board resolution of 13th December 2010 to redesign the college to accommodate 3,000 students at a cost of Ksh8.9 billion. The Government approved the construction of the Coast branch of the Kenya Utalii College vide Cabinet Minute 30/1996 dated 1st February, 1996.

Further, the Cabinet revisited the matter in 2007 vide a letter reference OP/CAB/584A dated 13th September, 2007 proposing the expansion of the project at an estimated cost of Ksh1.948 billion. The project has since spent up to Ksh2 billion and the work is not complete despite assurance by the Cabinet Secretary (CS) that it would be completed by 2019.

The PIC recommended to the then CS Ministry of Tourism to, as a matter of urgency, pursue a *post-facto* Cabinet approval from the downscaled project and seek Cabinet approval for the implementation of hotel component of the project through the Public Private Partnership (PPP) framework and report to the National Assembly on the implementation status of this recommendation not later than six months after the adoption of the Report. The Committee also recommended that the project be implemented not later than 19th June, 2019 as per the signed contract and subsequent addenda issued on 14th May, 2013 and 25th August, 2014 respectively.

Further, the CEO of the college was also to report to the National Assembly on the implementation status not later than 12 months after the adoption of the Report. It is now very many months after this Report was tabled before the House.

It is against this background that I seek your direction for the Committee on Implementation to investigate and intervene with a view to addressing the following issues:

- (i) What is the status of the project with a view to ensure its speedy completion?
- (ii) Was there prudent use of public funds allocated, and establish how much money the project has used so far, how much has been budgeted for and what percentage of the project has been completed?
- (iii) Did the Cabinet Secretary seek approval from the Cabinet for the project to be redesigned as directed by Parliament?

Thank you.

Hon. Speaker: I do not see the Chair of the Committee on Implementation. Maybe the Leader of the Minority Party, the Hon. John Mbadi should take up that matter. Refer it to Hon. ole Kenta. That Statement is sought from the Chair of the Committee on Implementation.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. I will pass the message to the Chair, Hon. ole Kenta. I do not think it is some work which should take long. Let me see if I can pass the message that he does it in two weeks' time.

Hon. Speaker: Very well. The next request is by the Member for Ugenya.

FAILURE TO COMPLY WITH COURT ORDERS BY THE EXECUTIVE

Hon. David Ochieng' (Ugenya, MDG): Thank you very much, Hon. Speaker. I wish to request for a Statement regarding disobedience, failure to comply with and non-execution of court orders by the Executive, the national Government and its agencies.

Pursuant to Standing Order No.44(2) (c), I request a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs regarding cases of disobedience of court orders, failure to comply with court orders and a non-execution of court orders by the Executive Arm of Government and its agencies.

The Government of Kenya is established by law under the Constitution of Kenya wherein Article 1(3) creates the Legislature, the Executive and the Judiciary as the organs of state to which the sovereign power of the people is delegated. The said organs are distinct and bound by the doctrine of separation of powers and functional independence of each. The proper functioning of Government depends on the cooperation and execution of each of the state organs roles and functions as declared in the Constitution. Failure of any one organ to carry out its functions affects the functioning of the other two.

Therefore, for some time now, there has been hue and cry from the Judiciary and independent State organs that the national Executive and other State organs are wilfully disobeying court orders, failing to comply with court orders and failing to execute court orders. There has also been hue and cry from citizens that the national government is not obeying court orders and is frustrating execution of court orders. Some of the cases that come to mind and which have been cited are the eviction of Sengwer from forests, in the Environmental Petition No.15 of 2013; the Miguna Miguna case is still fresh in our minds; the shutting down of television stations; the Teachers Service Commission and the Director of Pensions, where more than 22,000 teachers have not been paid for more than 10 years. The latest are petitions 369 and 427 of 2019 regarding His Excellency the President's delay or, indeed, refusal to swear in judges recommended for appointment by the Judicial Service Commission (JSC).

It is against this background that I wish to request the Chairperson of the Departmental Committee on Justice and Legal Affairs to inquire into and provide a statement to the House on the following:

- (i) The instances, if any, of cases of disobedience of court orders, failure to comply with court orders and non-execution of court orders by the national Executive, its agencies and institutions.
- (ii) The effect of disobedience of court orders, failure to comply with court orders and non-execution of court orders by the Executive, its agencies and institutions on the administration of justice, the rule of law and respect for human rights.
- (iii) The measures put in place by the national Executive, its agencies and institutions to ensure that court orders are obeyed, complied with and executed in a timely manner.
- (iv) Recommendations on actions to be taken on the State officers and officials of the national Executive who wilfully disobey court orders, fail to comply with court orders or refuse to execute court orders.
- (v) What the Committee is doing to ensure that such cases of disobedience of and failure to comply with court orders are checked.

I thank you, Hon. Speaker.

Hon. Speaker: Do I see the Chair of the Departmental Committee on Justice and Legal Affairs? That request should go through the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I will refer it to the Chair and report back to the House next week.

Hon. Speaker: What is the intervention, Hon. John Mbadi?

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, Hon. Ochieng' has raised a very important and substantive agenda, something that I think has been at the core of discussion in this country, more particularly considering the statement by the President of the Supreme Court yesterday. I think this is a matter that we have to take seriously and deal with as a country. I support that the Committee needs to look into the matter exhaustively and report to the House. But I am concerned with some sections of the request, more particularly about disobedience of court orders.

You know there are three arms of government. If that report of disobedience of court orders is brought here, are we setting a stage for some impeachment Motion? What will we do with that report? If there are people in the Executive who are disobeying court orders, the same courts have the powers to commit them to civil jail. That is what we should be doing in cases where the Judiciary has been defeated. The Judiciary has a lot of powers in this matter, but they do not want to use those powers. They appear to be helpless, praying to Kenyans. I do not know what they expect Kenyans to do. That to me is not very helpful. I agree with some sections of that request for statement. We need to understand what the problem really is between the Executive and the Judiciary. As a House of people's representatives, we can arbitrate, because we have a duty to uphold the Constitution and the rule of law. So we will see where the problem is. We even need to have the Committee invite the Attorney-General of the Republic of Kenya to explain some of these issues. I think the Judiciary should also exhaust some of the powers they have. They are powers that even this House does not have, like committing people who disobey court orders to civil jail. My concern is around disobedience of court orders.

Thank you, Hon. Speaker.

Hon. Speaker: Or what became of the doctrine of contempt of courts? Why are people not exercising that? Part of the question is: What can the Committee do? But let me not anticipate the response. The Committee will report to the House what they are doing.

Hon. Junet, you also want to weigh in on this?

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker. I just wanted to add to what you have just said. I know you are a former judicial officer. I think some of what the Judiciary is complaining about might be genuine and we need to listen to them as a House. But I am wondering what the Committee will achieve, as you just said. The courts have powers on their own. The biggest tool the Judiciary has is a court order. Once they issue a court order and you disobey it, the Judiciary has other legal means to address the same matter. The courts can convict a person who disobeys a court order. They can fine you. They have other legal ways of handling the matter. When you cry and say you have no powers, it creates more problems to the citizenry than the problems that exist. A citizen who was to run to the courts for help, and the courts are the ones crying, would not know where to go to. He will wonder: "How do I take my problems to where there is a problem already?" Churches and mosques where citizens can go to are closed. Citizens do not know where to go to.

First, people should not assume that the only government that is there is the Executive. There are three arms of government. Even Parliament is part of government. Hon. Speaker, you are the head of an arm of government, as the Chairman of the Parliamentary Service Commission. The Chief Justice is the president of another arm. So, it is one arm of government addressing another arm. Every arm of government has their constitutional obligations, functions and responsibilities. I want to beseech this House that we look at this matter as a House, if we can, because the Committee will report to us. But when I look at it from where I am seated now before I even appear before the Committee as an interested party, the hands of this House are tied. This is a matter for which the Chief Justice should exercise authority on his own at his level. Otherwise, if he says this or that, he will just be like any other person crying on the streets.

The biggest order that I lost in this world was the one that said open the server. That order was not implemented. Up to today, I am crying as you see me. You remember that order, Hon. Speaker. That was the biggest order that was defied. These other orders are small things. That was the biggest order I wanted to be implemented. Once I lost it, other orders are small to me.

Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Well, there is a mechanism for enforcement. That mechanism for enforcement is what needs to be examined. I thought there is not much business on this. Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, Hon. Junet now has an opportunity to appear before the Committee with his court order, and who has refused to implement it. The House then can discuss it. In fact, he should not be crying. I think three years down the line, an opportunity has come: that the same Chief Justice who nullified an election, who some of us felt was wrong, is now saying he has no powers. So, I think Hon. Junet and anybody else around here, and our voters who have a court order, in fact, Hon. Junet is a serious one, should now please look for the Departmental Committee on Justice and Legal Affairs, make sure you have the court

order with your lawyers and be the first person to say that my court order on the opening of the servers has not been complied with.

Hon. Speaker: Very well. That request is submitted to the Departmental Committee on Justice and Legal Affairs to comb through and see what are all those issues including those who may have their representatives, who may be suffering like the Chief Justice.

The Member for Emuhaya, Hon. Omboko Milemba, you have the Floor.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker, for this opportunity. I also lost the 50/60 order sometimes back during the teachers' strike, but that is not the business today.

PAYMENT OF BOM TEACHERS ACROSS THE COUNTRY

I request for a Statement regarding payment of teachers across the country recruited by schools' boards of managements (BOMs). Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research regarding payment of teachers across the country recruited by schools' BOM usually referred to BOM Teachers.

Hon. Speaker, since the first case of COVID-19 was reported in Kenya on 13th March 2020, and subsequent closure of schools on 15th March 2020, about 72,000 teachers who formed part of integral teaching force, but employed by BOM have lost their jobs. Today, it is over three months down the line and this group of teachers remain forgotten despite the fact that they fill the gap of teachers' shortage in the country which stands at over 120,000 teachers. In addition to these teachers, the support staff and teachers in private schools continue to work without any salary despite the fact that they are key providers of safety and maintenance of schools even as the schools remain closed today.

The Ministry of Education, via Circular MOE ACCT/1/35 Vol.4190 addressed to the Regional Directors of Education, County Directors of Education and Sub County Directors of Education asked the officers mentioned above to refund their unspent co-curriculum funds. It is on this account that I seek a Statement from the Chairperson of the Departmental Committee of Education and Research on the following:

- (i) What is the full budget of the co-curriculum activities which include music, sports, games, drama among others?
- (ii) What amounts have been refunded back to the Ministry of Education and Research as per the Circular MOE ACCT/1/35 Vol.4190, how much was used and for what purposes given that schools closed early before these activities could take off?
- (iii) Could the Ministry consider allocating these funds to support the over 72,000 teachers on BOM who have been off the payroll for the last three months?
- (iv) Could the Ministry consider utilising part of these funds to pay the schools' and institutes' support staff who have also been off the payroll for the last three months?
- (v) What measures is the Ministry pursuing or putting in place to ensure that the workers and teachers employed by BOM and support staff are safeguarded during this period of COVID-19?

Thank you, Hon. Speaker.

Hon. Speaker: The request is sent to the Departmental Committee on Education and Research for a response. I am informed that Hon. Omboko Milemba is a Member of the

Committee. Hon. Milemba, are you a Member of the Departmental Committee on Education and Research or in the Departmental Committee Labour and Social Welfare or both?

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Speaker, I am in both Committees.

Hon. Speaker: Hon. Milemba, I think you can safely hand over that to your Chairman. Sergeant-At-Arms, if there is any Member who desires to come in, you can allow them. This is because those who had requested seats to be reserved for them for the afternoon sitting must have been aware that the House sits at 2.30 p.m. It is now six minutes past 3.00 O'clock. If there is any Member outside the Chamber, they can be allowed in including the Member for Emuhaya if he desires to come back.

There are responses. Hon. Paul Koinange, please have the Floor.

STATEMENTS

OPERATIONALIZATION OF ADMINISTRATIVE UNITS IN KISUMU COUNTY

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. I have two responses. The first response is to the Member, John Aluoch of Kisumu West Constituency. He had requested for a Statement regarding operationalization of administrative units in Kisumu County. He particularly sought to be informed on the following:

Whether the Cabinet Secretary is aware that vide Kenya Gazette Notice No.CX1X80 of 21st July 2017, his Ministry established administrative and service delivery coordination units by the creation of new sub counties, divisions, locations and sub locations in the country.

Whether the Cabinet Secretary is aware that in Kisumu West Sub County, Holo Division, Kapuonja, Marera, Newa and Osiri locations; Newa East, Newa South, Lower Kanyawegi, Lower Osiri and Maseno Township sub locations; and in Central Kisumu Sub County, Kanyakwar and Nyalenda locations were created?

Why the administrative units have not been operationilised through recruiting relevant officers to man them?

I wish to state as follows: In 2017, the Ministry of Interior and Coordination of National Government gazetted 320 divisions, 1,200 locations and 2,400 sub-locations. The principle purpose for the creation of the new administrative units is to bring service closer to the people.

Hon. Speaker, the Government is aware that the following administrative units were gazetted in Kisumu West and Kisumu Central sub counties. Kisumu Sub-County; division, Holo; locations - Kapuonja, Marera, Newa and Osiri. Sub-locations: Newa East, Lower Kanyawegi, Newa South, Lower Osiri, Esainganyi, Upper Kanyawegi and Upper Osiri. In Kisumu Central Sub-county, we have Kisumu Central division; Kanyakwar and Nyalenda locations and Upper Kanyawengi Sub Location.

Hon. Speaker, the Ministry has not yet received the budgetary allocations to operationalize all the gazetted administrative units as listed above. Once funds are allocated the Ministry will operationalize all the gazetted administrative units, including Kisumu West and Kisumu Central Sub-Counties. To ensure service delivery in the meantime, all the gazetted administrative units will continue to be administered from the administrative units from which they were curved out.

Thank you Hon. Speaker.

Hon. Speaker: The Member for Kisumu West, do you have any comment on that response? Hon. Olago Oluoch, I do not know whether you have been able to follow the response given. Were you able to follow the response that was given by Hon. Koinange?

Hon. Olago Aluoch (Kisumu West, FORD-K): Yes, I did follow from the Lounge, Hon. Speaker.

Hon. Speaker: That is why I thought you needed the first chance to respond.

Hon. Olago Aluoch (Kisumu West, FORD-K): Hon. Speaker, although I was not notified, by luck I was in the Lounge. I have heard the response. I am satisfied. I will follow up the matter with the Chairman and the Cabinet Secretary.

Thank you, Hon. Speaker.

Hon. Speaker: Okay. Hon. Koinange, you have another response. I would suggest that you do not read out the requests. Just read out the response. The questioner should know what it is that they sought. That way, we can save time.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. I would also like to add on operationalization of the administrative units, because of interest of other Members. We have already made it clear to the Ministry of Interior and Coordination of National Government since 2016 that it should have actually advertised in phases. Five years down the line, they should have operationalized all the gazetted administrative units. I am sure they will start that process.

MEASURES TO CONTAIN THE SPREAD OF COVID-19

Hon. Speaker, next is a response to a Statement request by Hon. David Ochieng'. On 14th March 2020, the Cabinet Secretary for Health announced the first COVID19 case in the country and issued guidelines under the Public Health Act to control and prevent its spread, including prohibition of public gatherings. In order to implement the guidelines, the Cabinet Secretary for Interior and Coordination of National Government issued State Curfew Order 2020, imposing curfew hours from 7.00 pm to 5.00 am. As the COVID19 cases increased, travel restrictions were imposed to and from the counties of Mombasa, Nairobi, Kilifi, Kwale, Mandera and lately Kakuma and Dadaab refugee camps.

Hon. Speaker, the Inspector General of Police issued instructions on implementation of the Curfew Order and travel restrictions, emphasizing on the need for upholding the rule of law and exercising restraint on its implementation. The procedure of taking people to quarantine facilities is per guidelines from the Ministry of Health and the process is supervised by Ministry of Health officials. Police officers are deployed to provide security, prevent escape of quarantined persons and assist in contact tracing as may be required by responsible heads of medical teams.

Further, police commanders have enhanced supervision of subordinate officers and are intervening where necessary. Complaint or misconduct by any police officer that cannot be resolved by the immediate commanding officer is subjected to investigation by the Internal Affairs Unit of the National Police Service or the Independent Policing Oversight Authority (IPOA) depending on the circumstances or nature of the complaint. Officers who have been implicated in misconduct while enforcing the Curfew Order have been interdicted while investigations are ongoing. Upon completion of investigation, disciplinary action will be taken where it is deemed necessary. Based on available evidence, criminal prosecution will be undertaken.

Hon. Speaker, the Government has taken the following measures to ensure that police officers are protected from COVID-19 while dealing with members of the public:

- (i) Station Commanders have been instructed to raise the level of cleanliness of the police stations and the surrounding areas;
- (ii) suspects who exhibit signs of sickness while in police custody are immediately taken to hospital for medical examination;

- (iii) officers on duty observe guidelines for prevention of COVID-19 in their interactions with suspects and people seeking police services;
- (iv) water and soap dispensers have been installed at police stations for hand washing;
- (v) suspects are presented to court in the shortest time possible, including release of traffic and petty offenders on cash bail or police bond to avoid crowding at police stations and minimizing of contact between individuals; and,
- (vi) in order to enhance the safety of police officers while carrying out their duties, personal protective equipment and sanitizers have been procured and distributed to police stations.

Hon. Speaker, persons with valid reasons to be outside during curfew hours are allowed safe passage, especially sick persons and their caregivers going to and from hospital. Bereaved families are allowed a specific number of persons to proceed for funeral preparations and burial while observing social distancing guidelines and wearing of protective facial masks. Regional and county police commanders issue letters of authority to those who present justification to travel to counties that are under enhanced COVID-19 prevention.

Police officers are under instructions to be on alert for cases of victimization and to immediately arrest and present to court any person who may violate another person for being suspected to be suffering from COVID-19.

Thank you, Hon. Speaker.

Hon. Speaker: Chair of Education, you had come on board. I do not know what you have done.

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Speaker. I beg to respond to a Statement by Hon. Geoffrey Omuse.

GOVERNMENT E-LEARNING PREPAREDNESS DUE TO COVID-19

Hon. Julius Melly (Tinderet, JP): Hon. Speaker, pursuant to Standing Order 44(2) (c), the Hon. Geoffrey Omuse requested for a Statement on May 5th 2020, from the Chairperson, Departmental Committee on Education and Research regarding the Government's preparedness on the e-learning due to COVID-19.

Hon. Speaker, it is worth noting that the matter in question was conclusively addressed by the Cabinet Secretary for Education in a session the Committee held on 7th May, 2020 following your direction, arising from similar requests by various Members of this House. Indeed, a record number of Members attended this meeting which was also streamed live by several mainstream media houses. Nonetheless, the Committee wrote to the Cabinet Secretary, Ministry of Education seeking response to the request by the Hon. Member which I beg to lay on the Table.

Hon. Speaker, this was actually conclusively done within this House for a period of about seven hours. I thank Hon. Members who came for that meeting with the CS. It was ventilated well and conclusively done. So, I beg to lay this particular Statement.

I thank you Hon. Speaker.

(Hon. Melly laid the document on the Table)

Hon. Speaker: Very well. Let us have the Chairman, National Government Constituencies Development Fund Committee (NG-CDF).

NG-CDF STATUS OF RECEIPTS AND DISBURSEMENT OF FUNDS

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2) (c), I rise to issue a Statement with regard to the status of receipts and disbursements of funds to constituencies as at 3rd June 2020.

Hon. Speaker, on receipts from the National Treasury, the Board was allocated Ksh41.7498 Billion in Financial Year 2019/2020 out of which Ksh26 Billion has been received to date. The funds were received between 15th October 2019 and 18th May 2020 totaling to Ksh26 billion.

On pending arrears for previous financial years, the Board has pending receipts from National Treasury amounting to Ksh4,976,750,000 relating to financial years 2011/2012, 2013/14 and 2014/15 which have not been received to date. The breakdown of the arrears is as follows:

No.	Financial Year	Amount in Arrears
1	2011/2012	541,750,000
2	2013/2014	2,128,500,000
3	2014/2015	2,306,500,000
	Total	4,976,750,000

On disbursement of funds to the constituencies and the secretariat in the Financial Year 2019/2020, the Board has disbursed the funds to the constituencies as follows:

13 constituencies have received full allocations amounting to Kshs1,785,780,413.

261 constituencies have received between 45 and 99 per cent of the funds allocated amounting to Ksh18,626,081,592.

16 constituencies have received between 32 and 44 per cent of the funds allocated amounting to Ksh849,000,000.

Ksh3,421,937,051 has been disbursed to the constituencies with respect to previous financial years allocation

Ksh1, 337,000,000 has been disbursed to the Board Secretariat.

In the Financial Year 2018/2019, the constituencies have received the funds as follows:

180 constituencies have received full allocation amounting to Ksh19,627,357,596

102 constituencies have received between 51 and 99 per cent of the funds allocated amounting to Ksh10,508,911,405.

8 constituencies have received 50 per cent of the funds allocated amounting to Ksh432,500,000.

Ksh1,547,930,000 was disbursed to the Board Secretariat.

Thank you, Hon. Speaker. There is an annexure listing which constituencies have received what amounts and percentages. I thank you.

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

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

Hon. Junet Nuh (Suna East, ODM): Hon. Speaker, in order to call him Chairman and Deputy Whip, the information the Chairman is giving is not factual. I think he was given it as a conveyor belt to come and tell Hon. Members that this is the position.

Hon. Maoka Maore (Igembe North, JP): *(Inaudible)*

Hon. Junet Nuh (Suna East, ODM): Hon. Chairman, wait. Hon. Speaker, more than 50 per cent of the constituencies have not received any money. The information we wanted from him is how much each constituency got. We did not want percentages per a number of constituencies. This is very unsatisfactory information. The Chairman must accept it. Hon. Speaker, this is a senior Member of Parliament. I am on my feet and he is equally on his feet. Hon. Speaker which Standing Order is this? This is not a Njuri Ncheke meeting. This is Parliament.

Hon. Speaker, the information he has given to the House is misleading. Many Members will bear me witness if I am lying.

Hon. Speaker: Can I propose that the Statement be tabled so that at least every Member gets a copy? I also got a bit worried when it made references to 2014. So, it is not very clear to many and it would be good for that Statement to be tabled.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, the Statement is meant to be tabled after I have read. However, you need to protect Members of this House from the excessive bad manners of the comments from Hon. Junet who is having juvenile behaviour and does not respect anybody. When we read statements, they are comprehensive. It is not my problem if he does not understand comprehension. I have put in the details of the constituencies that have received full amounts as 13.

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

Hon. Speaker: Hon. Maore let me rescue you, a Statement like this one because it is supposed to go to every Member for the 290 constituencies, the best thing would be if you had several copies so that as you give, every Member would have asked where he falls, how much has come and what percentage.

Hon. Maoka Maore (Igembe North, JP): I meant that there are some constituencies that have received full amounts, others 50 per cent, 40 per cent and others even less than 32 per cent. That is the data in this Statement.

Hon. Speaker: Does that Statement contain those that have received full amounts?

Hon. Maoka Maore (Igembe North, JP): Yes. Those are the kinds of questions you should be asking. On logistics that is between your fund manager and the board. Not the Chairman of the NG-CDF Committee.

Hon. Junet Nuh (Suna East, ODM): On a point of order, Hon. Speaker. The Chairman is misleading the House. He is saying 13 constituencies have received full amounts and that is a general Statement. Can he tell us when we are getting our money because that is what we are asking him?

Hon. Speaker: Hon. Members, as I had suggested, which I think is a better route, the Clerk will make copies of this Statement so that at least when Members comes next to the Chamber or whichever other station, you will be allocated or you pick a copy so that when raising questions, they will be specific and addressing a particular shortcoming if any. That will enable the Chairman to respond. Many of you do not have this Statement. Other than the Chairman nobody knows the 13 constituencies because they have not been named. Maybe they are named in the Report. It would be better if everybody got a copy of the Report.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, the 13 constituencies that have received 100 per cent are Galole, Garsen, Gilgil, Kamukunji, Khwisero, Kipkelion West, Lamu

East, Likuyani, Lugari, Lungalunga, Rabai, Rongo and Suba South. That is not my question, but a technical problem. Similarly, there are 261 constituencies which have received between 45 – 99 per cent. *Mwendelee namna hiyo.*

Hon. Speaker: There are so many of you who want to ask questions. I am the one ruling and once I have ruled there cannot be a point of order. I have directed that Statement be photocopied and supplied to all members on a day to be appointed next week and the Chair will respond. You cannot inform me because you have no capacity.

Hon. Members because there is heavy business before you, I want to call on the Leader of the Majority Party to move a particular Procedural Motion.

PROCEDURAL MOTION

EXTENSION OF SITTING TIME UNTIL CONCLUSION OF BUSINESS APPEARING ON THE ORDER PAPER

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

THAT, pursuant to the provisions of Standing Order 30(3) (a), this House orders that should the time appointed for adjournment of the House be reached before conclusion of business appearing under Order No. 9 on today's Order Paper, the sitting of the House shall stand extended until the conclusion of the said business.

The said business is none other than the Report of the Budget and Appropriation Committee on the Budget Estimates for the Financial Year 2020/2021. Of course, Order No.9 is the Second Reading of the Refugee Bill as is appearing on the Order Paper.

Hon. Speaker, we passed a Procedural Motion last week that the Reports of the Budget and Appropriation Committee and the Report of the Finance Committee on the Finance Bill and the Committee of Supply which most probably we will deal with next week, will not be subject to the Motion on the two-hour rule. This is because the Budget and appropriation is very important and fundamental not only to this House as the budget-making process but to the nation. We want to give each and every member an opportunity to contribute.

We do not want to hurry. Even if we will be here until 9.00 p.m. We must conclude before the end of the day which is midnight so that the Cabinet Secretary for Finance will have time to use that Report tomorrow in order to prepare the Budget highlights for 2020/2021 on Estimates, Recurrent Expenditure and Development vote for this financial year on Thursday in accordance with his colleagues in the East African Community.

This procedural Motion is to ensure that in the event we reach 7.00p.m. and there are still Members who have not contributed to this Motion on the Budget, we will not adjourn the House but continue until the last person speaks before midnight. If we conclude early and there is nobody on record who wants to speak on it then, the Question will be put. I beg to move and ask Hon. Mbadi a Member of the House Business Committee (HBC) and the Leader of the Minority Party to second.

Hon. Speaker: Hon. Mbadi, you have the Floor.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, you know we say that there are three functions of a Member of Parliament; that is legislation, oversight and representation. But I think we should add budgeting as a very important and significant role of the National Assembly. This is a very important period and we need to allow Members sufficient and adequate time to

contribute to the Budget Estimates. This is the time that you can speak for your people and mention things that this Budget has not captured and that you require or expect to be captured in the next or subsequent Budgets.

That is why we are requesting the House to allow for the extension of time to allow as many Members as possible to contribute. Bearing in mind that we have to conclude this debate today because on Thursday when the CS will be expected in this House, he can only mention the figures in this Report after it has been passed. Otherwise, he will be speculating if he mentions the figures in his budget highlights.

Hon. Speaker, I second.

(Question proposed)

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

DISCHARGE OF A MEMBER FROM SELECT COMMITTEES BY PARLIAMENTARY PARTIES

Hon. Speaker: Order, Hon. Members, before we move to the next order, even as the Member for Homa Bay Town finds a seat, I have this Communication on entitlement of slots in Select Committees and discharge of a member from Select Committees by parliamentary parties.

Hon. Members, as you will recall, on Tuesday, 2nd June 2020, the Member for Ugenya, Hon. David Ochieng', MP, rose on a point of order under Standing Order Nos.172, 173 and 176 requesting for my considered guidance on six issues. The crux of his issues was whether a Member belonging to a party other than a parliamentary party may be discharged from a Committee of the House by any parliamentary party. To this end, the Member did inform the House that he had received a letter from the Minority Party Whip notifying him of the Party's intention to discharge him from the Departmental Committee on Health pursuant to the provisions of Standing Order No. 176. I also wish to inform the House that the Member also wrote to the Speaker listing the six issues for which he sought my guidance.

Hon. Members, having reviewed the issues raised by the Member for Ugenya and others canvassed by the Leader of the Majority Party, the Leader of the Minority Party and other Members who spoke on the issue, I have isolated the following five matters as the ones requiring my guidance:

- (i) whether it is the intention of the Constitution and the Standing Orders that all slots in select committees are to be assigned only to parliamentary parties;
- (ii) whether it is the intention of the Constitution that the exercise of the roles of the National Assembly under Article 95 of the Constitution in committees is exclusive to Members belonging to parliamentary parties to the exclusion of Independent Members and Members belonging to parties other than parliamentary parties;
- (iii) whether the Constitution envisages that the inclusion of Independent Members and Members belonging to parties other than parliamentary parties to serve on Committees of the House ought to be the remit of parliamentary parties;
- (iv) whether a parliamentary party may exercise the discharge powers of a party under Standing Order No.176 to remove a Member who is not a Member of the particular

- parliamentary party or coalition of parties from a committee on the basis of having granted the Member the nomination to the Committee; and,
- (v) whether there is any lacuna or misapplication of the Standing Orders with respect to nomination into and discharge of Members from Committees, and if so, what is the appropriate remedy.

Hon. Members, the issues for which the Member sought my guidance are fundamental to the functioning of the House as they relate to the mode of inclusion and exclusion of a Member from the Committees of the House. Before I proceed to address the issues for determination, permit me to remind the House that this is not the first time that the Speaker has been invited to guide on questions of membership to select committees and discharge there from. Certainly, this is an illustration that one cannot perfectly delink parliamentary politics from the legislature and that the decision to discipline Members is primarily vested in the political parties, but it always finds its way into the legislature. Indeed, allow me to refer to an expository by a Finnish Professor of Political Science, Dr. Kari Palonen in his write-up titled “Parliamentary Procedure as an Inventory of Disputes: A Comparison between Jeremy Bentham and Thomas Erskine May”. In that write-up, the Professor opines and I quote:

“Parliamentary politics is inherently procedural...Parliamentary politics is not just politics that takes place in Parliament, but politics conducted in a parliamentary manner, in accordance with the rules and practices of parliamentary procedure.”

Indeed, in the 11th Parliament, I was invited by the Leader of the Majority Party to guide on the application of Standing Order No.176 relating to discharge of Members from Committees. This was after the then Coalition for Reforms and Democracy (CORD) discharged the Member for Lungalunga, the Hon. Khatib Mwashetani, MP, and others from several Committees. In a Considered Ruling that I rendered to the House on 30th November 2016, I addressed the following three Questions:

- (i) whether and to what extent Standing Order No. 176, as then framed, could be employed as a mechanism for enforcing party discipline for breaches outside the proceedings of the House or its Committees;
- (ii) whether the provisions of Standing Order No. 176, as then framed were to be applied against Members of the House by instigation of or order of persons other than Members of the House; and,
- (iii) whether Standing Order No.176 as then framed, adequately protected the rights of Members in the performance of their functions in the House (particularly with respect to discharge without an opportunity to be heard).

Hon. Members, I am not about to restate the details of that Ruling but for the benefit of the House, I hasten to underscore the fact the guidance then and taking into account the dictates of our Constitution on fair administrative action, I hitherto put a temporary embargo on further discharge of Members from Committees by parliamentary parties until the House amended Standing Order No.176 to provide for a mechanism of giving the affected Member adequate notice and an opportunity to be heard by the Party before effecting the discharge. This was later actualised by amending Standing Order No.176 as reflected now in the 4th Edition of the National Assembly Standing Orders. I have intentionally chosen to underscore that particular ruling because it addressed the issue of rights of Members, which is also part of the subject of guidance this afternoon.

Hon. Members, the practice of placing political parties at the centre of running parliamentary business has a history. This prompts me to perhaps briefly enlighten the House on

the history of parliamentary parties as vehicles for constituting House Committees hence the setting of a threshold of what constitutes a parliamentary party. You will recall that way back in 1991, the National Assembly repealed Section 2A of the then Constitution and re-introduced multiparty democracy that saw the emergence of many political parties. As a result, political parties took centre stage in the running of the affairs of the House, including composition of the then very few committees that were in place at the time.

Indeed, the focus of the legislative and oversight functions of the House shifted from the plenary of the House to the committees. At that time, the rules of procedure which had been amended just before the 1992 elections only contemplated two factions in the House, that is, the Ruling Party and the Official Opposition Party. As a matter of fact, Standing Order No.2 of the Seventh Parliament (1992-1997) defined Official Opposition Party as the party consisting not less than 30 members. Due to the high number of parties in the House at the time, most of which were neither in the Ruling Party nor the Official Opposition Party, there was a desire to set minimum thresholds to be met by the rest of the political parties represented in the House to qualify to sit at the bargaining table as it was then called to claim any parliamentary opportunity or decide on parliamentary matters.

Hon. Members, times have changed and indeed they do change and so does the scope of democracy. You may agree with me that, when society transforms its ways of handling its political affairs through various epochs, it is inevitable that the rules that govern conduct of those affairs will change.

Between the 7th and the current 12th Parliament, Standing Order No.2 has been amended severally, including at one time, amendments to increase the threshold for a party to be recognized as Official Opposition, introduction of an Opposition Caucus and the current definition of a parliamentary party, which means a party or a coalition of parties consisting of not less than 5 per cent of the membership of the National Assembly.

Hon. Members, may I now address the five matters that I had isolated at the onset as requiring my guidance. First, you will note that Standing Order No.173 provides that the Committee on Selection shall, in consultation with parliamentary parties, nominate Members who shall serve on a select committee. As earlier stated, Standing Order No.2 defines a parliamentary party as a party or coalition of parties consisting of not less than 5 per cent of the membership of the National Assembly, which is essentially 18 Members. We are alive to the fact that not all parties represented in the House met the threshold for being recognized as parliamentary parties under Standing Order No.2. Indeed, looking at the current representation of this House *vis-a-vis* the definition of what constitutes a parliamentary party, permit me to note the following eight facts, which are of significance to me:

- (1) The total membership of the National Assembly currently stands at 348 Members, noting the vacancy with respect to Msambweni Constituency.
- (2) In terms of political parties, there are 21 parties with representation in the House, out of which, only three meet the threshold of parliamentary parties.
- (3) Standing Order No.2 recognizes coalitions and as such, several other political parties represented in the House qualify as parliamentary parties courtesy of their pre and post-election coalition agreements. In this regard, out of the 21 parties represented in the House, the Jubilee Coalition — now comprising of the Jubilee Party, which has 172 Members, the Kenya African National Union (KANU), which has 10 Members, and the Party for Development and Reform (PDR), which has four Members — has a combined total of 186 Members.

- (4) The National Super Alliance (NASA) Coalition, has a total of 126 Members made up of the Orange Democratic Movement's (ODM) 73 Members, Wiper Democratic Movement Kenya's (WDM – K) 23 Members, Amani National Congress' (ANC) 14 Members, Ford - Kenya's 13 Members, Chama Cha Mashinani's (CCM) two Members and the Chama Cha Uzalendo Party with one Member.
- (5) There are 12 other parties with representation in the House according to the records availed to my office by the Registrar of Political Parties vide a letter dated 8th June 2020, which was yesterday. The 12 parties do not belong to any coalition. These are the Economic Freedom Party (EFP) with five Members in the National Assembly, the Maendeleo Chap Party (MCCP) with four Members, the Kenya National Congress Party (KNC), the People's Democratic Party (PDP) and the Kenya Patriots Party each with two Members; the Democratic Party of Kenya (DP), the Party of National Unity (PNU), Frontier Alliance Party (FAP), the National Agenda Party of Kenya (NAPK), the New Democrats (ND) and the Muungano Party, each with one Member in the National Assembly and the Movement for Democracy and Growth Party (MDG) to which the Member for Ugenya belongs. In terms of total membership, these parties, which do not fall within the definition of parliamentary parties, have a total membership of 22 Members.
- (6) There are 14 elected independent Members in the House. Since each of them ought to be independent from the other and are not political parties, none of them would sit at the bargaining table — as was the practice in the 7th Parliament — reserved for parliamentary parties, even if they were to number more than 18 cumulatively.
- (7) Adding the number of Members belonging to parties which are neither parliamentary parties nor in coalition with any parliamentary party, together with the number of independent Members, they total 36 Members.
- (8) Save for 20 slots reserved by the Standing Orders for parliamentary office holders, there are currently 622 committee slots in the committee system of this House, which ideally, ought to have been shared amongst the membership in a fair and transparent criteria in keeping with the full expectations of the constitution and the provisions of Standing Order No.174.

Hon. Members, with these facts in mind, the questions that confront the Speaker are, how should the 36 Members, get to sit in committees? If they are already members of committees, is Standing Order No.176 available to a parliamentary party for the party to exercise the discharge powers therein, and discharge any of the 36 Members from the committees?

Hon. Members, Article 1 of the Constitution provides for the sovereignty of the people of Kenya, and spells out the manner in which the people of Kenya can exercise their sovereign power. In particular, Article 1(2) provides that the people may exercise their sovereign power either directly or through their democratically elected representatives. It, therefore, follows that each elected representative in this House, whether elected through a parliamentary party, a party other than a parliamentary party, or indeed, an independent Member exercises the sovereign power of the people the Member represents in the House. This is also why Part 3 of Chapter 7 of the Constitution — on the representation of the people, which is a whole part with various provisions on political parties — does not distinguish between parliamentary parties and other parties.

It deliberately refers to all political parties. To interpret, therefore, that the Members from parties other than parliamentary political parties, should be disfranchised due to their few numbers in the House, is to introduce a criteria that is not contemplated in the Constitution. Moreover,

Article 85 of the Constitution recognizes and permits any person to stand as an independent candidate for election if the person is not a Member of a political party. It cannot, thereafter, be that independent Members who are also democratically elected representatives of the people for purposes of Article 1 of the Constitution, should be excluded from sitting in committees or the business that they do not belong to a parliamentary party. Suffice to say, no rule or interpretation can be used to take away, disadvantage, limit, stifle, or restrict that which the Constitution has laid out in plain and clear terms as being permitted. To do so would be an attempt to rewrite the Constitution without amending it.

Hon. Members, Article 95 of the Constitution is also clear on the role of a Member of Parliament in the National Assembly, which includes representation, legislation, oversight, budget making and vetting of public appointees among other key roles. Undoubtedly, this is one of the architectural features and designs of a Presidential system of governance, where every representation counts and every Member in the House counts. If a Member of Parliament (MP) is to discharge these duties through committees, would it hold that, a Member should be denied the right to exercise these functions on the basis that he or she belongs to a party other than a parliamentary political party or is an independent Member? If that were the case, would this also imply that the people of the constituencies represented by such Members ought to be disenfranchised by being excluded from having a fair chance to participate in the parliamentary aspects that take place in Committees? This definitely cannot be the case and to argue otherwise would severely negate the principle of participation of the people through their democratically elected representatives, which is enshrined in our Constitution.

In addition, while appreciating that Kenya is a multiparty democratic State as spelt out in Article 4 of the Constitution, you will agree that in so far as representation is concerned, it is not the intention of this provision to inhibit the participation of any Member of the House from undertaking the collective roles and functions of Parliament and the National Assembly in particular, as provided for under Articles 94 and 95 of the Constitution, on account of the medium under which the Member was elected or nominated into the House. Further, my reading of Article 85 does not, in any way, imply that Members elected as Independent candidates are less important legislators.

It is also notable that Standing Order No.174 (2) provides as follows:

(2) Despite paragraph (1), a Member belonging to a party other than a parliamentary party or Independent Member may be nominated to serve in a Select Committee and the allocation of membership of Select Committees shall be as nearly as practicable proportional to the number of Members belonging to such parties and Independent Members.

It is, therefore, clear that a Member belonging to a party other than a parliamentary party is equally entitled to serve in a Committee of the House. That provision in our Standing Orders even contemplated a situation where a substantial number of Members of the House would belong to small parties or would be Independent Members. The manner in which Standing Order No.174 (2) is couched also finds its footing from other comparable Commonwealth jurisdictions and according to the latest Commonwealth Parliamentary Association Recommended Benchmarks for Democratic Legislatures on Committees Organisation allow me to quote: “The Legislature’s assignment of Committee Members on each Committee shall include both majority and minority party Members and reflect the political composition of the legislature.”

I wish to emphasise the words “reflect the political composition of the Legislature” because this is what Standing Order No.174 (2) tries to achieve by recognising that a Member

belonging to a party other than a parliamentary party is equally entitled to serve on a Committee of the House. Otherwise, Committees without such Members cannot be said to be reflective of the political composition of the Legislature.

Undoubtedly, we must be alive to the fact that this House has composition not just from the parliamentary parties but from other parties and Independents. This must be reflected in our committees. It is one which cannot be wished away because even looking at the statistics from the 11th Parliament to date, the composition of the membership of this House has seen more Members from small parties and Independents being elected to the House. Certainly, this may arguably continue to grow exponentially in an upward trajectory even in the future. It is, therefore, obviously erroneous to advance the idea that the Constitution or the Standing Orders envisaged that Committees are a preserve of the parliamentary parties, to the exclusion of the Independent Members and Members belonging to small parties. This settles the first and second issues that required my determination.

In addressing the third issue, I reflected on the views advanced by the Leader of the Minority Party that Members belonging to parties other than parliamentary parties and Independent Members ought to choose and align themselves to the existing parliamentary parties so as to earn consideration for a slot in Committees. While in so arguing, the Leader of the Minority Party, Hon. John Mbadi, was perfectly within his right, it is my considered view that that position does not stand well with the provisions of Articles 94, 95 and 103 of the Constitution and Standing Order No.174 (2).

It is instructive to point out that Article 103 of the Constitution provides, among other things, the ways by which a Member of this House vacates his or her seat. One of the ways being, if having been elected as an Independent, the Member joins a political party. It, therefore, would not hold that we force Independents to align themselves with any party. Ideally, a Member elected on a political party ticket is so elected based on a resolve to ascribe to the party's philosophy, manifesto and ideals. Similarly, a Member elected as an independent candidate does so as a matter of principle due to political circumstances or for other reasons known to him or her. Therefore, to resort to coercing such Member to affiliate with a parliamentary party so as to earn a slot in Committees, notwithstanding that they possibly were competitors in the elections, is essentially to compel them to denounce their stand in exchange for the committee slot. The consequence of such a move may expose him or her to the sanctions contemplated under article 103 (1) (e) of the Constitution as read together with Section 14 of the Political Parties Act, 2012 which I have already indicated.

To advance the view of the Leader of the Minority Party that an Independent Member or one from a small party ought to be aligned to a parliamentary party to earn a slot in the Committee would amount to assuming that the three parliamentary parties have the authority to shut the door of this Chamber from any Member who is independent and is elected on a small party and admit such Member into the Plenary only if he or she undertook to align with the parliamentary parties.

Ideally, as is the practice in the Chamber and the Committee system of many other multiparty legislatures, the issue of lobbying and enticing the smaller parties comes in after they are already in the Committees as Members. It is, therefore, inconceivable that the Constitution and Standing Orders contemplated that an Independent Member or a Member belonging to a party other than a parliamentary party would get to sit in a Committee only if they are affiliated with a parliamentary party. Since Standing Order No.174 (2) is clear, I must assert, respectfully so, that I find the opinion that Members belonging to parties other than parliamentary parties and Independent Members ought to choose and align themselves to the existing parliamentary parties

so as to earn consideration for a slot in Committees as being a perfect example of misapplication of the Constitution and Standing Orders.

Let me now turn to the fourth issue of whether a parliamentary party may exercise the discharge powers of a party under Standing Order No.176 to remove a Member who is not a Member of the particular parliamentary party or coalition of parties from a Committee, on the basis of having granted the Member the nomination to the Committee. To address that question, I will refer to the provisions of Standing Order No.176 which provide for the discharge of members from committees. In particular, Standing Order No.176 (1) provides:

- (1) A parliamentary party may discharge a Member from a Select Committee after according the Member an opportunity to be heard.

A fair reading of the same Standing Order indicates that the responsibility of discharging Members from Committees is placed on parliamentary parties. From the outset, the question of who donated the position occupied by the Members belonging to parties other than parliamentary parties or Independent Members is no longer tenable. This is because, as I have already observed from the three preceding questions I have addressed and the plain reading of Standing Order No.174 (2), all Members should have a fair chance to sit in at least one Committee, without appearing to entreat or beg any other party for a reasonable opportunity.

If that is not what actually transpired in the composition of the current committees, it is said that two wrongs do not make a right. As leaders, we ought to correct the wrongs whenever we encounter them. To this end, it is apparent that no parliamentary party may discharge a Member, unless the Member belongs to or formally affiliates with the parliamentary party, by way of a coalition agreement, as contemplated under the Political Parties Act. This is because the exercise of the discharge powers under Standing Order No.176 ought to be exercised by a parliamentary party only on Members belonging to that party.

Hon. Members, in the case of the Member for Ugenya, it is a fact that he was elected on the platform of the Movement for Democracy and Growth (MDG) Party. He is the single Member who is elected in this House on that Party's ticket. To the best of my knowledge and from the information availed to my office by the Registrar of Political Parties yesterday, the MDG Party is not part of the parties which form the Majority Party or Minority Coalition in the House. It, therefore, follows that neither the Minority Party nor the Majority Party may exercise the discharge powers under Standing Order No.176 on the Member for Ugenya at the moment.

On the secondary question of whether the Committee on Selection acted equitably in allocating the Member for Ugenya one committee, Standing Order No.174 is clear on the criteria that is used by the Committee on Selection to nominate Members to serve in a select committee. This includes ensuring that the allocation of membership of select committees is as nearly as practicable proportional to the number of Members belonging to parties other than parliamentary parties and independent Members. However, it is notable that Standing Order No.174(3) further provides:

“Except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated—

- (a) no Member shall be appointed to serve in more than two Departmental Committees.”

It is, therefore, clear within the prerogative of the Committee on Selection to nominate Members to serve in at least one or more committees. It, therefore, follows that the jurisdiction to determine whether the Member should serve in one or two committees lies with the Committee on Selection and this House when approving the Motions for appointment of Members to respective committees.

Hon. Members, let me now address the final question of whether there is a lacuna or misapplication of the Standing Orders with respect to nomination to or discharge of Members from committees and what would be an appropriate remedy. As I have observed, it is incorrect to assume that the Constitution or Standing Orders envisaged that committees are a preserve of parliamentary parties, to the exclusion of the independent Members and Members belonging to small parties. In this regard, the primary formula of allocation of Members to serve in committees ought to have embraced a criterion where a proportion of total membership to committees would be allocated to parliamentary parties based on their relative majorities but at the same time also reserve a proportion of seats for independent Members and Members who belong to parties that are not parliamentary parties. To guarantee fairness, the criterion ought to look at the totality of slots available, isolate the slots that are to be shared by parliamentary parties and share out to the existing parliamentary parties in accordance with their numerical strength in the House as required under Standing Order No.174(1) (a). When it comes to Members who belong to parties other than parliamentary parties and the independents, the criterion ought to ensure that such Members serve in at least one committee, as required under Standing Order No.174 (2). This will correct the misapplication of the Standing Orders and the erroneous impression that such Members must first affiliate with parliamentary parties to serve in committees.

Having said that, I am inclined to observe that part of the terms in Standing Orders No. 173, 174 and 176 as currently couched do not guarantee fairness to independent Members and Members belonging to political parties other than parliamentary parties. For instance, Standing Order No. 173(1) on Nomination of Members of Select Committees provides as follows:

“(1) Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with parliamentary parties, nominate Members who shall serve on a select committee.”

As presently framed, the provision does not contemplate consultations with the independent Members or political parties that do not meet the threshold which is set out in the Standing Order No.2 for recognition as parliamentary parties. Political parties may have to designate a spokesperson to advance their interests even when they do not qualify to be a parliamentary party. The case is worse for the independents because, as a matter of fact, each independent Member is independent of the other and no matter how many they could be in the House, they cannot be construed as a political formation. While parliamentary parties ordinarily consult with the Committee on Selection through their party Leaders and Whips, there is no mechanism in the Standing Orders for consultations with smaller political parties and independent Members when it comes to sharing of the slots in select committees.

Hon. Members, however, allow me to note that even with the shortcomings that are occasioned by the manner in which Standing Order No.174(2) is couched, it envisaged a ratio in which the slots to committee membership would be shared taking into account the independent Members and Members belonging to parties other than the parliamentary parties. Therefore, it is obvious that at the commencement of this Parliament, there was a misapplication of the Standing Order in the criterion that was used to share committee slots. In the end, the criterion used did not ensure that the independent Members and Members who belong to parties other than parliamentary parties got their rightful share in committee membership.

Taking into consideration the 622 slots available for sharing out, a fair criterion that is in keeping with the provisions of Standing Order No.174(2) ought to have been arrived at committees' distribution outcome which is approximately close to the following quotas:

- a) The Jubilee Coalition with a combined total of 186 Members in the House is entitled to a total of 330 slots spread out in committees to be shared among the Members of the three Parties that form the Jubilee Coalition: Jubilee Party (JP), Kenya African National Union (KANU) and Party of Development and Reforms (PDR);
- b) The National Super Alliance (NASA) Coalition which comprises the Orange Democratic Movement (ODM), Amani National Congress (ANC), Forum for the Restoration of Democracy-Kenya (FORD-Kenya), Chama Cha Mashinani Party (CCM) and Chama Cha Uzalendo (CCU) is entitled to a total of 226 slots in committees to be shared out amongst the 126 Members who make up that Coalition;
- c) The Economic Freedom Party (EFP) is entitled to a total of eight slots in the committees to share out among its 5 members;
- d) Maendeleo Chap Chap Party (MCCP) is entitled to seven slots in committees to share amongst its four Members;
- e) The People's Democratic Party (PDP), Kenya Patriots Party (KPP) and Kenya National Congress (KNC) which have two Members each are entitled to four slots each in committees;
- f) The Frontier Alliance Party (FAP), Party of National Unity (PNU), the Democratic Party (DP), the National Agenda Party of Kenya (NAPK), Muungano Party, New Democrats and the Movement for Democracy and Growth (MDG) which have one Member each in the House are entitled to two slots per party in our committees;
- g) The 14 independent Members are cumulatively entitled to share out 25 slots amongst themselves in committees.

From the numbers that are enumerated, it can be seen that there are 36 Members who are either Independent Members or from small parties that do not meet the threshold of parliamentary parties pursuant to the Standing Orders and are not in any coalition. These Members are thus cumulatively entitled to approximately a total of 66 slots out of the 622 slots available in Committees.

Hon. Members, with regard to discharge of Members from select committees, it is clear that Standing Order 176(1) does not contain mechanisms for discharging Members belonging to political parties other than a parliamentary party and the Independents. For avoidance of doubt, Standing Order No.176(1) provides:

“(1) A parliamentary party may discharge a Member from a Select Committee after according the Member an opportunity to be heard.”

As Members may be aware, this provision was added to the Standing Orders at the tail-end of the last Parliament. By not providing for de-whipping of Members from political parties other than a parliamentary party and the Independents, the Standing Order leaves room for unwarranted speculations that parliamentary parties may stretch their tentacles to also discharge such Members even as such Members are also subject to the disciplinary sanctions of their respective primary parties, however small. Needless to say, the smaller parties which are not considered parliamentary parties have no effective avenue for discharging members.

Nevertheless, the Committee on Selection ought to be at liberty to propose to the House, reallocation of committee memberships to ensure a balance as envisaged under Standing Order No.174(2).

Hon. Members, allow me to contrast the foregoing comparative cases from the sister Parliament of Uganda, which has a total of 83 Independent Members of Parliament. From a reading of Standing Order No.157 of the National Assembly of the Republic of Uganda, entitlement of

slots in committees in the Parliament of Uganda with respect to members elected through political parties is pegged on parties represented in Parliament without any thresholds being set. For Independent Members, the Standing Orders have assigned the responsibility to the Speaker in mandatory terms. A practice has also emerged where Independent Members elect one of them as the “Dean of Independents” who liaises with the Speaker in allocating seats to Independent Members.

In terms of discharge from select committees, the Standing Orders of the Parliament of Uganda vest the power to discharge party-sponsored members in the sponsoring parties, provided that the Member so discharged is relocated to another committee. It is noteworthy that, just like those of the National Assembly of Kenya, the Standing Orders of the Parliament of Uganda are silent on the discharge procedure for Independent Members. It is also good to appreciate that there are lessons that this House may draw from the Parliament of Uganda, particularly on the matter of ensuring fairness and equity in access to slots in select committees for all Members, irrespective of them belonging to a parliamentary party, political party other than a parliamentary party or independently elected.

Hon. Members, in the House of Commons of the United Kingdom, the Members of a select committee, other than a chair elected by the House, are appointed by way of a Motion in the House. Motions in respect of most select committees are made on behalf of the Committee of Selection. The House of Commons has endorsed a principle that, in proposing nominations for select committee membership for the Committee of Selection or the Government to put to the House, parties should elect members of select committees in a secret ballot or whichever other transparent and democratic method they choose.

On the other hand, in the House of Commons of Canada, it is the House, and the House alone, that appoints the members and associate members to its committees, as well as the members who will represent it on joint committees. The Speaker has ruled that this is a fundamental right of the House. The committees themselves have no powers at all in this regard. In the vast majority of cases, the House sets the number, or the maximum number, of Members of each committee.

The number of members to be selected from each of the recognized parties is subject to negotiation among the parties at the beginning of each Parliament. The resulting agreement is not set down in the Standing Orders, but reflected in the composition of each committee, which generally reflects the proportions of the various parties represented in the House.

In the National Assembly of Zambia, the mechanism for establishing select committees is anchored in Standing Order No.135. In a radical departure from the practice here and across jurisdictions, selection of members to select committees is domiciled in the Office of the Speaker. Standing Order 135 provides that:

‘(1) Unless otherwise directed by the Standing Orders Committee, the Speaker shall determine the number of, and nominate, the members to serve in a select committee.’

Hon. Members, let me be clear that I have no intention of moving this House to domicile nomination of Members to serve on select committees to the speakership. What I am deducing from the said provision and that of Parliament of Uganda is that the mechanism for selecting members to serve in select committees is designed in a manner to afford every Member a fair opportunity to discharge their constitutional roles through committees, just as they do in the plenary. I can only urge the House to embrace that spirit and propose a mechanism to actualize it.

Hon. Members, turning to the question of appropriate remedy, there is need to review part of our Standing Orders relating to criteria for nomination to select committees and discharge of Members from committees. The review should not weaken the grip – and mark my words – that

parliamentary parties have on allocation of slots in committees to their Members and invocation of the discharge rule as a tool for enforcing party discipline, but should stretch the democratic space in the House with a view to incorporating fairness and inculcating the expectations of Articles 1, 94, 95, 97 and 103 of our Constitution in the criteria for sharing of Committee slots. This will guarantee the right of every Member of this House to execute their constitutional roles, particularly budget-making, scrutiny of legislation and vetting of appointments that are carried out in Committees, without any curtailment in the Standing Orders.

In conclusion, Hon. Members, you will now agree with me that it will be procedurally improper and a sanction of recurrence of a procedural error, if I were to permit the discharge from committees, of Members belonging to small political parties and the Independents by parliamentary parties which have not entered into formal coalition agreements with those small parties. To this end, it is my considered view that I rule as follows:

1. THAT, the exercise of the discharge powers of a party under Standing Orders No.176 is restricted to Members belonging to the particular parliamentary party and those from other smaller parties who have entered into formal coalition agreements;
2. THAT, no parliamentary party is to exercise the discharge powers of a party under Standing Orders No.176 to remove a Member who is not a member of the particular parliamentary party from any Committee of the House, even on the basis of having granted the Member the nomination to the particular Committee, as that conception is based on misapplication of the Standing Orders;
3. THAT, since the Member for Ugenya Constituency, the Hon. David Ochieng, MP, neither belongs to any parliamentary party nor has his Movement for Democracy and Growth Party entered into a coalition with any of the parliamentary parties, the notice given by the Minority Party Whip to discharge him from the Departmental Committee on Health was erroneous *ab initio* and, therefore, invalid;
4. THAT, in view of the continued misapplication of Standing Order 174 by assuming that all committees' slots are reserved for the exclusive distribution to the membership of parliamentary parties thereby alienating the Independent Members and Members belonging to parties other than parliamentary parties, soonest possible, the Committee on Selection, in consultation with the Procedure and House Rules Committee, does devise criteria for nomination of Members to Committees that guarantees that Members who belong to parties other than Parliamentary parties and Independent Members also get their rightful share of the 622 slots available for sharing in Committees. This may include proposals for registration of desired committee(s) and the use of lots as a means of determining how to place such Members in their entitled slots, few as they may be.
5. THAT, the Procedure and House Rules Committee does initiate the process of proposing amendments to the Standing Orders so as to expressly provide for the said criteria. The Committee may also propose the manner of ordinary reallocations of the slots in committees, corporately reserved for Independent Members and parties other than parliamentary parties amongst the Independent Members and those belonging to the small parties that do not constitute parliamentary parties; and,
6. THAT, in the meantime, I will not admit any requests to discharge any Member who is an Independent Member or belongs to a party other than a parliamentary party from a Committee until such a time as the criteria has been developed or the Standing Orders accordingly amended to entrench fairness and justice to all.

The House is accordingly guided. I thank you, Hon. Members.

(Applause)

Sorry, Hon. Members. I knew this was long but given that we are living in interesting times, it was good that we do it now as opposed to waiting for more than a week.

The other one will be next week. I am happy that Hon. T.J. Kajwang' who is a senior Member of the Procedure and House Rules Committee, is in the House.

Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, while I appreciate your ruling which is very exhaustive and actually took a lot of work, I congratulate you for it. But two things have come out.

One, which is a bit interesting is that, now belonging to parliamentary parties is a disadvantage. It is going to be a disadvantage in the House because you can easily be disciplined and removed from the committees. But, if you belong to a "briefcase" party, you are very lucky. The moment you get into the committees, it is hard to get out. It sends a message to us who belong to the big parties that, in future, we will be very careful with the committees that we give to the other Members.

Again, what I also notice and which, I think, we are going to do is that it appears that the Committee on Selection - and I am happy that, that window exists - is going to look at the committees afresh. You have now given us a very good opportunity now to deal even better with these Members. If a Member is from a small party or Independent party and has been enjoying some committees which my Members, who have fought very hard to make my party big, should belong to, rest assured that if I take such a Member to the Committee on Parliamentary Broadcasting and Library, he or she should not complain. I am very sure that Hon. Ochieng' will find himself in the Committee on Parliamentary Broadcasting and Library. He cannot occupy a slot in the Departmental Committee on Health which is a very significant committee when he is in a tiny party which is not affiliated to my party.

I want to send a message to those who are celebrating that some window has been opened to us very well through the Committee on Selection and we are going to make sure... They are going to have committees, but the best that some of them will get is probably the Committee on Members Services and Facilities.

Thank you, Hon. Speaker.

Hon. Speaker: Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, we are not going to challenge your Communication this afternoon. It is a landmark Communication and one that has completely, in my opinion as the Chairman of the Committee on Selection, will make me go home tonight and ponder on Standing Order Nos.173 to 174. We thought that we were moving towards the direction of developed democracies like the USA and the UK, where we would have two major political parties. But from your Communication this afternoon, I have realized that Independents are not "independent" but have rights, which is true and is based on the Constitution. When I became the Chair of the Committee on Selection, there are people who coalesced around us and today, for the first time, you have given a formula the Committee on Selection will use. The only question is how the formula will work. You have told us the Jubilee Party and our affiliates are those who have signed pre and post-election agreements and increased our numbers. Hon. Speaker, it is very good you have said it. The two Members from Chama cha Mashinani were my Members. After signing a coalition agreement with National Super Alliance (NASA), they wrote a letter to Parliament through Hon. Isaac Ruto that they could then work with the Jubilee Party. So, right now, I will distribute those two Members back to NASA because the numbers you have given me do not belong to me. So, in fact, I have two slots. You have given us, as a coalition, their numbers

and given each Member, including Hon. Chachu... Hon. Ochieng' is not alone. Hon. Chachu is also a one member party; and so is the senior counsel, one of the active Members of the House who belongs to Democratic Party of Kenya as the only Member.

Today, through the Communication you have made, two things must happen. The Standing Orders must be reviewed as fast as possible. In fact, I cannot implement your new Communication as the Chairman of the Committee on Selection. But the Speaker's Communication is like the Constitution, the Standing Orders and precedents. So, we will abide by it. The Hon. Leader of the Minority Party and I will go and scratch our heads. Hon. T.J. Kajwang and his team in the Procedure and House Rules Committee need to act very fast because the whole architecture based on the Constitution has been configured. At least, I am now happy I know my numbers and Members. So, Members from Chama cha Mashinani either sign a post-election memorandum with Jubilee Party as soon possible or go back to NASA. The letter their party leader wrote does not hold any more. The Speaker has quoted the Registrar of Political Parties.

Hon. Speaker, my worry is that those of us who believe in big parties; if it goes this way going forward to the 14th Parliament, there will be many Independent Members. We now have 14 Independents Members. It is not only here in Kenya, but everywhere in the world, even in the House of Commons. The Independents will increase in number and Members from small parties like Hon. David Ochieng' will also increase. But those of us who believe in big parties will not deter, but will still maintain. I am sure even those who are Independent and those who went to small parties did not go there willingly. Maybe, there were one or two reasons for them to go there.

Hon. Speaker, through the Clerk who is here, we will move very fast. We will ask the Procedure and House Rules Committee to sit and amend all the Standing Orders from No. 174 to 176. The report will be tabled here for debate. I agree with you that we are colleagues and as Members of Parliament, we have roles. In your Communication, there is something that was not clear to me. That Independent Members must have a representative in the Committee on Selection, while at the same time, you said that an Independent Member is independent of the other one. How will they choose someone to sit in that Committee? The 14 of them cannot sit in the Committee on Selection. I do not know how Hon. Ochieng' and Hon. Chachu will all fit in the Committee on Selection. The Committee on Selection that I chair will then have 36 Members. That is, 22, which is the membership and 14 Independent Members. That is an area that Hon. T.J. Kajwang' and the team must look into. What will be the composition of the Committee on Selection? Who will represent the Independents and the small parties?

Last week, I made a request for a Speaker's Communication on this. I think today's Communication was one of the longest. Members should pick the Communication for their own use. Other jurisdictions can also borrow from that Communication.

I stand guided and support.

Hon. Speaker: Hon. Members, I do not want us to debate this because there is a lesson to be borrowed from Uganda, where they can have a dean. Let us have Hon. Otiende Amollo.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. That was a detailed and authoritative direction. As you have said, we do not need to comment too much on this because we might need to read. Sometimes, when you listen before reading, you might misread or misunderstand the direction.

It is authoritative to the extent it balances three important things. First, the need for party discipline and the fact that the party with the majority should have certain more advantage than others who do not. Secondly, it balances the truth. The idea of Independent candidates and the

small parties is recognized in our Constitution. Thirdly, it balances the merit of having coalitions. Those are three difficult pillars to balance, but the Communication has endeavored to do it well.

As I sit, there are two aspects of that direction, short-term and long-term. The short-term aspect is that the Committee on Selection must now go back to work. The direction is that the 14 Independents are entitled to 36 slots. It requires mathematics and balancing, including balloting and drawing lots. That is short-term and it can be done.

Our focus should be on the long-term aspect that there is need to amend the Standing Orders and that might answer the concerns that the Leaders of the Majority and Minority parties are addressing. Do we need a dean of independents? Do the Independents elect their own leader? I think the Standing Orders will cater for that. I suggest that the Leader of the Majority and the Leader of the Minority Party should not let the cat out of the bag too much on this. While it accords enough rights to the Independents and those from minorities/non-parliamentary parties, it will still have the discretion of choosing the Committees to put those who are Independent Members and those from smaller parties. That is a conundrum that will fall at a certain stage.

While many might think that this a ruling that only advantages Independent Members and those from small parties, I can tell you that coming from a minority party, the second largest party, we have been suffering. It is not only Hon. Ochieng' who has been serving one Committee. Many Members, including myself, have been serving in one Committee. The Independent Members and those from smaller parties know how to negotiate. They go to the Majority and the Minority leaders and they get three important Committees while those in the minority get one committee. You have overly helped us in this ruling.

Before I sit, I want to seek your direction on a point of order that I raised last week. Is it possible to get a reply today?

Hon. Speaker: On Thursday, we will be dealing with the Budget. Your point of order raised some constitutional issues and so, allow me to work through it because everyone has been busy with the Budget cycle. I know Hon. Mbadi has not been sleeping because of the Budget issues. I will issue a direction next week.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Well guided.

Hon. Speaker: Hon. Murugara, you have not been disadvantaged.

Hon. George Gitonga (Tharaka, DP): Hon. Speaker...

Hon. Speaker: Just a minute, Hon. Murugara. You will speak. I would like to note that Hon. Otiende Amollo has raised some pertinent issues but, remember what the Leader of the Majority Party has said in regard to his belief in bigger parties. The bigger parties have leaderships, whips and offices specified for their leadership. The other tiny ones do not have the capacity for those things. We cannot facilitate all of them. There is always a balance. You can choose not to be small. Before COVID-19, there was a night shift group and Hon. Millie was an active Member. One day, she commented that she was not in the Chamber but in the *ghetto*. Somebody might have to make a choice.

Hon. Murugara, please, take one minute so that we can go to business.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Speaker. Today, we want to thank you because we were having sleepless nights. There is a Swahili saying that if you see your friend washing his head to get shaved, start washing your head.

Hon. Junet and Mbadi started it while we had the assurance from the Leader of the Majority Party that we were safe. When the new Majority Whip started sending letters, we knew that we would be next. Thank you for protecting us and we are now assured that we can serve this House diligently without worry. I have noted in your ruling that we have to be represented in the

Committee on Selection. We want to seek your guidance even before we change the Standing Orders on how the small parties and the Independents will have their representatives in the Committee on Selection. That way, we will feel that we were democratically elected, have a role to play in this House and serve the country.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, among the slots that cumulatively belong to the Independents, if they want one slot to go to the Committee on Selection, it will be their choice.

Hon. David Ochieng' (Ugenya, MDG): Hon. Speaker...

Hon. Speaker: Who is this that has the microphone? Is it Hon. Ochieng'?

Hon. David Ochieng' (Ugenya, MDG): Yes, Hon. Speaker. I want to thank you for a thorough, learned and considered ruling. It will not only vibrate in this House, but so many Parliaments will learn from this. Thank you for saving my skin. The Leaders of the Majority and Minority parties have colluded as you can see...

(Loud consultations)

It depends on how you look at things. Before I sit, I want to say that the way you run this country is in the Constitution. Even if the Leaders of the Majority and Minority parties sit in the Committee on Selection, giving those Committee seats will not go the way Hon. Mbadi wants. There are no dry and wet committees in this House. All the committees are committees of the House. How you believe in the rule of law depends on, for example, how you go about when you are given a cake to give out in a dark room and you are alone. It will tell a lot about you and what you believe in. You cannot be here telling us that you believe in the rule of law and when you are given a chance, you want to do the worst thing that worst people do. I thank you Hon. Speaker and I am looking forward to reading your ruling again, so that I can appreciate what it is.

Thank you.

Hon. Speaker: The Majority Party Whip.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker. Your ruling is quite timely, especially at a time when Hon. Murugara is blaming the Majority Whip for sending letters. What is going on is that every person in the House, depending on the coalition you came from, has a leader. You have put it clearly. Looking at Article 176 and the way you have communicated to us – if corrected properly – in line with what the Leader of the Majority Party has said, it will simply clean and not abuse and disorganize anyone, but shape up the future. This august House will be an organized place than the way it has been.

Thank you.

Hon. Speaker: Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Speaker. The ruling was intelligent and well thought-out. I see the intention to protect every Member of this House, so that they can exercise Article 95 of the Constitution where they have to play oversight role. However, somehow, that will open a Pandora's box. If the intention is for every Member to be in a Committee to offer oversight, then if you belong to a political party and you misbehave – we know that the law allows the Whip to de-whip Members – you can be de-whipped. Therefore, for such MPs, they will not be able to serve and do what they wish and yet, those that are independent MPs and those in smaller parties will continue being in Committees for five years. So, I do not know how you would like to deal with that going into the future?

Thank you.

Hon. Speaker: Fortunately, a person is de-whipped for... They had reasons. If you know you are elected on a political party, you must abide by its rules and understand at all times the party's position. That is why, if you can remember, Hon. Mbui, we struggled last term to include Standing Order No. 176(1) to give a Member an opportunity to be heard. Maybe, they may have been doing some few things without knowing. Maybe, when they appear before the committee on discipline... I could remind them of the famous KANU Disciplinary Committee that was chaired by the late Okiki Amayo, where people would kneel when they got into the room. But you know sometimes people are reminded that they belong to a political party. You can see, if people are given a chance, who are remorseful and who are jokers. Those who are remorseful can be pardoned, is it not?

If you look at Article 92 of the Constitution, and the Political Parties Act, indeed, a party has got a right to discipline its members. In fact, in some jurisdictions that I know of, it is the political parties' whips who even inform the Speaker which Member to be allowed to travel out of the country so that they maintain party discipline and loyalty. I am not suggesting anything right now but I know of highly developed democracies that have that kind of arrangement.

(Laughter)

These are things when they are proposed, the issue of discipline is in there. It is in all parties' constitutions. If you look at the templates that were provided in the Political Parties Act under the Second and Third Schedules, those things are there. So, it is not new.

Ghosh! Can we go to business!

(Hon. (Ms.) Odhiambo-Mabona spoke off record)

Hon. Millie, because I have not heard a voice of a lady, you are the only one whose hand is up.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. Let me appreciate the ruling that you have given. I spoke to this last time and indicated that it is a tricky path that you have to travel in democracy. On one hand, we must strengthen our political parties and, on the other hand, we must also give Members a chance to exercise their constitutional rights of representation, oversight and legislation, which are predominantly done within committees. You have spoken well. This ruling is a challenge even to bigger political parties to exercise internal democracy. That is how parties will grow. When bigger parties are able to exercise internal democracy, then you will not have spinoffs in terms of Independent Members and smaller parties Members because half of those Members belonged to bigger parties.

Having said that, there are one or two things that, as we look at the issue of amending the Standing Orders, you did not address and we need to look into it. We are having coalitions, whether formed before or after the elections. First, we are not talking about the intra-coalition issues. That is likely to come up.

Secondly, one of the issues that – as we amend the Standing Orders – we need to look into is the issue of proportions. As much as I support the issue of the independence of the independents as smaller groups, it would be unfair for bigger parties to work so hard to come with their big parties to Parliament and then they have representation of two from the smaller parties. That is why I said that it will be fine even if they had a quarter in a committee, which is not possible. So, perhaps, the best that they can have is one slot. However, the other issue will be that when we are amending the Standing Orders, what roles will bigger parties have in terms of picking the

committees, if there will be any other role in terms of agreements with any other parties and whether Members can be de-whipped?

For example, let us assume that Hon. Ochieng' came in with his Movement for Democracy and Growth Party and the only slot he has is in the Catering Committee. Then he negotiates with ODM to go to the Departmental Committee on Health. If he says he is not interested in ODM, ODM should de-whip him from the Committee. Even though he chose that Committee, it was a slot for ODM. There are many intricacies that we still need to look into.

Finally, Hon. Ochieng referred to the issue of encouraging bigger parties to practice rule of law when they are assigning slots. Unfortunately, that is the reality of democracy in life. You cannot have your cake and eat it. If you are in a bigger party, you get benefits. If you are in a small party, you get some benefits which are equivalent to the smallness of your party. So, if the bigger parties choose that they want to assign to you the Catering Committee – if you will be making sure that you are taking good care of us – it will not be bad. But if you want to be in the Departmental Committee on Health, you need to be in a bigger party.

Thank you.

Hon. Speaker: Hon. Members, this thing was done mathematically to the letter. Of course, as you say, that is what should have been applied. But it was not at that time because it was not provided for in the Standing Orders. Surely! Who is that on that side? Is that Dr. Makali Mulu? Please, be brief.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker. I will be brief. I will start by appreciating your Communication. It has given good directions in terms of how we move in future. However, having listened to you carefully and, more so, on the mathematical bit of it, as the Committee works on the Standing Orders and the mathematics, there will be need to review the mathematics. I think the mathematics has some problem. If you proportionately share the positions, it would be very difficult for a small party to get two slots when the major parties are getting 1.5 or one. So, if you work it out mathematically, then automatically there will be a review of those figures. That is the only thing I wanted to say.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Makali, but we will have to live with what exists now. We cannot avoid it. It may be very difficult to do it otherwise.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker. I want to thank you for the ruling you have made today. With that ruling, I will withdraw the letter that I wrote to Hon. Ochieng', officially this afternoon.

(Applause)

The Selection Committee will decide which committees he will sit on. After the meeting of the Selection Committee, it will communicate to Hon. Ochieng' which Committee he officially belongs to with his Movement for Democracy and Growth Party.

Having said that, I want to note that the ruling is really going to help in the management of committees in this House. You said the Independent Members are 14 in number. I know you are looking at Independents in mature democracies all over the world. The kind of Independents you are looking for are not in this House. I have cases of Independents who advance the agenda of the Minority or Majority party more than the membership of that party. He is in the forefront and you might think he is the owner of ODM or Jubilee and yet, he is an Independent. They are here. One of the Independents was today collecting some signatures to impeach a Cabinet Secretary, and he

knows he has only 14 Members. He cannot raise the number. I do not know who will de-whip the Independents if they misbehave, because they do not have leadership in the House. They do not have a Whip or Deputy Whip. These are Independents who are just mercenaries for hire. These people should not be given an opportunity to decide which committees they should sit on. There are Members who have come on their own party, other than Hon. Ochieng', who is still jilted because of the elections in Ugenya. He will come to terms with it. Very soon, you will see him attending ODM meetings. Give him another two months. He is still suffering from the war in Ugenya. Once that subsides, you will see him saying he wants to be the secretary-general of ODM when we go for elections. Give him time.

(Laughter)

But there are others who belong to small parties, like Mheshimiwa Murugara. When you meet him, you will not know he belongs to a small party. You will think he belongs to Jubilee. All along I thought he was a Jubilee member. It is only today that I have heard that he belongs to a small party. These people should not lie to you that they belong to small parties. They were just looking for vehicles to come to this House. When they arrive here, they know who their father and mother are. Some of them know their father is Jubilee; others know their father is ODM. They were just born of different wives.

(Laughter)

Let me leave it there, Hon. Speaker.

Hon. Speaker: I must hear the Member for North Horr.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Speaker. Thank you so much for your landmark ruling. This ruling will guide future parliaments. We are guided by our Constitution. Standing Orders, as good as they may be in enabling us to conduct business in this House, are not superior to the Constitution. Your ruling is well anchored in the spirit and letter of the Constitution. For that, I really appreciate it.

I take offence when my colleague and age mate in this Parliament, Hon. John Mbadi – and we came here in the same Parliament - calls our small parties “briefcase” parties. I was actually a member of ODM for 10 years. I left ODM and was able to get elected on a party of my choice in North Horr Constituency. Unlike me, if he dares to leave ODM, he will not even be the chairman of a cattle dip in Suba where he comes from. It is Kenyans who decide how we get to this House. The small parties are part and parcel of the architecture of the political arrangement in this country. Same to Independents. We are ranking Members of this House. I am not the only one; there are other senior Members who belong to small parties. I beg him, as a leader in this House, to respect small parties.

I thank you.

Hon. Speaker: Member for Nyando, I have seen your hand up for so long. I hope you are not going to talk about papers.

Hon. Jared Okelo (Nyando, ODM): Hon. Speaker, only you and I understand what you are talking about. I thank you very much for the detailed ruling. Lately, courtesy of the lockdown, I have been reading a lot of judgments on the same matter from our superior courts, from the High Court to the Court of Appeal, all the way to the Supreme Court. You listen to or read the arguments advanced by various judges in a matter, and they are all very convincing. If somebody were to

consider your judgment today and he were asked to write a different opinion, he would as well be very convincing. I remember the President of this country was last weekend caught in a very tight situation of continuing to lockdown the country. And he said it was not a matter of what is right and what is wrong, but both which are right. I think you have tried to juggle between those two fundamentals.

We are fortunate that you come from a history of developing very serious political movements. When you were in KANU as a very senior member, KANU members were strewn all over this House, until you left. Therefore, you understand how difficult it is to put beef into a political movement, particularly a political party. It is a travesty that people would put a lot of their time and resources developing political parties in order to come here and enjoy the benefits. Some of my colleagues in this House, with due respect to them, have what we call fringe parties. They have briefcase parties, with one person representing a political party in this House and yet, the Constitution is very clear on what must be met for one to register a political party with the Registrar of Political Parties. You wonder where all those offices evaporate to. My brother here, Hon. Junet, calls them Non-Governmental Organisations.

But of fundamental concern to me is that when committees are being constituted in this House, and you have Independents and those with fringe parties, it behooves both the Majority and Minority parties to give them slots. And your ruling is an eye-opener, so that no Majority or Minority party will ever take the risk to give them any position. They look down upon the parties that have been very charitable to them and they never listen to us. I am a very senior member of ODM. In fact, I sit on the National Executive Committee (NEC) of the party. These people to whom we donate positions very generously in this House never understand our manifesto. We do not even understand their manifesto. Of course, we are not interested in understanding manifestos of fringe parties. But there must be a point where discipline must be instituted. As we will retreat as a House to in-depth look at how these positions will be shared going forward, let us put a lot of emphasis on bigger parties benefitting the more and fringe parties being pushed to the back burner, so that they can understand that it is important to go across this country to market your party so that you can also bring numbers here for negotiation.

Lastly, if you allow me, the Constitution talks about national representation in political parties. If a party is boxed into a small constituency like Ugenya, it does not serve national representation. Therefore, let us also encourage parties to market and have many people and to propagate nationalism as opposed to individualism in Ugenya.

I thank you, Hon. Speaker.

Hon. Speaker: Well, of course, that is obviously the domain of the Registrar of Political parties. If they look at the requirements of Article 91 of the Constitution, they will see what is described as the most salient attributes of a political party. They are at liberty to get to that argument. The mathematics also favours the bigger parties. Out of the 622 slots available, one side has got 330 while the other has got 226.

(Loud consultations)

It is done. You can take your computer. Hon. John Mbadi, I know this is your area. You will do well by giving us any variation because it is done to the nearest decimal point. Hon. Members, is it possible that we can...

Hon. Members: Budget! Budget!

Hon. Speaker: Let us hear the Member for Homa Bay.

Hon. Peter Kaluma (Homa Bay, ODM): I thank you, Hon. Speaker, for allowing me to add my voice to this matter. Your ruling is coming at a time when I see two challenges. It is a very good and detailed ruling which balances rights in terms of parliamentary actions and representation. May I beg the top leadership...

Hon. Speaker: There is something called “social distancing.” Member for Homa Bay County, Member for Likoni and Member for Mvita, you are not practising social distancing.

Hon. Peter Kaluma (Homa Bay, ODM): They are in deeper consultations. I see two challenges. One is that we are in a situation where Members of Parliament who are in either smaller parties or Independent negotiated their positions in the committees through the Majority and the Minority parties initially. I do not know how that would be dealt with now that you embargo the Majority and the Minority parties. I sit in the Departmental Committee on Justice and Legal Affairs. It is only today when I knew that Hon. Murugara is not a Member of the Jubilee Party. I just got to know of it today. I know he got his positions in the Departmental Committee on Justice and Legal Affairs and the Committee on Delegated Legislation through the Jubilee Party. Of course, so many other positions on this side were negotiated. Maybe, we can take solace in the fact that this can be reorganised.

More fundamentally, Hon. Junet now confirms – and we all agree – that your ruling looks at Kenya in a mature democratic state. In truth, we are still accruing democracy. We are very nascent. We are in a democracy where, as Hon. Junet rightly says, an Independent Member of Parliament is more ODM if he comes from Nyanza than Hon. Kaluma, who is in ODM. An example is Hon. Peter Masara. I can tell you that he can kill for ODM in Nyanza and yet, in the House, he is an Independent Member. By the way, Hon. Peter Masara is also in the Departmental Committee on Administration and National Security, courtesy of ODM. There is a slot there. Are we then going to say that there are some committees which, by their nature, are independent, knowing that we purely do not have independence?

In the USA, there is somebody who was said to be so independent that even his wife never knew where he would vote on an issue. Nobody knew what he would decide. However, in Kenya, the reality is that we do not have pure Independent Members. The reality is that as people are already confirming, by the time we are approaching elections, based on the regions we come from, people like Hon. Ochieng’ will have to affiliate to ODM either directly or through the party leader. You know what they do during the campaign period. Independent candidates use photos of party leaders alongside their own to campaign and win. They take advantage of facilities and personalities of established parties.

Hon. Speaker, that is a matter to be thought through. However, there are committees which by their nature, in my view, adhere to the rules and procedures. There are committees where an Independent Member cannot sit. Adding to that fact, in my view, we are not purely independent. I have in mind the oversight committees and their formation requirements *vis-a-vis* our nascent democracy. We have the Majority Party, for instance, having many Independent Members in a committee like Public Accounts Committee (PAC). The minority parties are deluded that they have a sufficient number of neutral Members in that Committee. But the reality is that they have Independent Members working together with the Majority Party to actually subdue proper oversight. When the House Rules Committee looks into this, the oversight committees should be out of it. Even some Departmental Committees are too key for an Independent Member. I think this may be defined. I largely see Independent Members and Members from small parties sitting in Select Committees like National Government Constituencies Development Fund (NG-CDF) or Departmental Committees that deal with sports, tourism and culture. There are core functional

things we would want Parliament, through the Minority and Majority parties, to oversee. I do not think we would be furthering parliamentary democracy if we approach it that way, with our state of growth as a country.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Lodepe, is it still about this one? Let that be the last. Please, take a minute so that we can go to business.

Hon. Lodepe Nakara (Turkana Central, ODM): Hon. Speaker, you have made a ruling that has surpassed the ones made by former Speaker, Hon. Marende. You will go into the history of this country as having given direction to this House.

We are here to serve the people who elected us. We are privileged to be here. We decided to go to political parties to get tickets so that we can come here. We respect the Political Parties Act. However, there is a place where you cannot remove a privilege from a Member to represent his people in a committee, where you generate the agenda for the people. My Whip is here. I have performed very well in my Committee. Even my Chairman went and pleaded with my Whip. The reason as to why I was de-whipped from the Committee is just because I am a friend of Hon. William Ruto.

Hon. Speaker, you cannot dictate to me how to choose my friends. Hon. Ruto was my friend even before I became a politician. You know I am a clergyman. I met Hon. Ruto when I was ministering. It is a very big shame. Turkana is a county where you have to struggle to sell ODM in order to come here. It is a shame that I no longer represent my people in the Committee where I would raise issues concerning the people of Turkana County. So, as you work on changing the Standing Orders, please, remove party issues from Committees. This will ensure that you are selected because you are a professional or because you are representing people. The reason I am saying so is because I have not done anything wrong in this party. I was jailed in Turkana for four days. I was under house arrest because of ODM. I told the people not to go for repeat elections. I went to hospital for three days because I was tear-gassed. I had accompanied my political leader, Hon. Raila Odinga. It is very shameful that my Whip can remove me because I am a friend of Hon. Ruto. It is not good at all. I am a Member of ODM. I have been and I am still one, but Hon. Ruto is my friend. It is as simple as that.

Thank you.

Hon. Speaker: Very well, Hon. Members. It is just good to affirm one point – that the Constitution we have has allowed Kenyans wide choices. That is why there are specific Articles 85 and 99. Article 85 recognizes the right for a person to run as an Independent candidate. And if you go to Article 99 on the qualification to be a Member of Parliament, it recognizes that right of independence. However, Article 91 talks about political parties. Therefore, once you are a member of a political party, surely you must abide by the rules of that party. I have just noticed that many of you could not remember that we sat here the whole day when adopting these new Standing Orders.

We introduced Sub-section (1) in Standing Order 176 to provide for - because we really must make a choice - you either be independent or join a political party. Nevertheless, we said that yes, political parties are world over. They are not unique to Kenya. It is not unique to Kenya about party discipline. Why do you think the Whip exists? The Whip exists to enforce party discipline within Parliament to ensure Members know: "This is the position of the party on this matter", and then also take note that this Member every time I tell them this is the party position, he ducks to the toilet, walks away and says he is having *mandazi* or tea and does not come. Therefore, the Whip takes note.

Hon. Lodepe, we will not get involved with matters outside Parliament. However, remember your party is not just in Parliament. Therefore, if they could be having the eye of God following you to whichever hideout you may be, on that one, I will not be there myself. However, here, we must recognize that the country adopted a Constitution that allows you to run as an independent or join any political party. That is actually your right under Article 38, and that right cannot be taken away from you. Even if you wanted to move, one of the ways an independent could lose his seat - look at Article 103 - is while here.

Of course, what Hon. Kaluma said is what we all know. If you have been brought here by your people as an independent, if you openly join a political party, that is one of the grounds for which I could easily declare your seat vacant and you go and try your luck with whichever other formation you may have chosen. We must balance these things at all times. You have your party and please belong to it and do what it calls you to do while you are here. Therefore, for the rest Hon. Lodepe, do not worry. Why do you think there is tear gas in the country? It is to deal with those situations which become chaotic.

(Laughter)

It is not an accident. We sympathize, nevertheless, Hon. Lodepe. I know you are a churchman and a bishop. We sympathize that you had to take in a bit of it, but I am sure many Members here have dealt with those situations severally in the past. In addition, many of them like the Member for Suba must have started when she was a student. So, she may have gotten used to it. If you start in old age now, you will be in trouble.

(Laughter)

It is unfortunate Hon. Lodepe. We sympathize with that situation. Hon. Members, I think let us go to the next Order so that we can do business. Thank you for the comments, nevertheless.

MOTION

ADOPTION OF REPORT ON BUDGET ESTIMATES FOR 2020/2021

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, the Judiciary and Parliament for the Financial Year 2020/2021, laid on the Table of the House on Thursday, 4th June 2020, and pursuant to the provisions of Article 221 of the Constitution of Kenya, section 39 of the Public Finance Management Act, 2012 and Standing Orders 235 and 239, approves the issuance of a sum of Kshs.1,887,470,995,757 from the Consolidated Fund to meet the expenditure during the year ending 30th June 2021 in respect of the Votes contained in the First Schedule, and further makes the policy resolutions contained in the Second Schedule to the Order Paper and further

- (i) THAT, the First Schedule contained in the Order Paper be replaced with the new Schedule comprising of adjustments that have since been made by the Committee and laid on the Table on 9th Tuesday 2020;
- (ii) THAT, the Schedule contained in the report referenced as the Second Schedule and which contains Financial recommendations be replaced with the new Second Schedule comprising of further adjustments that have since been made by the Committee and laid on the Table on Tuesday, 9th June 2020; and,

(iii) THAT, the necessary consequential amendments be effected in the Schedules, for consideration during the Committee of Supply:

FIRST SCHEDULE

ANNUAL ESTIMATES FOR FY 2020/2021 (IN KSHS)

<u>VOTE CODE</u>	<u>VOTE/PROGRA MME CODES & TITLE</u>	<u>FINAL BUDGET ESTIMATES FY 2020/21</u>		
		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
1011	The Presidency	25,138,628,851	11,493,321,015	36,631,949,866
	0702000 Cabinet Affairs	1,256,670,590	945,960,000	2,202,630,590
	0703000 Government Advisory Services	618,355,782	86,000,000	704,355,782
	0704000 State House Affairs	3,803,746,694	68,634,280	3,872,380,974
	0734000 Deputy President Services	1,419,842,872	18,000,000	1,437,842,872
	0745000 Nairobi Metropolitan Services	18,040,012,913	10,374,726,735	28,414,739,648
1021	State Department for Interior	125,539,231,363	6,135,000,000	131,674,231,363

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0601000 Policing Services	94,318,819,142	1,638,870,000	95,957,689,142
	0602000 Planning, Policy Coordination and Support Service	22,687,592,293	2,245,130,000	24,932,722,293
	0603000 Government Printing Services	685,716,003	50,000,000	735,716,003
	0605000 Migration & Citizen Services Management	1,926,101,069	867,000,000	2,793,101,069
	0625000 Road Safety	2,293,500,000	100,000,000	2,393,500,000
	06256000 Population Management Services	3,627,502,856	1,234,000,000	4,861,502,856
1023	State Department for Correctional Services	27,317,878,572	784,100,000	28,101,978,572

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0604000 Correctional services	26,972,520,972	784,100,000	27,756,620,972
	0623000 General Administration, Planning and Support Services	345,357,600	-	345,357,600
	State Department for Devolution	930,178,422	4,734,685,699	5,664,864,121
	0712000 Devolution Services	598,940,698	4,730,002,195	5,328,942,893
1032	0732000 General Administration, Planning and Support Services	297,699,977	4,683,504	302,383,481
	0713000 Special Initiatives	33,537,747	-	33,537,747
1035	State Department for Development of the ASAL	980,434,774	8,824,290,786	9,804,725,560

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0733000 Accelerated ASAL Development	980,434,774	8,824,290,786	9,804,725,560
1041	Ministry of Defence	106,272,956,500	9,208,594,305	115,481,550,805
	0801000 Defence	104,037,000,000	9,208,594,305	113,245,594,305
	0802000 Civil Aid	200,000,000	-	200,000,000
	0803000 General Administration, Planning and Support Services	1,835,956,500	-	1,835,956,500
	0805000000 National Space Management	200,000,000	-	200,000,000
1052	Ministry of Foreign Affairs	14,555,771,675	1,201,400,000	15,757,171,675
	0714000 General Administration Planning and Support Services	1,694,578,092	70,400,000	1,764,978,092

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0715000 Foreign Relation and Diplomacy	12,662,542,888	1,031,000,000	13,693,542,888
	0741000 Economic and Commercial Diplomacy	48,692,947	-	48,692,947
	0742000 Foreign Policy Research, Capacity Dev and Technical Cooperation	149,957,748	100,000,000	249,957,748
	State Department for Vocational and Technical Training	18,637,903,522	6,308,000,000	24,945,903,522
1064	0505000 Technical Vocational Education and Training	18,468,299,164	4,308,000,000	22,776,299,164
	0507000 Youth Training and Development	37,724,162	2,000,000,000	2,037,724,162
	0508000 General Administration,	131,880,196	-	131,880,196

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	Planning and Support Services			
	State Department for University Education	107,757,158,547	5,555,600,000	113,312,758,547
	0504000 University Education	106,682,230,888	5,510,600,000	112,192,830,888
	0506000 Research, Science, Technology and Innovation	854,866,254	45,000,000	899,866,254
1065	0508000 General Administration, Planning and Support Services	220,061,405	-	220,061,405
1066	State Department for Early Learning & Basic Education	89,128,982,114	11,650,000,000	100,778,982,114

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0501000 Primary Education	16,953,302,940	3,954,800,000	20,908,102,940
	0502000 Secondary Education	63,343,012,816	7,475,200,000	70,818,212,816
	0503000 Quality Assurance and Standards	4,212,476,454	150,000,000	4,362,476,454
	0508000 General Administration, Planning and Support Services	4,620,189,904	70,000,000	4,690,189,904
	State Department for Post Training and Skills Development	150,940,126	-	150,940,126
1068	0508000 General Administration, Planning and Support Services	97,340,656	-	97,340,656
	0512000 Workplace Readiness Services	40,000,000	-	40,000,000

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0513000 Post- Training Information Management	13,599,470	-	13,599,470
	The National Treasury	63,696,627,400	53,292,129,907	116,988,757,307
	0717000 General Administration Planning and Support Services	59,293,403,100	20,766,190,000	80,059,593,100
1071	0718000 Public Financial Management	2,848,956,614	32,079,714,907	34,928,671,521
	0719000 Economic and Financial Policy Formulation and Management	1,228,167,686	416,225,000	1,644,392,686
	0720000 Market Competition	326,100,000	30,000,000	356,100,000
1072	State Department for Planning	3,107,642,309	42,453,435,816	45,561,078,125

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	0706000 Economic Policy and National Planning	1,459,581,862	41,910,212,816	43,369,794,678
	0707000 National Statistical Information Services	1,317,560,000	491,165,000	1,808,725,000
	0708000 Monitoring and Evaluation Services	64,615,543	52,058,000	116,673,543
	0709000 General Administration Planning and Support Services	265,884,904	-	265,884,904
	Ministry of Health	64,450,685,148	47,251,983,849	111,702,668,997
1081	0401000 Preventive, Promotive & RMNCAH	3,971,480,816	9,954,679,009	13,926,159,825

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	0402000 National Referral & Specialized Services	31,569,145,638	10,790,055,655	42,359,201,293
	0403000 Health Research and Development	9,340,213,677	587,510,000	9,927,723,677
	0404000 General Administration, Planning & Support Services	7,287,815,429	1,245,000,000	8,532,815,429
	0405000 Health Policy, Standards and Regulations	12,282,029,588	24,674,739,185	36,956,768,773
1091	State Department of Infrastructure	64,932,476,233	124,640,286,715	189,572,762,948
	0202000 Road Transport	64,932,476,233	124,640,286,715	189,572,762,948
1092	State Department of Transport	9,551,662,662	38,366,800,000	47,918,462,662
	0201000 General Administration,	320,940,468	40,000,000	360,940,468

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	Planning and Support Services			
	0203000 Rail Transport	-	23,223,800,000	23,223,800,000
	0204000 Marine Transport	1,169,057,706	14,428,000,000	15,597,057,706
	0205000 Air Transport	8,031,222,671	675,000,000	8,706,222,671
	0216000 Road Safety	30,441,817	-	30,441,817
1093	State Department for Shipping and Maritime	1,667,605,056	850,000,000	2,517,605,056
	0219000 Shipping and Maritime Affairs	1,667,605,056	850,000,000	2,517,605,056
1094	State Department for Housing and Urban Development	1,058,529,759	15,998,721,087	17,057,250,846

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	0102000 Housing Development and Human Settlement	531,883,816	3,078,721,087	3,610,604,903
	0105000 Urban and Metropolitan Development	208,547,590	12,920,000,000	13,128,547,590
	0106000 General Administration Planning and Support Services	318,098,353	-	318,098,353
	State for Public Works	2,314,516,034	1,184,973,000	3,499,489,034
1095	0103000 Government Buildings	530,998,707	619,396,502	1,150,395,209
	0104000 Coastline Infrastructure and Pedestrian Access	159,508,628	310,612,828	470,121,456

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	0106000 General Administration Planning and Support Services	294,337,104	16,963,670	311,300,774
	0218000 Regulation and Development of the Construction Industry	1,329,671,595	238,000,000	1,567,671,595
	Ministry of Environment and Forestry	10,140,860,321	5,985,090,900	16,125,951,221
1108	1002000 Environment Management and Protection	1,667,487,150	1,546,090,900	3,213,578,050
	1010000 General Administration, Planning and Support Services	326,514,380	-	326,514,380
	1012000 Meteorological Services	1,035,338,832	592,000,000	1,627,338,832

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	1018000 Forests and Water Towers Conservation	7,111,519,959	3,847,000,000	10,958,519,959
	Ministry of Water, Sanitation and Irrigation	6,232,606,765	71,472,834,883	77,705,441,648
	1001000 General Administration, Planning and Support Services	765,651,039	40,000,000	805,651,039
1109	1004000 Water Resources Management	1,656,583,376	9,251,000,000	10,907,583,376
	1017000 Water and Sewerage Infrastructure Development	3,066,273,233	39,543,236,763	42,609,509,996
	1014000 Irrigation and Land Reclamation	713,645,712	11,781,598,120	12,495,243,832
	1015000 Water Storage and Flood Control	-	9,079,000,000	9,079,000,000

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	1022000 Water Harvesting and Storage for Irrigation	30,453,405	1,778,000,000	1,808,453,405
	Ministry of Lands and Physical Planning	2,818,419,339	2,799,000,000	5,617,419,339
1112	0101000 Land Policy and Planning	2,818,419,339	2,799,000,000	5,617,419,339
	State Department for Information Communication and Technology & Innovation	2,510,727,136	11,803,202,512	14,313,929,648
1122	0207000 General Administration Planning and Support Services	230,879,290	-	230,879,290

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	0210000 ICT Infrastructure Development	477,101,658	10,140,385,886	10,617,487,544
	0217000 E- Government Services	795,619,970	1,563,816,626	2,359,436,596
	0221000 Film Development Services	1,007,126,218	99,000,000	1,106,126,218
	State Department for Broadcasting & Telecommunicatio ns	4,650,505,398	599,000,000	5,249,505,398
1123	0207000 General Administration Planning and Support Services	201,083,068	-	201,083,068
	0208000 Information and Communication Services	4,247,422,330	530,000,000	4,777,422,330

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0209000 Mass Media Skills Development	202,000,000	69,000,000	271,000,000
1132	State Department for Sports	1,241,514,532	14,155,570,000	15,397,084,532
	0901000 Sports	1,241,514,532	14,155,570,000	15,397,084,532
1134	State Department for Heritage	2,641,053,193	43,100,000	2,684,153,193
	0902000 Culture / Heritage	1,621,946,871	43,100,000	1,665,046,871
	0903000 The Arts	139,614,823	-	139,614,823
	0904000 Library Services	750,827,027	-	750,827,027
	0905000 General Administration, Planning and Support Services	128,664,472	-	128,664,472
1152	State Department for Energy	5,911,666,844	66,581,141,377	72,492,808,221

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0211000 General Administration Planning and Support Services	399,392,629	85,000,000	484,392,629
	0212000 Power Generation	1,703,476,529	8,689,700,000	10,393,176,529
	0213000 Power Transmission and Distribution	3,592,458,674	54,556,474,055	58,148,932,729
	0214000 Alternative Energy Technologies	216,339,012	3,249,967,322	3,466,306,334
	State Department for Livestock	2,486,436,406	3,261,233,000	5,747,669,406
1162	0112000 Livestock Resources Management and Development	2,486,436,406	3,261,233,000	5,747,669,406
1166	State Department for Fisheries,	1,994,874,045	4,964,000,000	6,958,874,045

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	Aquaculture & the Blue Economy			
	0111000 Fisheries Development and Management	1,767,209,803	3,847,000,000	5,614,209,803
	0117000 General Administration, Planning and Support Services	132,766,507	-	132,766,507
	0118000 Development and Coordination of the Blue Economy	94,897,735	1,117,000,000	1,211,897,735
1169	State Department for Crop Development & Agricultural Research	10,948,470,415	30,853,977,392	41,802,447,807
	0107000 General Administration Planning and Support Services	4,158,260,471	965,842,873	5,124,103,344

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0108000 Crop Development and Management	1,128,447,983	27,442,602,484	28,571,050,467
	0109000 Agribusiness and Information Management	135,918,593	1,567,032,035	1,702,950,628
	0120000 Agricultural Research & Development	5,525,843,368	878,500,000	6,404,343,368
	State Department for Cooperatives	801,329,701	825,220,000	1,626,549,701
1173	0304000 Cooperative Development and Management	801,329,701	825,220,000	1,626,549,701
	State Department for Trade	1,687,924,227	99,500,000	1,787,424,227
1174	0307000 Trade Development and Promotion	1,687,924,227	99,500,000	1,787,424,227

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
1175	State Department for Industrialization	3,228,241,955	6,500,831,000	9,729,072,955
	0301000 General Administration Planning and Support Services	374,729,385	1,404,574,458	1,779,303,843
	0302000 Industrial Development and Investments	1,467,157,487	1,898,648,730	3,365,806,217
	0303000 Standards and Business Incubation	1,386,355,083	3,197,607,812	4,583,962,895
	State Department for Labour	2,699,327,034	2,509,400,000	5,208,727,034
	0910000 General Administration Planning and Support Services	453,920,351	-	453,920,351

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
1184	0906000 Promotion of the Best Labour Practice	660,950,598	115,000,000	775,950,598
	0907000 Manpower Development, Employment and Productivity Management	1,584,456,085	2,394,400,000	3,978,856,085
1185	State Department for Social Protection, Pensions & Senior Citizen Affairs	31,056,249,554	2,548,230,000	33,604,479,554
	0908000 Social Development and Children Services	3,408,690,067	228,730,000	3,637,420,067
	0909000 National Social Safety Net	27,442,304,203	2,319,500,000	29,761,804,203
	0914000 General Administration, Planning and Support Services	205,255,284	-	205,255,284

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
1192	State Department for Mining	637,139,810	312,000,000	949,139,810
	1007000 General Administration Planning and Support Services	278,804,260	-	278,804,260
	1009000 Mineral Resources Management	296,496,320	199,000,000	495,496,320
	1021000: Geological Surveys and Geo Information	61,839,230	113,000,000	174,839,230
1193	State Department for Petroleum	243,510,778	3,644,000,000	3,887,510,778
	0215000 Exploration and Distribution of Oil and Gas	243,510,778	3,644,000,000	3,887,510,778
1202	State Department for Tourism	8,534,431,979	4,310,800,000	12,845,231,979

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0306000 Tourism Development and Promotion	8,534,431,979	4,310,800,000	12,845,231,979
	State Department for Wildlife	10,108,077,510	693,810,000	10,801,887,510
1203	1019000 Wildlife Conservation and Management	10,108,077,510	693,810,000	10,801,887,510
	State Department for Gender	977,986,478	2,374,000,000	3,351,986,478
	0911000 Community Development	-	2,130,000,000	2,130,000,000
1212	0912000 Gender Empowerment	690,771,467	244,000,000	934,771,467
	0913000 General Administration, Planning and Support Services	287,215,011	-	287,215,011

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1213	State Department for Public Service	7,972,424,343	412,060,000	8,384,484,343
	0710000 Public Service Transformation	7,565,041,866	412,060,000	7,977,101,866
	0709000 General Administration Planning and Support Services	407,382,477	-	407,382,477
1214	State Department for Youth	10,552,388,169	3,294,490,000	13,846,878,169
	0711000 Youth Empowerment	10,552,388,169	3,294,490,000	13,846,878,169
1221	State Department for East African Community	608,015,519	-	608,015,519
	0305000 East African Affairs and Regional Integration	608,015,519	-	608,015,519
1222	State Department for Regional &	1,959,744,036	1,617,450,000	3,577,194,036

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	Northern Corridor Development			
	1013000 Integrated Regional Development	1,959,744,036	1,617,450,000	3,577,194,036
	State Law Office and Department of Justice	4,476,906,847	185,000,000	4,661,906,847
	0606000 Legal Services	2,007,710,826	-	2,007,710,826
1252	0607000 Governance, Legal Training and Constitutional Affairs	1,827,061,211	87,000,000	1,914,061,211
	0609000 General Administration, Planning and Support Services	642,134,810	98,000,000	740,134,810
1271	Ethics and Anti- Corruption Commission	3,072,200,000	40,800,000	3,113,000,000

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	0611000 Ethics and Anti-Corruption	3,072,200,000	40,800,000	3,113,000,000
1281	National Intelligence Service	39,051,000,000	-	39,051,000,000
	0804000 National Security Intelligence	39,051,000,000	-	39,051,000,000
1291	Office of the Director of Public Prosecutions	2,957,003,322	129,000,000	3,086,003,322
	0612000 Public Prosecution Services	2,957,003,322	129,000,000	3,086,003,322
1311	Office of the Registrar of Political Parties	1,345,791,991	-	1,345,791,991
	0614000 Registration, Regulation and Funding of Political Parties	1,345,791,991	-	1,345,791,991

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1321	Witness Protection Agency	472,787,500	-	472,787,500
	0615000 Witness Protection	472,787,500	-	472,787,500
2011	Kenya National Commission on Human Rights	400,704,556	-	400,704,556
	0616000 Protection and Promotion of Human Rights	400,704,556	-	400,704,556
2021	National Land Commission	1,233,325,815	-	1,233,325,815
	0116000 Land Administration and Management	1,233,325,815	-	1,233,325,815
2031	Independent Electoral and Boundaries Commission	4,322,884,842	150,000,000	4,472,884,842
	0617000 Management of Electoral Processes	4,063,340,190	150,000,000	4,213,340,190

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	0618000 Delimitation of Electoral Boundaries	259,544,652	-	259,544,652
	The Commission on Revenue Allocation	371,975,630	-	371,975,630
2061	0737000 Inter- Governmental Transfers and Financial Matters	371,975,630	-	371,975,630
	Public Service Commission	2,605,760,000	19,280,000	2,625,040,000
2071	0725000 General Administration, Planning and Support Services	734,174,657	19,280,000	753,454,657
	0726000 Human Resource Management and Development	1,718,263,803	-	1,718,263,803

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	0727000 Governance and National Values	114,002,756	-	114,002,756
	0744000 Performance and Productivity Management	39,318,784	-	39,318,784
2081	Salaries and Remuneration Commission	459,730,000	-	459,730,000
	0728000 Salaries and Remuneration Management	459,730,000	-	459,730,000
2091	Teachers Service Commission	265,492,584,137	600,000,000	266,092,584,137
	0509000 Teacher Resource Management	257,373,381,918	600,000,000	257,973,381,918

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0510000 Governance and Standards	1,005,169,877	-	1,005,169,877
	0511000 General Administration, Planning and Support Services	7,114,032,342	-	7,114,032,342
2101	National Police Service Commission	806,327,710	-	806,327,710
	0620000 National Police Service Human Resource Management	806,327,710	-	806,327,710
2111	Auditor General	5,077,965,380	146,670,000	5,224,635,380
	0729000 Audit Services	5,077,965,380	146,670,000	5,224,635,380
2121	Office of the Controller of Budget	622,982,206	-	622,982,206

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0730000 Control and Management of Public finances	622,982,206	-	622,982,206
2131	Commission on Administrative Justice	494,680,726	-	494,680,726
	0731000 Promotion of Administrative Justice	494,680,726	-	494,680,726
2141	National Gender and Equality Commission	424,656,952	5,000,000	429,656,952
	0621000 Promotion of Gender Equality and Freedom from Discrimination	424,656,952	5,000,000	429,656,952
2151	Independent Policing Oversight Authority	802,628,000	-	802,628,000
	0622000 Policing Oversight Services	802,628,000	-	802,628,000

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		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
-	<u>Total Executive</u>	<u>1,194,325,630,168</u>	<u>632,869,013,243</u>	<u>1,827,194,643,41</u> <u>1</u>
1261	The Judiciary	14,773,000,000	2,701,000,000	17,474,000,000
	0610000 Dispensation of Justice	14,773,000,000	2,701,000,000	17,474,000,000
2051	Judicial Service Commission	576,400,000	-	576,400,000
	0619000 General Administration, Planning and Support Services	576,400,000	-	576,400,000
-	<u>Total Judiciary</u>	<u>15,349,400,000</u>	<u>2,701,000,000</u>	<u>18,050,400,000</u>
2041	Parliamentary Service Commission	6,493,492,220	-	6,493,492,220
	0722000 Senate Affairs	2,783,568,759	-	2,783,568,759

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	0723000 General Admin, planning and support services	3,709,923,461	-	3,709,923,461
	National Assembly	23,619,613,423	-	23,619,613,423
2042	0721000 National Legislation, representation and oversight	23,619,613,423	-	23,619,613,423
	Parliamentary Joint Services	5,598,359,101	2,065,550,000	7,663,909,101
2043	0723000 General Admin, planning and support services	5,460,377,851	2,065,550,000	7,525,927,851
	Legislative Training Research & Knowledge Management	137,981,250	-	137,981,250
-	<u>Total Parliament</u>	<u>35,711,464,744</u>	<u>2,065,550,000</u>	<u>37,777,014,744</u>

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	<u>TOTAL BUDGET ESTIMATES</u>	<u>1,245,386,494,912</u>	<u>637,635,563,243</u>	<u>1,883,022,058,15</u>
				<u>5</u>

SECOND SCHEDULE

**POLICY RESOLUTIONS RELATING TO THE ANNUAL
ESTIMATES FOR FY 2020/2021**

-
- (i) THAT, all future requests for expenditure approval under Article 223 of the Constitution must be accompanied by proof of payment;
- (ii) THAT, resources being expended under the COVID-19 Emergency Response Fund be appropriated through the National Assembly in order to be subject to legislative scrutiny and oversight;
- (iii) THAT, all donor financing which may have been left out when the budget was submitted be included as the Appropriation Bill, 2020 is finalized;
- (iv) THAT, resources allocated to projects arising from public participation and other critical road interventions be ringfenced and the Ministry concerned to engage with the relevant Members of Parliament for proper implementation;
- (v) THAT, the small allocations under National Expanded Irrigation programme and Community Based Irrigation Programme to be listed as block figures in the printed estimates for efficiency in projects implementation under the two respective programmes;
- (vi) THAT, the projects on the rehabilitation of wells, water pans, underground tanks in ASAL using locally available labour under the Kenya Post Covid-19 Stimulus Programme be taken to the agency that has the technical expertise, that is; the project be moved from the State Department for Regional and Northern Corridor Development to the Ministry of Water & Sanitation and Irrigation. This will also enhance efficiency in resource utilization and remove duplication of projects by many agencies; and
- (vii) THAT, the PBB budget be revised accordingly to reflect the changes made by the House. In addition, all the budget books and the attendant documents for budget implementation be submitted to the National Assembly seven (7) days after enactment of the Appropriation Bill, 2020.

NEW SECOND SCHEDULE TO THE REPORT

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
	Environment and Natural Resources				
1108	Ministry of Environment and Forestry	National Environmental Management & protection Programme (HQ)	(10,000,000)		The same activities are being undertaken by NEMA which is the implementing agency.
1109	Ministry of Water & Sanitation and Irrigation	Irrigation and Land Reclamation Programme Water harvesting and storage for irrigation		2,600,000,000	Addition on account of Community based irrigation under the programme (Irrigation and Land Reclamation Programme). Out of the Ksh. 2.6 billion, Ksh 490 Million be allocated to Enhance food and nutrition security through provision of water at household level under the programme (Water harvesting and storage for irrigation)
1109	Ministry of Water & Sanitation and Irrigation	Water storage and flood control		500,000,000	Soin/Koru dam water supply project
1109	Ministry of Water & Sanitation and Irrigation	Water resource management		30,000,000	
	Departmental Committee on Lands				
1112	Ministry of Lands and Physical Planning	Land Policy and Planning	(100,000,000)		Reduced from the Processing and Registration of land titles (registration and issuance of title deeds project)

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1112	Ministry of Lands and Physical Planning	Land Policy and Planning		50,000,000	Allocation for the Digitization of land registries project
1112	Ministry of Lands and Physical Planning	Land Policy and Planning		50,000,000	Construction of land registries project.
	Departmental Committee on Agriculture and Livestock				
1169	State Department for Crops Development		(150,000,000)		Recurrent allocation to Kenya Plant and Health Inspectorate Services (KEPHIS). KEPHIS is expected to collect AIA which can cover for the proposed reductions.
1169	State Department for Crops Development		(20,000,000)		Development allocation for Aflatoxin Management.
1169	State Department for Crops Development		(30,000,000)		Development allocation for Bio-deposit Organic Fertilizer Extraction & Rehabilitation Project.
1169	State Department for Crops Development		(20,000,000)		Development allocation for Construction of Headquarters and Satellite Campuses for KSA.
1169	State Department for Crops Development			287,000,000	A provision of Ksh. 100 million for Commodities Fund development expenditure. An addition of development allocation of Ksh. 137 million for Fall Army Worm.

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Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
					An addition of development allocation of Ksh. 50 million for Cotton Industry Revitalization project, which is meant to provide cotton seeds and inputs to farmers to increase cotton production.
1169	State Department for Crops Development			110,000,000	An addition of Ksh. 60 million for the Construction of Educational Complex at Bukura Agricultural College. This will ensure a completion rate of 70%. An increase of Ksh. 50 million towards the Development of Mau Buffer Tea Zone.
				85,000,000	An addition for development allocation of Ksh. 50million for Construction of Warehouses for implementation of Warehouse Receipt System. An allocation to Ksh. 35million towards Agricultural Development Corporation (ADC) for recurrent expenditure.
			(60,000,000)		Reduce 60 million on development for small scale irrigation and development

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
				100,000,000	Ksh 100 Million towards Kenya National Farmers Federation for registration of farmers
1169	State Department for Crop development and Agricultural research	General Administration planning and support services		530,000,000	Ksh. 500 Million on account of additional donor and 30 million for counterpart funding to enable the Youth Programme
1162	State Department for Livestock		(176,000,000)		<p>A Reduction of Ksh. 10 million from the development allocation for Farm Development-Sheep and Goats Breeding Farms.</p> <p>A Reduction of Ksh. 30 million from the development allocation towards Diseases Free Zones Program.</p> <p>A reduction of Ksh. 86 million from the development allocation for Modernization of Foot & Mouth Disease Laboratory for GMP standards-KEVEVAPI.</p> <p>A reduction of Ksh. 20 million from the development allocation for Construction of Dairy Veterinary Board (KVB) Headquarters offices.</p> <p>A reduction of Ksh. 30 million from the allocation towards the Construction of National Dairy Laboratory Complex.</p>

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1162	State Department for Livestock		(56,000,000)		A reduction of Ksh. 25 million from the allocation for Livestock Production 'Big Four' Interventions. A reduction of Ksh. 11 million from the development allocation for Construction and equipping of Bio Safety Level 3 Laboratory-Kabete. A reduction of Ksh. 10 million from the development allocation for Construction of learning facilities (New Site) at AHITI. A reduction of Ksh. 10 million from the development allocation for Construction and Refurbishment of Infrastructure at AHITI-Kabete.
1162	State Department for Livestock			92,000,000	An addition of development allocation of Ksh. 92 million for Construction & Refurbishment of Facilities – Livestock Inst. Wajir.
1162	State Department for Livestock	Livestock resource management and development	(370,000,000)	370,000,000	Realignment from development expenditure to recurrent
	Departmental Committee on Education and Research				

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Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1066	State Department for Early Learning and Basic Education	Primary Education-Free Primary Education (Recurrent)	(1,000,000,000)		The number of primary school learners under NEMIS is 8.7 Million hence allocation is above what is required.
1066	State Department for Early Learning and Basic Education	Primary Education-school infrastructure (Development)		900,000,000	Reallocation towards provision of desks under the stimulus programme.additional towards primary school infrastructure.
1066	State Department for Early Learning and Basic Education	Primary Education-grants to NACONEK (Recurrent)		50,000,000	NACONEK will play a critical role after the COVID 19 pandemic
1066	State Department for Early Learning and Basic Education	Quality Assurance and Standards-Capital grants to KNEC (Development)		50,000,000	To support the KNEC in the purchase of two digital machines with capacity to print personalized KCPE OMR forms.
1064	State Department for Vocational and Technical Training	Youth Training and Development – Rehabilitation of village polytechnics conditional grant (Development)	(40,000,000)		The project has Kshs 40 Million over and above what is provided under the Division of Revenue Act, 2020.
1066	State Department for Early Learning & Basic Education			20,000,000	Proposed Muhoho TTC in Gatundu South
1066	St State Department for Early Learning & Basic Education			20,000,000	Tom Mboya TTC in Suba North

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1064	State Department for Vocational and Technical Training	Technical Education-Funding for TVETA (Recurrent)		50,000,000	Enhancing quality assurance and maintaining standards in TTI's through field operations.
1064	State Department for Vocational and Technical Training	Technical Education-Construction of 30 TTI's (Development)		40,000,000	To fast track the construction of the TTI's and also include the Kilome, Elwak and Embunangwe TTIs.
1065	State Department for University Education and Research	Research, Science, Technology and Innovation-current grants to National Research Fund (NRF) (Recurrent)	(500,000,000)		The NRF is facing challenges due to non-existent of a fully constituted Board.
1065	State Department for University Education and Research	University Education-infrastructure support to the ongoing projects (Development)		200,000,000	Support ongoing infrastructural projects to small Universities.
1065	State Department for University Education and Research	University Education-capitation to university Students- (Recurrent)		300,000,000	Fill the existing funding gap to university students.
	Departmental Committee On Defence & Foreign Relations				
1222	State Department for Regional and Northern Corridor Development		(50,000,000)		Project 1222103200 Qoloba Dam in Moyale.

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Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1222	State Department for Regional and Northern Corridor Development			50,000,000	Allocated to water supply in Moyale town.
1222	State Department for Regional and Northern Corridor Development		(152,000,000)		From O&M recurrent expenditures for all the regional development authorities at KSh. 22 million each, and headquarters at KSh. 20 million .
1222	State Department for Regional and Northern Corridor Development			152,000,000	KSh. 152 million to LBDA to settle dues to retrenched staff, staff medical cover and taxes due.
1222	State Department for Regional and Northern Corridor Development			50,000,000	Ksh. 25 million for WarahBurkader Dam in Wajir South Ksh25 Million for Elimadadajabula Dam in Wajir South
1222	State Department for Regional and Northern Corridor Development	Integrated Regional Development		90,000,000	Desilting of water pans Ksh. 30 million Qurdobo dam in Mandera North Ksh. 30 million Qarsasimiti dam in Saku constituency Ksh. 30 million Malkamari dam in Banisa Constituency
1052	Ministry of Foreign Affairs	Foreign relation and Diplomacy		500,000,000	
	Departmental Committee on Finance And National Planning				

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
				20,000,000	Operationalization of the Institute of Certified Investment and Financial Analysts
1072	The State Department for Planning	Economic Policy and National Planning		9,000,000,000	Increase of KSh. 9 billion for NG-CDF to upscale it to 41.7 billion, as opposed to the proposed KSh. 32.7 billion, which is below the statutory requirement.
1071	The National Treasury	Public Financial Management		1,200,000,000	For public initiatives/public hearings
1032	State Department for Devolution	Devolution Services		100,000,000	Enhancement for operations and maintenance for Council of Governors
	Departmental Committee On Transport, Public Works And Housing				

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1091				1,330,000,000	Ksh. 980 Million plus Ksh 350 Million for Strategic roads. (Of which Ksh 50 million to be used for roads in Wundanyi Constituency). Wundanyi sub county Hospital Road Ksh. 10 million Old Bridge construction Ksh. 10 million Werughe-Mghrmbonyi Road Ksh. 10 million Masumbsunyi Road Ksh. 10 Million Huduma-Mbela Road Ksh. 10 Million
1091			(350,000,000)		Reduced Ksh. 200 million form Marsabit-Shengel Road Reduced Ksh. 50 million from Mau Mau road Reduced Ksh. 50 Million from dualingAthi River-Machakos Turnoff Road Reduced Ksh. 50 million from Garsen-Witu-Lamu Road
1091	State Department For Infrastructure	Road Transport		1,560,000,000	
1092	State Department for Transport	General Administration planning and support services	(60,000,000)		Realignment of programmes
1092	State Department for Transport	Rail Transport		60,000,000	

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1094	State Department for Housing and Urban Development	Urban and Metropolitan Development		120,000,000	Completion of ongoing market (20 million for Muthithi Market, Kigumo Constituency and 100 million for other ongoing markets)
	DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND INNOVATION				
1122	State Department of ICT & Innovation	E- Government Services	(180,000,000)		Reduce KSh 180 million from ICT Shared Services under the Development Vote.
1122	State Department of ICT & Innovation	ICT infrastructure Development	(130,000,000)		Reduce KSh 130 million from the Digital Literacy Programme, under the Development Vote.
1123	State Department of Broadcasting and Telecommunications	Information and Communication Services	(61,000,000)		Reduce KSh 61 million net exchequer under the Government Advertisement Agency (GAA), under the Recurrent Sub-Vote.
1123	State Department of Broadcasting and Telecommunications	Information and Communication Services		150,000,000	allocate additional KSh 150 million to Kenya Broadcasting Corporation, to meet funding shortfalls towards Covid-19 interventions including budget enhancement for migration from medium wave to FM radio broadcast under Recurrent Sub Vote

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1123	State Department of Broadcasting and Telecommunications	Information and Communication Services		221,000,000	allocate KSh 221 million to Media Council of Kenya to scale up Covid-19 awareness and appropriate support to community radios stations and countering fake news for the FY 2020/21 as well as operationalizing outreach offices in Meru, Kisumu and Eldoret, under Recurrent Sub Vote.
1122	State Department of ICT & Innovation	ICT infrastructure Development		5,000,000,000	Konza Data Centre and Smart City Facilities Project, – Donor funds omitted during finalization of estimates
1122	State Department of ICT & Innovation	ICT infrastructure Development		1,800,000,000	Maintenance & Rehabilitation of NOFBI II Expansion Cable, External AiA– Donor funds omitted during finalization of estimates
	Departmental Committee On Administration & National Security				
2151	Independent Police Oversight Authority			110,000,000	Payment of Pending bills related to partitioning of Eldoret and Nakuru regional offices regional offices and cater for PE and O&M where there was a shortfall.
1021	State Department for Interior	Policing Services		200,000,000	Towards the Directorate of Criminal Investigations to enhance their O&M.

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1021	State Department for Interior	Policing Services		58,000,000	Towards Administration Police under the Programme Policing Services for completion of stalled 24 units at Uhuru Camp in Langata, Nairobi.
1021	State Department for Interior	Policing Services	(38,000,000)		Office of the inspector General O&M
1021	State Department for Interior	Policing Services	(30,000,000)		GSU Headquarters 221130 other operating expenses
1021		Road Safety	(100,000,000)		National Transport and Safety Authority, O&M
1021		Planning Policy Coordination and Support Services		100,000,000	Towards National Campaign Against Drugs and Substance Abuse (NACADA) for implementation of Presidential directive on operationalization of Miritini NYS sub-station as a drug rehabilitation center.
1021		Planning Policy Coordination and Support Services	(300,000,000)		OOP HQs Ksh. 300 Million Other Operating Expenses.
1011	Presidency			28,400,000,000	Nairobi Metropolitan Services
1011	The Presidency	Cabinet Affairs		720,750,000	For purchase of building for the national disabled
	Departmental Committee on Trade, Industry and Cooperatives				
	State Department of Cooperatives		(200,000,000)		Provision for Dairy Processing of Powdered Milk (Development).

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1173	State Department of Cooperatives			200,000,000	For purchase of modern milk sterilizers and other equipment to enhance production and processing capacity of NKCC. The existing sterilizers are obsolete.
1175	State Department for Industrialization		(100,000,000)		For construction of KIRDI Research Laboratories.
1175	State Department for Industrialization			100,000,000	Allocated towards carrying out Research by KIRDI because Over the years, money has been allocated towards construction of Laboratories without funding research with is the main mandate of KIRDI.
1175	State Department for Industrialization		(100,000,000)		From Development of Athi River Textiles Hub. EPZA
1175	State Department for Industrialization			100,000,000	Allocated towards railway siding and other related infrastructure at Athi River Textiles Hub. EPZA
1174	State Department for Trade			100,000,000	For Trade promotion and related activities to support economic recovery post Covid-19 (including posting of Trade Attaches in Kenya missions abroad)
	Departmental Committee On Health				
1081	Ministry of Health	Health Policy, Standards and regulations (Development)	(100,000,000)		Rollout of UHC (Development)

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Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1081		National Referral and Specialized services	(50,000,000)		from KU referral hospital- Construction of molecular imaging centre (Development).
1081		Health Policy, Standards and Regulations		150,000,000	For Infrastructural support to Kigumo Hospital (Development).
1081	Ministry of Health	Health Policy Standard and Regulations	(2,340,000,000)		Ksh. 2.34 Billion was provided in FY 2019/20 supplementary on account of COVID-19. It was a World Bank funded project
	Departmental Committee On Energy				
1152	State Department of Energy	Power Generation	(519,000,000)		Reduce Kshs. 260 Million under Geothermal Exploration and Development in the Rift Valley. Reduce Kshs. 104 Million under Coal Exploration and Development. Reduce Kshs. 155 Million under Nuclear Fuel Resources Exploration and Development.

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1152	State Department of Energy	Power Transmission and Distribution.	(421,000,000)		Reduce Kshs. 321 Million from 220 KV Turkwel- Ortum - Kitale Transmission Line. Reduce Kshs. 100 million under 132 kV RabaiBamburiKilifi Transmission Line.
1152	State Department of Energy	Power Transmission and Distribution.		256,000,000	Added Ksh 256 Million to Kenya Power Transmission Expansion Project -132 KV AwendoIsebania, 132 KV Sultan HamudLoitoktok and 220 KV IsinyaKonza.
1152	State Department of Energy	Alternative Energy Technologies.	(200,000,000)		Reduce Kshs. 50 Million under Hydro Dams Water Catchment Re-forestation. Reduce Kshs. 150 Million under Solar PV installation on institutions and or community boreholes.
1152	State Department of Energy	Power Transmission and Distribution.		459,000,000	Allocate Kshs. 459 million to Electrification of Public Facilities under Rural Electrification and Renewable Energy Corporation (REREC), under programme of Power Transmission and Distribution.

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1152	State Department of Energy	Power Generation.		260,000,000	Allocate Kshs. 260 million to Menengai Geothermal Development Project under Geothermal Development Company, under the programme of Power Generation. This is towards steam gathering works and drilling to achieve 105 MWe in Phase I and 60 MWe in Phase II.
1152	State Department of Energy	Power Transmission and Distribution.		165,000,000	Allocate Ksh. 165 Million to Loiyangalani-Marsabit 400kV Transmission Line under the programme of Power Transmission and Distribution.
1193	State Department for Petroleum	Exploration and Distribution of Oil and Gas.	(694,000,000)		Reduce Kshs. 248.5 Million under the project Preparatory Activities for the Lokichar- Lamu Crude Oil Pipeline under programme of Exploration and Distribution of Oil and Gas. Reduce Kshs. 445.5 Million under the project Oil Exploration and monitoring, under programme of Exploration and Distribution of Oil and Gas.

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1193	State Department for Petroleum	Exploration and Distribution of Oil and Gas.		694,000,000	Allocate Kshs. 694 Million to Petroleum Exploration in Block 14T under the programme of Exploration and Distribution of Oil and Gas.
	Departmental Committee On Labour And Social Welfare				
1185	State Department for Social Protection	Social Development and Children Services (Recurrent)	(50,000,000)		The society lacks the capacity to absorb the funds based on the current financial Years' reported by the State Department regarding the Society.
1184	State Department for Labour	Manpower Development, Employment and Productivity Management (Development)		40,000,000	The National Employment promotion Centre- Kabete to fast-track completion of the project by the end of the Financial Year 2020/21.
1184	State Department for Labour	Promotion of the Best Labour Practice (Development)		55,000,000	For the completion of the construction of Occupational Health and Safety Institute currently at 87.5 per cent completion.
1184	State Department for Labour	Promotion of the Best Labour Practice (Development)		15,000,000	For hosting African Regional Labour Administration Centre (ARLAC) meeting 2020.

Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
1184	State Department for Labour	Manpower Development, Employment and Productivity Management (Recurrent)		50,000,000	For coordination of Labour migration Management.
1035	State Department for Development of ASAL	Accelerated ASAL Development		2,500,000,000	Kenya development response to displacement impact project -Donor funded
	Departmental Committee On Sports, Culture And Tourism Report				
1132	State department for Sports	Sports	(136,970,000)		From Regional Stadia project. The project is being funded from the Sports, Arts and Social Development.
1132	State department for Sports	Sports		136,970,000	To Kenya Academy of Sports Hostel project. Allocation will be utilized to complete the project and clear pending bills owed to the main contractor.
1134	State Department of Culture	Culture		40,200,000	Allocated National Museums of Kenya for targeted research on the use of natural health products in the fight against Covid-19
	PARLIAMENTARY SERVICE COMMISSION				
2043	Joint Services	General Administration , Planning and Support Services.	(300,000,000)		Kshs. 300 Million from the CPST (Dev.)
				400,000,000	Kshs. 400 Million Allocation to complete works at Multi-storey office block

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Financial recommendations					
Vote	Departmental Committee/vote	Programme	Reductions	Increase	Notes
		PSC development	(100,000,000)		Purchase of building
2041	Senate	Senate Affairs (recurrent)	(661,507,780)		Reduced from foreign travel, Domestic travel, Training, hospitality and O & M
2041	Senate			113,051,250	Increase allocation to County offices
2042	National Assembly	National legislation and representation and oversight (Recurrent)	(1,362,386,577)		Reduced from foreign travel, Domestic travel, Training, hospitality and O & M
2042	National Assembly			635,886,352	Increase allocation to constituency offices
2043	Joint Services	General Administration, Planning and Support Services. (recurrent)	(514,622,149)		Reduced from foreign travel, Domestic travel, Training, hospitality and O & M
2043	Joint Services	Legislative training and Knowledge Management	(48,118,750)		Reduced from foreign travel, Domestic travel, Training, hospitality and O & M
	Departmental Committee On Justice And Legal Affairs				
1311	Registrar of Political Parties			200,000,000	For political party's fund (Payment of court awards)
2031	Independent Electoral and Boundaries Commission			300,000,000	Ksh. 300 million for pending bills for suppliers of goods and services

(Hon. Kimani Ichung'wah on 4.6.2020)

(Resumption of Debate interrupted on 9.6.2020)

Hon. Speaker: There was nobody who was on the Floor. Hon. Kaluma had just spoken. Therefore, I go to the board. Member for Nakuru Town East.

Hon. David Gikaria (Nakuru Town East, JP): Thank you Hon. Speaker for giving me this opportunity to give my input to this very critical Motion. First, I would like to appreciate the members of my Committee and the co-operation that they gave during the budget-making process. Despite the very difficult situation we went through, the law stipulates that we have 21 days and remembering the number of Members sitting in a committee, it became very difficult. However, all the same, we completed the exercise on time and did some adjustments.

Hon. Speaker, the budget under the two ministries - much as they are under-funded - if you look at the allocations that have been given to those two very important sectors, that is energy and petroleum, they have been declining over the years. We started with a high of almost Ksh120 billion some three or four years ago. However, now it is a paltry Kshs70 billion. Looking at the Government programmes and the energy sector being an enabler of the Big Four Agenda, I think it is part of why we expected that it would be given more money as we had indicated before the Budget and Appropriations Committee. Of course, we understand we have limited resources and so, as a Committee, we had to prioritize only the ongoing programmes.

Hon. Speaker, as a Committee, we have also made it very clear to the respective Ministries that we will no longer be accepting new programmes if we have so many other programmes that are ongoing and yet, they do not have any budget allocation in any financial year. It is very sad to have over 20 transmission lines that are almost 80 to 90 per cent complete and yet they do not have an allocation. Yet, we are thinking of starting some other new programmes and allocating them billions. As a Committee, we have stopped some of those new programmes that were being brought so that we can be able to complete the ongoing ones.

Moreover, we will be asking for a proper audit to be done in some of those things. You find that a programme that is almost 90 per cent complete is not given an allocation but, after one or two years, it is vandalized and it calls for funding when we restart that programme to almost 50 per cent. Yet, we required only 10 per cent. Therefore, as a Committee, we have put our feet on the ground and we have told the two respective Ministries under our oversight that we will no longer be doing that.

Hon. Speaker, the continued delay in transmission and completion of some of those projects calls for unnecessary charges to the Government. At one point we had to pay quite a huge amount of money in hydro-power because the people who had been given some stations had already completed them. Therefore, as a Committee, much as we have been fighting to have low cost power, we have always tried to indicate that this Budget should go towards projects particularly on renewable energy which have very low costs of almost 70 dollars per kilometer per hour. Unfortunately, this is another area that we will be looking into this coming financial year.

Hon. Speaker, we have Independent Power Producers (IPPs) who have signed agreements which are so punitive to our economy. Ministries enter into agreements with the IPPs knowing very well our consumption for electricity is less than 2,000 megawatts. They allow agreements to be signed year-in, year-out. Kenya Power and Lighting Company (KPLC) is forced to buy power that will not be sold. So, this is an area that we need to check. The Budget gave us an opportunity to try and resurrect KPLC. The backbone of our energy sector is the KPLC. If it is ailing, it will affect the entire energy sector. This is because they are supposed to buy electricity from KenGen. In turn, KenGen has to pay the Geothermal Development Company (GDC) because they are the ones who drill the wells. At the same time, KPLC has to pay wayleave charges to the Kenya Electricity Transmission Company (KETRACO) to continue keeping our lines safe. Lastly, they

have to pay electricity levy to the Energy and Petroleum Authority (EPRA). So, it is important for the Budget and Appropriations Committee to look into the debt owing to KPLC. About KshS11.9 billion is owed by the Government to KPLC. From that money, KPLC can pay some of its pending bills that are critical. There are negotiations that KPLC is undertaking to try and widen their repayment period with their financiers.

Hon. Speaker, EPRA is supposed to regulate tariffs, but I think those regulations must be subjected to the Energy Committee. Whenever EPRA comes up with tariffs, it must bring them to the Energy Committee. Much as they are independent in terms of decision-making, it is unfair for them to push the lifeline. We want to assist Kenyans to pay electricity at a low cost and yet, we should do that having in mind the bearer of the cost. Therefore, when we increased the lifeline to the consumers from zero to 10 to 100, that took almost 90 per cent of KPLC customers to lifeline. At that point, KPLC can no longer sustain itself. So, it is something that we need to relook and assist.

Hon. Speaker, the accounting officers within the relevant Ministry might think they are not very important people. They need to be checked. This is where we need to look deeply. They need to rein in some of those Government departments and agencies and stop accumulation of pending bills. Kenyans have worked hard and they spend their money and yet, we allow such huge pending bills to accumulate. This is despite there being, within each SAGA, internal auditors who can assist. The Ministry equally gets some allocation for monitoring and evaluation and yet, such is happening.

One of the institutions, the National Oil Corporation of Kenya (NOCK), is on its knees. We could not believe because sometimes as a Committee, we depend more on the information given by ministries and agencies. Unfortunately, at some point, the finance manager in an institution last year told us the institution had made Kshs1.2 billion in terms of profit; only for him to come again with a new Managing Director and tell us that the same institution in the same financial year had made a loss of Kshs400 million.

Hon. Speaker, then there is a problem within the Ministry where the evaluation and monitoring departments are not working to a point that we get cooked figures. As you had said, Hon. Speaker, as committees, we cannot be like auditors. We cannot walk into institutions and start asking for papers.

Hon. Speaker: Hon Members, I hope you recall the resolution we passed on 28th February and then on 2nd June so that every other Member speaking will have five minutes. We resolved that we will not limit the debate.

Let us have Hon. Millie Odhiambo

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker for giving me the opportunity. At the outset, I support the Committee's Report. When the first Estimates were brought, we were concerned as the BAC that they were not COVID-19 friendly. It was more of budget-as-usual. It was not taking into account measures that are needed to address the issues facing the country. I am, however, glad that this is now trying to do so.

Hon. Speaker, there are some issues that I have raised in the Committee which need to go on record. That increasingly the Budget must show equality and equity in the country. We are not seeing the face of Kenya in the disbursement of infrastructure. In the same manner, if you look at the blue economy which is good and is looking at the issue of the Big Four Agenda, but we are also dealing with the issue of COVID-19 response and especially food security... If you look at the traditional fisheries areas, there is not much emphasis and input. I would encourage the Principal Secretary for fisheries, who is my friend but is not behaving well in this regard, that he

needs to know that as we expand fishing, it does not mean we kill the traditional fishing areas. So, we want to see more resources of the blue economy going back to the traditional fishing communities as well.

(Applause)

Hon. Speaker, Members have spoken on the need for clearing pending bills and our Committee has given recommendations. I think the Executive should take this more seriously. We had also suggested that a lot of the stimulus response to COVID-19, especially the ones aligned to the NG-CDF should use the constituency as a focal point. This is because, when you look at the stimulus package that was done in the Kibaki era, some of them are talked about up to now. At times, people wonder why the current MPs do not do much work. They do not realize that some of the work done then was because of the stimulus package that was given by the former President Hon. Mwai Kibaki and Hon. Raila Amolo Odinga. So, in the same manner, if we want to ensure effective results, we should use that as a unit.

The other issue raised here is on the allocations to public participation. One of the things I happen to know as a Member of the BAC is that when you are talking about public participation and especially because of COVID-19, the public was supposed to respond to the advert by Parliament. In many of the areas, people did not respond and, as a Committee, we were then constrained in terms of work that we can do. In some areas, if the public asks for a classroom, you cannot give them a factory. In terms of public participation, the Committee was constrained and it could only do what the public requested.

Finally, the Hon. Member from Nyandarua was talking about the need for expanding rural electricity because of our children who cannot study online.

I would like to encourage the Ministry of Education to look at community-based approaches to education, especially in rural areas without electricity and cannot go online. Perhaps, we need to have village caucuses for children with retired or volunteer teachers who are unemployed. This has not been budgeted for and is one of the areas we should have looked into. The reality is that it might go up to September or beyond before our children can go back to school. Even though we do not want to look at a Supplementary Budget, maybe, this is something that should come up in the first Supplementary Budget.

Thank you, Hon. Speaker.

Hon. Kareke Mbiuki (Maara, JP): Thank you, Hon. Speaker. At the outset, I want to start by thanking the Departmental Committee on Environment and Natural Resource for putting in long hours despite the current prevailing situation of COVID-19, to come up with various recommendations on the Budget Estimates. I would also want to thank the Budget and Appropriations Committee for being extremely accommodative when we presented our Report.

When we were scrutinizing this Budget, we came across various challenges bearing in mind that on 29th April, 2020, the Estimates which were tabled in this House continued mutating as we progressed. As I was presenting the Committee's Report to the Budget and Appropriations Committee, we were shocked to hear that there were further cuts in the Printed Estimates. When we adjusted within our basket, we also understood that the National Treasury was also not very comfortable with the recommendations that were done by our Departmental Committee and, hence, we were forced to revise.

Going specifically to the various Ministries, Departments and Agencies (MDAs) and starting with the Department of Wildlife, it had a projection of Appropriations-in-Aid (A-in-A) of

Ksh4.6 billion expected to be achieved through the park fees by Kenya Wildlife Service (KWS). However, due to the COVID-19 situation, and bearing in mind that KWS earns its A-in-A through park fees, it may not be really tenable to achieve this. This shortfall will really affect KWS operations because those are monies which are expected for personnel emoluments, operation and maintenance activities and issues of human-wildlife conflicts. Arising from the above where KWS may not realize its projected A-in-A collection, there is a likelihood of a shortfall of Kshs3.68 billion. It is, therefore, very critical that the National Treasury provides KWS with funds to cater for this shortfall.

We have a State Department of Mining which has a very big potential of more than Kshs500 billion in terms of A-in-A in a financial year. Despite it be under-funded the Department could only contribute Kshs1.6 billion to our economy. I am happy that Hon. Mwashako has sought a Statement because we realized quite a number of people who have been given licences to explore our natural resources are not doing so. Whatever they disclose to the Ministry is not satisfactory.

Sometimes, it sounds ironical when you look at an entire State Department having a development vote of only Kshs300 million. You really wonder if it is worth becoming a state department or not. Bearing in mind it started as a stand-alone Ministry of Mining and later it was downgraded to a state department, it is grossly under-funded. Nevertheless, this State Department has very big potential. We are calling upon them to seal up any regulatory gaps which may be there and have been denying it A-in-A collection due to under-declaration by the mining companies.

When you come to the Ministry of Environment and Forestry, we had a Presidential Directive of achieving 10 per cent tree cover by 2022. But it is also equally ironical that the National Treasury under the 2020/2021 Financial Year has allocated the Ministry of Environment and Forestry only Kshs240 million, whereas it had a projection of Kshs5 billion. Sometimes, the Government is just doing public relations because it is not able to walk the talk. It does not make sense when there is a Presidential Directive that is not followed by the National Treasury.

We are in the era of COVID-19 and while seated here, we are all wearing masks. This is creating a lot of medical waste from face masks and Personal Protective Equipment (PPEs) across the country. The National Environment Management Authority (NEMA) requested for approximately Kshs470 million to come up with incinerators across the entire country. The same has not been provided. We sought the support of the Budget and Appropriations Committee to ensure we come up with measures on how to address the bio-medical waste which is emanating out of the COVID-19 PPEs.

Likewise, under NEMA, we also requested that their Environmental Impact Assessment Fees be necessitated. Since the Government withdrew A-in-A for NEMA, it has never stood on its own feet again. It has been relying on the National Treasury Exchequer. What we are calling for - and we have the support of the parent Ministry - is for the National Treasury to reinstate A-in-A which NEMA used to collect so that it can be independent and undertake its mandate effectively.

Coming to the Ministry of Water, Sanitation and Irrigation, I want to thank the National Treasury because it has gone out of its way to give reasonable funding, irrespective of the current situation. We realized we have quite a number of programmes which are low hanging fruits in our backyard like the National Water Harvesting and Storage Programme, the Cross-County Water Programme as well as National Expanded Irrigation Programme. Under the Ministry of Water, Sanitation and Irrigation, I want to thank the National Treasury because it has given them an extra Kshs2.6 billion to expand irrigation in the country.

Nevertheless, we have noted that the same has been captured under the community programme and we have received a correspondence from the Ministry of Water and Sanitation and Irrigation requesting that the same be under the National Expanded Irrigation Programme. Hence, we shall be requesting for an amendment so that we can align the request of this Ministry when it comes to the Committee of Supply.

Hon. Speaker, without further ado, I want to take this opportunity to thank the Budget and Appropriations Committee and especially its outgoing Chairman, *Mhe.* Kimani Ichung'wah, who has gone out of his way to ensure there is sanity in the sector and many Members can attest to the great work which he has been doing within the sector.

With those many remarks, I beg to support.

Hon. Speaker: Member for Funyula. Maybe, Hon. Oundo, you would come and speak from here. It looks like there is a problem with that microphone.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. I hope my minutes have not been lost while walking from where I was to here.

Hon. Speaker: They start now.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Okay. Thank you, Hon. Speaker. We are making a Budget within an unprecedented environment that has been thrust to us by factors beyond our control. Indeed, we did not generate corona. Corona visited us and now once the visitor is in the house, however a menace he or she is, you have to learn how to live with him or her until you find ways and means of kicking that nuisance visitor from our homesteads.

Unlike the last financial year, there are so many uncertainties. Of course, many of us are worried that the proposals being presented here are unlikely to be achieved and that means there is going to be massive disorganization of activities and livelihoods in the country as we continuously adjust to the new reality in the way of supplementary budget cuts here and there directed to some other places. Let me also take this opportunity to thank the Budget and Appropriations Committee for the wonderful job they have done. Of course, there are issues of concern and I had expected that they would address them. Nevertheless, it is good to point them out.

First, because of the pandemic and other factors, we seem to have directed a substantial part of our resources towards consumption as opposed to production. Many of us know if you do not produce, you do not expand well and you do not expand the economy. Nevertheless, we hope in the subsequent years once we have managed the pandemic, we will start shifting towards more production. The President has continuously talked of the Big Four Agenda and this is now becoming a tired song because, unless you fund it adequately, it is just going to be a song that is better sang probably in a church choir. It is inappropriate to commit all the funds to other sectors and forget to put funds in enablers to allow improvement of manufacturing and to allow development of housing; which are labour intensive and which generate employment and income. Going forward as a country and as a Parliament, save for the duty of making a budget, we must continuously interrogate the allocation of resources.

I totally agree with the comments by the Parliamentary Budget Office that, with the reduction of VAT and other tax measures that we passed sometimes early this year, the revenue expected might not be achieved. The fear outside there is that the Government again is going to resort to heavy borrowing which is going to be detrimental to the local economy. We just hope the mandarins at the Treasury will now start to sit down and think critically on how to resolve the issue.

There has been a continued concern – and this concern is manifested in the budget that we have passed – of skewed allocation of resources and development in some areas at the expense of other areas. All over the country, you see quite a number of road projects but, in many parts of our world especially Busia, nobody bothers and yet, there are so many resources. The Constitution dictates that we must have equitable share of resources in this country. We call upon the National Treasury and all the Ministries, whenever they make budget proposals, they must ensure there is fair distribution of resources. All Kenyans pay taxes. It is unfair to put all the resources in one region and county and disenfranchise other counties and yet, we pay taxes, we vote and we participate in other activities. But when it comes to allocation of resources, there is nothing much.

The congestion of trucks in Busia and Malaba towns is self-made by the national Government. We have other border crossing points and sometimes in 2009, when President Mwai Kibaki visited Busia County, he made a promise to open the Luanda crossing point. Ugandans have done their bit by building a road up to the river and yet on our side, nobody seems to care. Now, we are paying heavily for the congestion.

As I conclude, I will also talk on the matter of health. In Busia, we have a serious crisis and we would want the Ministry of Health to really intervene. We now have a tally of about 300 imported COVID-19 cases. With the interaction they are having with the people, the moment it hits the ground and goes to our community with a county that has no intensive care unit beds or isolation beds, we are looking at a disaster. I wish to request the Department of Health to seriously relook and give Busia County enough resources to manage this pandemic. It is not our own making, but it has been thrust to us by the national Government.

With those few remarks, I support. Thank you.

Hon. Speaker: Hon. Nyamai.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Speaker. I rise to support the Motion. First of all, let me take this opportunity to thank the members of the Departmental Committee on Lands for the support that they have given me and also for taking time to ensure that they participate in the budget-making process from the Budget Policy Statement up to the Estimates. I would like to say that we have worked on this Budget and made a presentation to the Budget and Appropriations Committee.

I would like to say that the Ministry of Lands and Physical Planning and the National Land Commission (NLC) are generally under-funded. I would like to give an example of the Ministry of Lands and Physical Planning which is involved in many activities that are geared towards supporting the Big Four Agenda. I would like to state that this Ministry receives Kshs6.1 billion. I say that cognizant of the fact that the Ministry should be able to argue for themselves within the sectoral meetings, but it is important that the House knows that this Ministry only receives Kshs6.1 billion.

This Ministry also has the capacity to raise revenue to this Government and, currently, they are already past Kshs11 billion. I would like to bring this to the attention of the House and say that this is a Ministry that needs to be supported based on the fact that it is a revenue-generating Ministry and it has many programmes that would like to be supported.

The NLC receives Kshs1.3 billion. We have been scrutinizing this budget with the parliamentary committee and as we support the current budget, we would like to say that we have advised the NLC that it needs to look at its programmes and also make a decision on exactly where they would like to start and where they would like to finish. This is because the NLC receives Kshs1.2 billion. When I was defending it in the Budget and Appropriations Committee, I stated that this is a parastatal that is spending over 80 per cent of their money on personnel emoluments,

15 per cent on maintenance and 5 per cent on the rest. We have told them that the country has goodwill for the NLC and now that they have a new commission, they may want to relook at their programmes so that they can bring a budget which is easier to defend, looking at the fact that they have historical land injustices to deal with and they are the ones who are also dealing with compensation.

Hon. Speaker, the budget for compensation does not entirely come from the National Land Commission, but the Ministries and Departments that are seeking land. However, after compensation, the Committee had requested for Kshs600 million for vesting of land. When the NLC has acquired land, for example, for a dam and the dam has been built, then it is important that they get a title, of course, to be secured at the National Treasury but in the name of that institution so that we avoid re-grabbing of public land. This has happened with roads that are managed by the Kenya National Highways Authority (KeNHA) and Kenya Rural Roads Authority (KeRRA) *et cetera*, where land is acquired but because there is no funding for vesting, the land is lost. This is something I would like to bring to the attention of the House.

Hon. Speaker, if you look at the Budget Report, you will see that the report they have made on the Departmental Committee on Lands is the most important statement that our Committee has made at this time, as a recommendation. That the Ministry of Lands and Physical Planning has the capacity to collect a lot of money for this country and even fund other Ministries. But there is a gap on page 14 that was stated very well by the able Chair, Hon. Kimani Ichung'wah, whereby the Committee proposed that the Ministry fast-tracks the development of a digital revenue collection system to reduce leakages.

Hon. Speaker, we have noticed as a Committee that this Ministry, as I said earlier, has the ability to collect funds. Currently, we are talking about Kshs11 to Kshs12 billion but, when you look at it, collections are done in cash. I remember one of the members of our Committee giving an example of Ruiru, where the Member for Ruiru, Hon. Simon King'ara, was saying that there is a court and next to it is the Ministry of Lands and Physical Planning. When you go to court, you cannot pay cash. But when you go to the Ministry of Lands and Physical Planning, they will collect cash. We have given them a deadline - and I am happy that the Budget and Appropriations Committee has stated clearly - that they must stop cash collection and put in place cashless ways of collecting money. The Committee has given them a deadline of July 2020 so that they are able to collect funds without collecting cash because we believe that they are losing a lot of money.

Hon. Speaker, I would also like to go to the general deductions as stated by other Chairs. We realized that there was a change right from the Budget Policy Statement. There are reductions of Kshs58 million from the Ministry of Lands and Physical Planning, and Kshs51 million from NLC. Our concern was in terms of following the law, should this change. Just like the other Chairs, we are faced with a change on the last day of presentation of this Budget. The Ministry of Lands and Physical Planning is affected and has lost about Kshs500 million - for a Ministry which has a budget of Ksh6.1 billion which we are already saying is underfunded. To lose an extra Ksh500 million, we found it to be something that the House needs to note so that during the Supplementary Budget, the matter can be reconsidered, bearing in mind that their budget is only Ksh6.1 billion.

Thank you very much, Hon. Speaker, for giving me the opportunity. I would like to, again, thank the Members of the Departmental Committee on Lands for their support and input in the Statements that I have made this evening.

Hon. Speaker: Hon. Gideon Ochanda, Member for Bondo.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Speaker.

Hon. Speaker, I want to support the Report but, at the outset, I want to indicate that many of the problems that we have here is because of the National Treasury. Last time, there were complaints about reports not having been tabled on time and Members not being able to see some of these things. I think the biggest problem is the National Treasury. That is one thing that needs to be checked. The time it takes between the publication of the Estimates, basically within this month, there are a lot of activities. Most of those activities are not going on procedurally or properly because of the National Treasury. Departmental Committee Chairs are getting it difficult because of the back and forth movement in terms of changes that are proposed from time to time by the National Treasury.

Even today, one of the complaints that we have in terms of the Report not being in place is because the National Treasury was coming up with changes on Thursday in the afternoon, and it was going to be very difficult for that to happen at the same time. So, I think the National Treasury needs to be checked in terms of the roles it plays in the budget-making process. It is making us look bad! It is making the life of Parliament very difficult. Last year, we reached a point where we were looking so bad to an extent of having the Judiciary go to court. It is like a court going to court for a decision. I think that was a precedent that might have not been realized anywhere.

Hon. Speaker, there is the issue of economic stimulus. If you look at it, we have Kshs50 billion that is going towards the economic stimulus package that is proposed here. If you look at it, the National Treasury did not have any idea about this. They were prompted. This money was prompted by the Committee. After the prompt, the National Treasury came in with all manner of things. If you look at some of them, in my view, they are going to be a problem to this country. There are people who have lost jobs. There are also problems of the youth, who do not have jobs. However, in the economic stimulus package, we are providing money for purposes of stimulating the informal sector. A sum of Kshs3 billion was set aside for making desks and chairs for schools, beds, cleaning drainages and all that. If you look at all these things, where is the sustainability bit of it? Are we creating jobs for the young people to work for three months and then, thereafter, throw them out? What does that mean to the country? I think these are questions that need to be asked. So, there must be a way in which when we create a portfolio for purposes of getting money to support the youth and the informal sector, there is need to be an arrangement on how this is supposed to be sustained. If you do it in a manner that it works for one or three months and thereafter there is no money, even if you are making beds and desks for schools, cleaning drainages and stuff like that, at the end of it all, you will be throwing a much more larger number of youths from their jobs and you do not know how to sustain them.

Hon. Speaker, the other thing I wanted to bring up is where we are going to place the issue of contingency and emergencies. We have new scenarios that many times are not anticipated in the name of emergencies. It has been mentioned here that, for example, in the Lake region, we are now experiencing reverse flooding. We have known that flooding takes place many times from the waters in the higher areas going down to the lower areas. But in the Lake region, we are experiencing both; one from the river but a much more serious one is from the lake itself. This has submerged good amounts of land and the economies of that area. All our landing beaches are down. For the lake water to go down, it may not be like the river flooding that we are normally used to. It may take two to three years for water in the lake to go down, if the situation we are in does not change. What happens? It means that we are talking about an emergency that is going to be permanent. How do we handle it? So, I think it is time that departments that handle issues of emergencies in this country look at what happens to situations that emerge and yet, they are likely to run on for a long period. An example is the reverse flooding that we have in Lake Victoria

Basin. As at now, we have lost all our beaches, buildings and landing sites that we had done some work on. They are all under water. It means, therefore, that new arrangements must be put in place. As we look at this phenomenon, we should discern what it means to the economies of those places.

Again, under the economic stimulus package, there is a provision for roads. In each constituency, there is support for a particular road, particularly in the Lake region. If you look at those, what does one road to one landing beach mean to the rest of the constituency? In Bondo, for example, there is provision for a road leading to one landing beach, but I have 23 fish landing beaches. What happens to the other 22 when only one is supported? Under the economic stimulus arrangement, a lot of things need to be reviewed at the time of executing the entire package. Areas such as youth issues and unemployment need to be revisited. The economic areas that...

Hon. Speaker: Let us have the Member for Kieni.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Speaker for giving me this opportunity.

From the outset, I thank the Committee for a job well-done. I support this Motion. I also thank the Departmental Committee on Trade, Industry and Cooperatives for the good work that they did under very extreme conditions to come up with the various recommendations. I put forward those recommendations to the Budget and Appropriations Committee (BAC) and they were very supportive. It remained as such. They were very supportive and said that we have to live within our means.

We are living in very difficult times during the COVID-19 era. Many businesses have been interrupted and imports have been curtailed. We have learnt a lot. We have learnt that the country can be closed off from the outside world. Most of the things that we rely on coming from China, the United Kingdom (UK) and the United States of America (USA) have been curtailed. We found ourselves in a very awkward situation. Every challenge presents an opportunity. This is an opportunity that our country should seize and utilise. We need to buy and build Kenya.

It is very unfortunate that even the masks that most of us are wearing today are imported. Those are very simple things that could be made locally. We are happy and proud that one of the agencies that we support, namely, Rivatex, has come up and is able to produce masks en masse for our people. During this period, we have been told that the Personal Protective Equipment (PPEs) that we have been importing from China are substandard. Those PPEs are produced locally and at half the price. The makers of this budget and especially the National Treasury should be alive to the fact that we need to build our country and support our industries. It should be projected in our budget. The budget does not strongly support industries and what we have been speaking about. Industry is one of the Big Four Agenda but unfortunately, it is not commensurate with the budget allocation.

I just want to give a typical example. In the Supplementary I Budget, this House allocated Kshs2.6 billion for Special Economic Zones (SEZ) in Dongo Kundu in Mombasa and also SEZ in Naivasha. In Supplementary II, the entire allocation was withdrawn. The unfortunate thing is that the money had been sent to the various Semi-Autonomous Government Agencies (SAGAs) and they had commenced the procurement process. I do not even know the law that the National Treasury used to recall the money. It speaks volumes, to say the least, about the National Treasury. There is no way this Parliament can appropriate money, the National Treasury disburses the same amount and then recalls it when procurement is already in place.

We have about 61 missions abroad in China, the UK, USA and in African countries. I want to bring to the attention of the House that in all the 61 missions that we have abroad, we only have four trade attachés. We have no trade attaché in China, London or even in our African countries. We have no trade attaché in Tanzania, and yet those are some of our biggest trading partners. Every

other day, we complain that we have a trade imbalance in favour of other countries. The work of trade has now been left to ambassadors who are busy with other things. In every mission abroad, there is a security attaché. There is a person from the National Intelligence Service (NIS). We have not given preference to trade attaches. I am happy that when I made this proposal to the BAC, they were able to consider about Kshs100 million which we are grateful for. We will at least get five or so attaché in those foreign missions.

I do not know whether we should talk about “after COVID-19” because it started as an epidemic and now it is a pandemic. In future, it might be endemic. We might have to live with it. If we are to get out of this, we have to look for ways and means of how we will export our products. Who will promote the products? It is the trade attachés who will be stationed in the embassies abroad.

We made various recommendations of how we can support our milk industry. I thank this House because we have been able to modernise the New Kenya Cooperative Creameries (KCC). The reason we focus on the New KCC is that it is a buyer of the last resort. It is not like the other commercial entities. The New KCC always mops up the excess milk. We are happy because they have helped in stabilising the prices of milk. In this financial year, we had allocated about Kshs500 million for mopping up excess milk. We forgot that to convert this milk, you need modern equipment. The equipment at the New KCC is obsolete. I am happy that in this financial year, there was a consideration for money to buy equipment, so that we can modernise the New KCC and it can now compete with other private companies.

Finally, moving forward, the National Treasury should work very closely with the ministries. When the Ministry of Industry, Trade and Cooperatives appeared before us, they could not read from the same page with the National Treasury. They had their own proposals whereas the National Treasury had different proposals. In future, before they present their budget estimates, there should be concurrence. They should make sure that they also consider the Big Four Agenda.

With those many remarks, this challenge has presented an opportunity that we as a country need to seize and make sure that we buy and build Kenya.

Hon. Speaker: Let us have the Member for Homa Bay.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you very much, Hon. Speaker for this opportunity. I would like to support the Report of the Budget and Appropriations Committee. We are doing this budget at a unique time. We have not had a situation like this, not just in the history of this country, but of the world. The world and our country have been jolted to reality. Even as we go through this budget, we must warn Kenyans that it will be a time to tighten our belts.

Looking at the Budget Report, our Gross Domestic Product (GDP) growth projections have been revised downwards to only 2.5 per cent in 2020 and 5.8 per cent in the new year, bringing it to an average of 4.8 per cent in the 2020/2021 Financial Year. We had been hoping that by this time, we would be running at a double digit growth rate as a country. We are faced with a weak healthcare system, weak emergency response and lack of data to have an effective response. As a Member of the Departmental Committee on Labour and Social Welfare, one of the biggest challenges faced in terms of identifying those who are vulnerable is the lack of data. We must be able to know which Kenyans are vulnerable. How many are they? Where are they? What are they doing at the moment? What are their contacts? Every time we have an emergency of this sort, we go back to our chiefs and deputy county commissioners (DCCs) and we end up with data that is forever skewed. I would like to state that this is what the Huduma Number was supposed to resolve. Wherever it is, this matter should be concluded, so that we can know where Kenyans are and what

they are doing, so that in the event of an emergency such as what we are facing, the response is prompt.

Hon. Speaker, I would like to speak to the issue of public participation as defined in Article 221 of the Constitution. We disbanded the Budget and Appropriations Committee midway in the last Parliament because there was the thought or feeling that the Members of the Budget and Appropriations Committee had a way of getting an advantage over other Members. We must conduct public participation which is not the view of the Member. It must be the view of the public outside the realm of the Member. That is the reason we have that provision in the Constitution. If in the event that Members feel that other Members are advantaged, there will be a problem such as what we had in the last Parliament.

I want to speak about the Economic Stimulus Programme, which is allocated Kshs53.7 billion. This is not enough, but it is appreciated because it is a step in the right direction. The programmes must be designed in a gender friendly manner. We have young men and women. When you talk about the *Kazi Mitaani* Programme and people are removing garbage from a place, the functions are more male related than women can do, and this becomes a problem. The Economic Stimulus Programmes must not leave anyone behind. I have seen with appreciation that part of the allocation within the Economic Stimulus Programme will go towards flood mitigation. People are saying that they will no longer accept that there are floods after every year and then you take them food and blankets. We are looking at long-term solutions. We are thankful that there is an allocation towards the Soin-Koru Dam, which is much appreciated. There is also allocation for dykes which we hope will be constructed in Homa Bay County all the way from Karachuonyo, Rangwe, Suba North and Suba South constituencies. We will use this money to construct dykes and gabions which will deal with flooding in the long-term.

The focus on creation of employment, food security and health coverage is on point.

Thank you, Hon. Speaker, for giving me this opportunity to contribute.

Hon. Speaker: The Member for Kitui Central, you have the Floor.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker, for giving me the chance to say something about the budget. As a Member of the Budget and Appropriations Committee, I support the Motion. This year has not been easy in the budget-making process basically because of what is happening in the country. We need to single out that we experienced a number of challenges in making this budget. We had to change the budget many times. We must really appreciate the patience of the Chairpersons of the Departmental Committees. We called them so many times to come and discuss the budget with us.

At the same time, we must also appreciate the Parliamentary Service Commission (PSC). If you read through this budget, the PSC released a lot of resources to support COVID-19 related activities. That cannot be assumed. Before I go to the technical issue, I want to remind the House that we passed the Budget Policy Statement (BPS) in February. We approved some amendments to the tax laws in April. We are discussing the Budget Estimates now. It is obvious that the BPS and Budget Estimates are not aligned because we had to factor in the Economic Stimulus Programmes and emergency response issues. As we move forward, there will be challenges in achieving the projected revenue in the country. I propose that as a House, we need to keep a keen eye on the following. Having reduced some of the tax rates, we have to be very careful in the way we collect our taxes. Otherwise, we will not achieve the targets. On that note then, there will also be need to look at the projected targets and outputs as per the current budget. Because of this nature of the budget-making process, we did not align the targets and outputs with the amendments that

we made. It will be important for the departmental committees to take time and make sure that they are aligned, as we move forward, for purposes of monitoring and evaluation.

If you look at some of the ministries, departments and agencies (MDAs), there is duplication in projects. For example, if you look at the State Department for Arid and Semi-Arid Lands (ASALs), State Department for Crop Development and Agriculture Research and the State Department for Water Services, there is some duplication. If we sort out this issue, we will easily save administrative expenses. As a House, this is an area that we need to apply our minds to make sure that we do not have a budget where we will spend so much on administrative expenses.

The other point is public debt. I just want to give very specific examples. Our public debt to revenue ratio has gone beyond the international recommended threshold. When you look at the public debt to export ratio, we have gone above the recommended threshold. About three weeks ago, Kenya was degraded from being moderate in credit risk to high level. These are clear borders that this House needs to apply its mind to the public debt. I remember at some point, you recommended that we needed a committee to look at this. I want to encourage the Departmental Committee on Finance and National Planning to take time and apply their minds to the public debt. If it is not done, this is a big threat to this country. We, as a House, cannot ignore it.

There is another point which is very important. When you look at this budget, we have allocated some money for the Nairobi Metropolitan Service, which is Kshs28.4 billion. The truth of the matter is that this money is supposed to come from the county government, but it is now in this budget. We need to monitor very keenly to make sure that when the money is spent, we do not have double funding of the same activity. That is important for this country.

As I conclude, because of the time constraint, it is important that we monitor the implementation of public debt and public participation.

Hon. Speaker: Let us now hear the Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Speaker, for giving me this opportunity to contribute.

Hon. Speaker: Hon. Members, I am following the request list and everyone will speak to this Motion. So, do not worry. Your time is preserved.

Hon. Robert Mbui (Kathiani, WDM-K): First, I support the Report of the Budget and Appropriations Committee. We are dealing with a very unique time. I appreciate that we are making this budget during a time when we have major difficulties, but the country is looking upon us for support. There is serious expectation from the nation for support from this House. The difficulty stems from last year when we had locust invasion. The Coronavirus disease hit our borders early this year. We also had floods in the recent past. Basically, there are serious challenges that we, as a nation, face. However, the citizens of this country expect a lot from this House.

A survey was done recently. Apparently, from the report that I saw in the media, only 19 per cent of Kenyans think that this House is seized of the matters of COVID-19. That means that 81 per cent do not think that we are doing anything. They think that we are sleeping on the job. Kenyans need to understand, and maybe that is where we need to strengthen our public relations as Parliament, that every law or regulation that is being applied in this nation to assist Kenyans during this hard time was passed in this House. Kenyans do not seem to know that. There are people or groups that they rank very highly like the Ministry of Health and the Ministry of Interior and Coordination of National Government.

But all those regulations come through this House. This House passes them to allow for mitigation against the COVID-19 pandemic. In fact, the laws, for example, that help in mitigating this

pandemic to help Kenyans who are suffering, like those that allowed for the reduction of the Income Tax from 30 per to 25 per cent and that of the Value Added Tax (VAT) from 16 per to 14 percent, were done in this House. Even the abolition of tax for people who earn less than Kshs24,000 was done in this House. But Kenyans out there think that this House is asleep and that we are doing nothing.

Maybe, it is important for Kenyans to know that even if we were to go to war as a nation, this House would have to approve that. The Members of the House would not necessarily be leading the squads in shooting. It is important for Kenyans to know that we have a role that we are playing to the best of our ability. I would imagine that we have performed at least over 80 per cent of our roles.

The trick here is that when COVID-19 hit the country, Kenyans expected the Members of Parliament to be leading from the frontline. What they do not understand is that we can only pass the budget and other regulations that allow them to have money to sustain themselves during this time. But we will not be the ones going out there because even the Ministry of Health regulations say that we must ensure that we give each other space - in other words, social distance - by avoiding being in crowds, going out and staying at home as much as possible. When Kenyans see Members of Parliament at home, they assume that they are asleep and are not working. It is important for Kenyans to know that even Members of Parliament can get the Coronavirus. So, when you see us not coming out to the streets, it is because we know that we attract crowds and this will be a breach of the law. Unfortunately, if one person gets infected in such a scenario, it could spread to many other people and we could be the cause if we go out. Let them understand that not going out regularly does not mean that we are not playing our role since it is being played in this House.

Hon. Speaker, COVID-19 has really damaged the country. It affects both the income and expenditure of the budget. The income of the nation will obviously drop because we have given too many tax incentives and thus the tax collector will definitely experience losses. Businesses have also been affected.

Hon. Speaker: Let us have the Member for Wajir West.

Hon. Ahmed Kolosh (Wajir West, JP): Thank you, Hon. Speaker, for giving me this opportunity. From the outset, I would like to support this Motion by the Budget and Appropriations Committee and thank the two departmental committees that took part in the making of this budget despite the many challenges occasioned by the COVID-19 pandemic to the threats of de-whipping the Chairman of the Budget and Appropriations Committee. I thank him and his Committee that despite all that, they have done a good job.

Hon. Speaker, resources in this country are allocated in a manner that cannot be explained to the public properly because ministries and departments prioritise projects that might, to some extent, be concentrated in some counties. It is important that constituencies, counties and regions of this country grow at par, so that nobody feels neglected. For example, the constituency that I represent had only less than Kshs100 million in last year's budget while other constituencies have been taking billions. One of the things that we must ensure in this House is equity in sharing the resources of this country.

The Kshs53 billion that was given through the Economic Stimulus Programme must be taken to the constituencies because there are no constituencies that have been less affected by this pandemic than others. It will be very unfortunate to again see some constituencies that we

represent, will not benefit like others that we neighbor, yet they face the same problem. On the issue of food security people who depend on livestock products and livestock trade are really suffering from low incomes.

I also want to thank the Budget and Appropriations Committee and the Departmental Committee on Agriculture and Livestock for reallocating Kshs92 million to Wajir Livestock Training Institute. This institute was created through a presidential directive in 2016 and it will be foolhardy for students who want to study livestock issues to come to Naivasha from Marsabit, Mandera and Samburu, when all they want to study is camels and camel diseases. It is important that money has been reallocated for the expansion of that institution which is very critical for the economic development of that region.

Hon. Speaker, I belong to the Departmental Committee on Administration and National Security and one of the most asked questions by the Members of this House to this Committee is: When will the administrative units whether sub-counties and sub-locations that were gazetted be implemented? The Statement that has just been issued by the Chair of that Committee was about resources and the answer we normally give is: "When the National Treasury allocates the resources", and yet we know that budgets are made in this House.

The areas we represent, especially those facing insecurity issues and which border terror zones, cannot be operationalised simply because of an excuse that there is lack of resources when our people are being killed daily by terror groups from across the country. Because of time, I want to inform the Ministry of Education, because it is only COVID-19 that has been an equalizer, that schools in northern Kenya will not reopen in September because of terror issues. It is important that even as we think about COVID-19 and its effects, we also think about the problems of insecurity.

Hon. Speaker: Proceed, the Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Speaker, for giving me this opportunity. Let me start by appreciating the Committee's work and the fact that this time, when committees were looking at the budget proposals, we did not have a plenary. That is why committees were able to work into greater amount of details.

This Report was brought here today with some amendments, which I support, which are to do with public hearings, economic stimulus and the money for supporting COVID-19 programmes. It also looked at flood-prone areas. I want to point out one area that experiences flooding every year. We really must find a way of dealing with this once and for all. I support the funds that were put in the Soin-Koru Dam. Although it was meant to be Kshs1 billion, but was reduced to Kshs500 million, this project should be completed. If it is done, we will not see the Nyando floods again. It will also generate electricity and be used for irrigation. This was done for a good reason.

However, Hon. Speaker, we also know that we have marked down our expected growth. In my mind, looking at COVID-19, people are talking of September, but going by similar incidences that have occurred before in the world, we really must be even looking at two years or at best one year.

The impact may even last longer than that. So, we must be careful about the 5.6 per cent growth rate we are talking about. At the same time, we have a budget deficit of 7.3 per cent of the GDP and a big public debt. The figure that was given is to the tune of Kshs900 billion. That is

huge. It is almost half our budget. Of this, I am told, 51 per cent is interest. We must look at this. That is still excluding our pending bills. So, we must look at the budget carefully. In my mind, we are likely to have Supplementary budgets. The other danger is that we may find misuse of funds in expenditures that were approved here. I know the situation is dire, but we must really avoid that.

One thing I need to talk about very seriously is the issue of the COVID-19. It is a new virus that nobody knows how it behaves. It looks like it is behaving differently in Africa. Maybe God is on our side, but the data is not clear yet. A lot of money has been allocated to tackle it. I know we have the COVID-19 Fund. We have allocated Kshs5 billion to the counties to prepare themselves.

Two dangers that we must look at are that we may spend so much money, rightly, of course, to prepare, but in my view, the strengthening of the health systems going towards the Universal Health Care (UHC) must be looked at. We must spend money in such a way that the preparations we make and the facilities we put in place, later on when the pandemic is over, we can put them into use and make UHC a reality.

Every time, we talk about strengthening and reforming the National Hospital Insurance Fund (NHIF), but there is one thing that this country has not accepted to say. When we effect the UHC through insurance, we must look at mandatory insurance at the same time support indigence and people who cannot afford it. That is the problem we have. What do we do to people amongst us who need help at times? So, that is important. If we can pay for indigence, then everybody else must have mandatory insurance. That is the only way we are going to get UHC through insurance. We need to do that, but not ignore other areas like vaccination, HIV and TB. Those dangers are still there as we focus on COVID-19. We must look at COVID-19, but also look at...

Hon. Speaker: Let us hear the Member for Wundanyi.

Hon. Danson Mwashako (Wundanyi, WDM-K): Asante sana, Mhe. Spika kwa kunipa nafasi hii. Naanza kwa kuunga mkono Hoja hii.

Kama mmoja wa wanakamati wa Kamati ya Bajeti, naipongeza Kamati hii ikiongozwa na Mhe. Ichung'wah kwa sababu tunapitia nyakati ngumu na tumefanya bajeti hii kwa mazingira ambayo ni magumu sana. Pia, nashukuru Wenyeviti wa Kamati zote za Bunge ambazo zilikuja mbele yetu zikatukabidhi mapendekezo yao. Ulikuwa wakati mgumu lakini tunashukuru kwa sababu tumefika.

Nyakati tunazopitia kama nchi ni ngumu. Dunia nzima inapambana na kirusi ambacho, vile wengine wamesema, hatuwezi kukitambua. Kimekuja, tuko nacho na hatujui kitaondoka lini.

Wakati wa kufanya bajeti ilitubidi tuangalie kwa makini mapendekezo yaliyotoka katika Hazina kuu ya Kitaifa. Mara ya kwanza, tulipoletewa makadirio na Hazina kuu ya Kitaifa, tuliketi tukakataa mapendekezo yao maanake hawakuwa wameangazia mambo ya kuinua uchumi tena baada ya COVID-19 na hawakuwa wameangazia pesa ambazo zinatakikana ziende kwa idara ya afya ya kuinua hospitali zetu na kuona kwamba tuko tayari kama nchi kupigana na janga la Corona. Tulipokataa mapendekezo yao ya kwanza, ilikuwa ni fursa nzuri kwenda kuketi na kutathmini yale tuliyoyapendekeza. Kwa mfano, tulitaka kujua ndani ya bajeti hii ya kiwango cha Kshs2.7 trilion ni pesa ngapi zingeenda kupigana na janga hili. Waliporudi, walikuja na Kshs53 bilioni wakatuambia wamezipanga kulingana na vile tuliona inastahili. Mojawapo ya mambo waliyoyasema ni kuwa kuna pesa walitenga kwa kazi mitaani. Ni tumaini la wengi kama Wabunge kazi hizi ziende kwa vijana wetu ambao hawana ajira na zifanywe sawa kwa nchi nzima. Mara ya kwanza ilikuwa ziende kwa miji mikuu. Lakini tunavyojua, hakuna mahali nchini hakujapata shida

hii. Kwa hivyo, tunatazamia kwamba kazi mitaani zitaenda kila eneo la wakilishi Bunge ili vijana wetu wapate ajira.

Jambo lingine ningetaka kusema sana na ambalo ningetaka liingie katika datari za Bunge ni kuwa raslimali za Kenya mara nyingi zinalenga maeneo fulani. Bajeti hii ina pesa nyingi ambazo zimekadiriwa. Lakini tukiangalia miradi ambayo imewekwa na imetiliwa maanani, kuna sehemu fulani zinapata mgao mkubwa. Kwa mfano, katika sekta ya barabara, mwaka huu nilidhani kwamba maeneo ambayo hayana barabara za lami yangewekwa ndani ya bajeti hii. Aya 16 imetaja Wundanyi kama mojawapo ya maeneo Bunge ambayo hayana barabara ya lami. Kwa sababu ya COVID-19 nilikubali kuwa mwaka huu tutakosa lami. Lakini naomba Bunge hili litilie maanani sehemu ambazo zimebaki nyuma sana kimaendeleo, sana sana katika miundomisingi ya barabara.

Jambo ambalo lilinitia kiwewe sana ni kwamba mwaka huu pia nilitarajia mradi wa Mzima II utatengewa pesa. Lakini Waziri alinihakikishia kwamba kwa wiki mbili zijazo, kuna makubaliano yanayoendelea kati ya Wizara na wafadhili kutoka China na kwamba mradi huo utapata ufadhili. Haya ni mambo mazito. Wacha kila sehemu ya Kenya ipate kuwa sawa na nyingine ili kila Mkenya ambaye analipa kodi ajihisi kuwa anafaidika kutoka kwa kodi.

Namaliza kwa kusema kwamba ni lazima miundomisingi ya afya izidi kutiliwa mkazo.

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

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. I rise to support the Motion. I would like to begin by talking about the economic stimulus package. Like most Members have said, the jury is still out there on whether this economic stimulus package is sufficient to spur the kind of economic growth and prevent economic depression that is intended.

Let me highlight areas I think are quite pertinent in the economic stimulus package that affect constituencies and informal settlements like Mathare Constituency, where I come from. In the economic stimulus package, there are provisions to ensure that there is water supply in informal settlements, something that has been going on during the COVID-19 Pandemic. Supply of free water to informal settlements is not only going to ensure the general overall health of the people down there, but we will avoid the kind of pandemic situation that we have.

In the economic stimulus package, we also have provisions for roads and infrastructure especially access roads. It is hoped that some of the constituencies in informal settlements such as Mathare Constituency and the slums around will benefit from the funds that have been set aside. It will not only improve the roads, but will also create employment and engage the young people. It will also ensure that money circulates in the economy.

I support this economic stimulus package based on what has been allocated to the environment particularly the *Kazi Mtaani* initiative that has been ongoing in my constituency and about 3,000 people have benefited. Hon. Ochanda has raised a concern over the sustainability of this initiative and these are issues that we must address in the long-term. Credit should be given where it is due. In the short-term, money will circulate and young people in my constituency, who are out of employed because the factories they go to for casual work have closed down, can fall back on this. This will keep them away from drugs and insecurity.

I have looked at what the economic stimulus has allocated to the Information Communication Technology (ICT) sector which is crucial for the youthful population. I think it is not enough to employ ICT experts to support the education sector. I hope this will do something on online learning now that our children are home for an indefinite period of time and we are not

sure they will go back to school this year. We hope this will meaningfully engage young people and improve infrastructure for online learning

Hon. Speaker, there is an area that the economic stimulus ought to have addressed. In another programme item, I can see a reduction in allocation where they should have made an increase. They ought to have looked at studios and *sinema mashinani* because these are areas that capture the young people in informal settlements such as my constituency.

Lastly, I support the idea of money allocated for additional desks. However, it should have been corresponding money increased or full allocation made to a tune of 2.5 per cent normally provided to the National Government - Constituencies Development Fund (NG-CDF), so that constituencies can match the desks with the infrastructure.

On health, an allocation of Kshs111 billion has been made, but I wish in their itemised programme budget, they could have made provision for mental health. In this case, I am referring to the Mathare Mental Hospital that has perennially been made to depend on the Ministry without any allocation.

Hon. Speaker: The Member for Wajir County, you have the Floor.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Speaker. From the outset, I want to thank...

(Loud consultations)

Hon. Speaker: I said the Member for Wajir County.

(Laughter)

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Speaker, from the outset, I want to support the Motion. I want to thank the Chairman and the Members of the Budget and Appropriations Committee. It was a difficult moment because we sat for two weeks with masks on. I also appreciate the departmental committees. I also want to thank His Excellency the President, for being sensitive to the Kenyan economy and supporting the small-scale farmers, hotel industry and the youth.

Hon. Speaker, you can see in the budget that the Teachers Service Commission (TSC) has been heavily funded. We have a lot of challenges with the TSC in the North Eastern region. I hope with this funding, TSC will bring back teachers to the region, so that children in north eastern can also benefit from education.

The Ministry of Interior and Coordination of National Government has also been heavily funded. As leaders, we can help this country achieve security especially at the border areas. I want to request the Ministry of Interior and Coordination of National Government to prioritise the newly gazetted administrative units on the border areas, so that we can curb and fight terror activities in the region.

The youth department has also been well funded and as a Member of the Kenya Youth Parliamentarian Association (KYPA), I am happy to see money going to the youth across the country. With this funding, we must prioritise policies that will ensure that the allocation benefit the youth.

Hon. Speaker, Members have talked about skewed allocation of resources. As the Budget and Appropriations Committee, we noted duplication of resources in various ministries. The ministries should have a coordinated way of working such that they know where the resources go

to. We particularly had an issue with the Ministry of East African Community and Northern Corridor Development. We allocate money to regional authorities that do not even have policies. After we allocate money to the ministries, I want to request departmental committees to oversee and audit where the resources go to. We must ensure that the allocations to the ministries are well appropriated.

We observed that the Ethics and Anti-Corruption Commission (EACC) and the office of the Controller of Budget got huge allocations. They must help fight corruption in this country. They should ensure that the money that is allocated is well appropriated. There was, however, no skewed allocation. With the joint efforts of the departmental committees, the Budget and Appropriations Committee and the ministries, the issue of duplication of resources can be resolved.

Thank you, Hon. Speaker.

Hon. Speaker: Let us hear the Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. I want to thank the Budget and Appropriations Committee for a job well done. Hon. Ichung'wah, kudos. I want to speak on an item that concerns the Departmental Committee on Health.

(Hon. Peter Kaluma consulted loudly)

Hon. Speaker, protect me from Hon. Kaluma. I want to say kudos to the Chairperson, Departmental Committee on Health, and the team because we have fought for this for a long time. On 27th April 2001, all Heads of State went to Abuja and resolved that health financing is critical to preparation of our health systems for any eventuality of disease outbreak. To date, 19 years later, we are not even halfway of what was declared - At least 15 per cent of our GDP going for healthcare financing. I would have liked to see at least Kshs 124 billion and not Kshs 111 billion allocated to health, so that our healthcare systems can be strengthened. I am talking about the four levels of care. If you go to a dispensary today, many people are either having delayed diagnosis, misdiagnosis or wrong diagnosis which leads to wrong treatment.

Crude deaths in this country are high. If the Ministry was to highlight them the way they are doing for COVID-19, you will be surprised. Health was put as one of the four agendas. I had hoped that money would have followed that. When we pushed for the ceiling to be extended, we were told that that was the ceiling and it could not be extended. When you seal the budget for health, you are sealing the lives of Kenyans. Funding all these sectors with a sick nation does not make sense. So, let us review and increase the health budget and everything else will follow. We cannot expect a healthy economy in a sick nation.

The other item is on Technical and Vocational Education and Training (TVET). COVID-19 has shown us that technical training is the only solution that can help us get out of calamities such as this one. Therefore, the Kshs 150 million that is being taken to, I do not know where, should be taken back to TVET, so that we can continue training our children.

Lastly, ICT is the way to go. I want to appeal that the Kshs 130 million being taken out of its budget should be returned, so that we can have digital literacy going on.

With those remarks, I support.

Hon. Speaker: Hon. Murugara, it is your chance.

Hon. George Murugara (Tharaka, DP): Thank you, Hon. Speaker. As we move towards concluding this, out there, the discussion is that we are working on a depression budget. I wish to submit that this is not a depression budget. In fact, it is possibly going to be a great deal from Hon. Kimani Ichung'wa and his team. They have spent time to come up with a budget that is going to

move our country from what we are into possibly a brighter future. We have a budget for the Executive, Parliament and the Judiciary and we have allocated money towards Recurrent and Development Expenditure in the three arms of the Government. We are in extraordinary times where the COVID-19 pandemic will make us not achieve what we aim to achieve. However, we have to do the best that we can.

We have set aside a lot of money for development. It is the wish of this House to see that all money allocated for development goes to development as envisaged. Rural areas usually suffer a lot from these budgets. I have been on this for the last three years. Unlike urban areas, rural areas are left behind. I speak for my constituency, Tharaka. In this budget, I am looking at electricity, which needs to be supplied in all areas, so that we can catch up with the rest of Kenya. I am looking at water, roads and titling of land. Let there be equality and equity in distribution of funds during the budget-making process so that all areas of Kenya attain development as is desired.

Before I conclude, it is important to point out two matters. One, while this budget is going to be under the control of the National Treasury, let us not use it to muzzle the other arms of Government. We know for sure that the Judiciary has been crying for funds to implement its development agenda. I sit in the Departmental Committee on Justice and Legal Affairs and most of the times, the Judiciary's budgetary allocations are deducted during supplementary budgets and in other ways. Let all the money that has been allocated to an arm of Government go to that arm of Government, including what comes to us through the NG-CDF. The NG-CDF is the only way that equitable development can reach the countryside right into the grassroots.

Finally, it is important to point out that we have an escalating debt. It is growing day by day and night by night. Unless our appetite for borrowing is arrested and we are able to control our debt ratio, we are likely to become mortgaged to our creditors. We risk our country being foreclosed, God forbid.

With those remarks, I support the Motion. Thank you.

Hon. Speaker: Let us hear the Member for Ijara.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Speaker, for giving me this chance to contribute to this very important Motion. From the onset, I want to appreciate and thank the Budget and Appropriations Committee. Under very difficult circumstances, locally and globally, the Committee was able to sit down and look at the issues that affect this country. We know we face a public health crisis. Having said that, I have some concerns particularly on my constituency. I want to thank and congratulate the Committee for the good work.

The health sector should have been given the highest priority. Going through the Report of the Committee, I do not see serious commitment and allocation of resources to the health sector, considering the disasters that we face at this unique time in our lives. I know the Government has tried so much, particularly the CS for Health. When he came on board under very difficult circumstances, he started putting his house in order. There are county governments that have done a good job in terms of preparation with the little resources that they have. I can cite Mombasa County Government which has done so well in preparations. Congratulations to Governor Ali Joho. I want to tell other governors who are sleeping on their job to emulate Hassan Ali Joho.

I also want to thank the Departmental Committee on Environment and Natural Resources. They have burned the midnight oil. But we are worried as a Committee. When you look at the Mining Department, it is a very important department which can transform this country in a big way. When you allocate only Kshs300 million to that kind of department, then it cannot even

monitor the resources that we have. It cannot even go after the people stealing our resources because it does not have the capacity to go around the country. It is really important that when we prioritise our issues, we must look at the areas which will generate resources like mining. There are some countries that put all their budgets and resources on mining.

The State Department for Wildlife has projected to raise up to Kshs4.6 billion, but because of the challenges that we face like lack of tourism activities in this country, it generates only 20 per cent. That 20 per cent cannot sustain operations, maintenance and salaries for the Kenya Wildlife Society. We made resolutions as a House when there were a lot of questions and concerns raised by Members on compensation due to human-wildlife conflicts. Now we cannot finance those resolutions. Those Questions should not come back to this House. The resolutions should be funded.

I can see my time is running out and I have not touched on my constituency. My constituency has a lot of challenges in terms of water, health and roads. We are not able to get...

Hon. Speaker: Member for Ol Jorok.

Hon. Michael Muchira (Ol Jorok, JP): Thank you, Hon. Speaker for giving me this opportunity to speak to this issue.

I want to join my colleagues in congratulating the Budget and Appropriations Committee for the good job they have done. As my colleagues have said before, this is a unique budget which has been prepared under extraordinary circumstances. As the Leader of the Majority Party rightly put it, this pandemic has no known timeline. As a Member of the Departmental Committee on Labour and Social Welfare, I want to speak to the issue of the *Inua Jamii* Cash Transfer. This is a fund whose first lot was recruited in 2017. We have been pushing for recruitment of more elderly members who were left out. It is now three years since 2017 and many citizens have reached the age of 70. Many Members have been facing the situation of being asked by those senior citizens when they would be recruited into the *Inua Jamii* Cash Transfer Programme. The same applies to orphans and vulnerable children (OVCs) and people with severe disabilities. This House, therefore, needs to look into that issue to ensure that more money is availed to the *Inua Jamii* Cash Transfer Programme, so that our senior citizens, OVCs and people with severe disabilities benefit from it.

On that note, senior citizens were promised that they would be covered by the National Hospital Insurance Fund. This, therefore, takes me to the issue of the universal healthcare whose pilot programme was launched in four counties. It is time the universal healthcare is rolled out to all the other counties, so that senior citizens who are not able to cater for their medical bills are rightly covered.

The issue of pending bills is well addressed in the Report. However, of importance is the issue of institutions of higher learning and universities which deduct statutory deductions from their staff, but are not able to remit them. This is a time bomb which needs to be addressed. I hope the Departmental Committee on Education and Research, together with the Ministry of Education will address this issue, so that this matter is laid to rest.

Finally, there is the issue of biased allocation of resources that has been addressed in the Report. The Member for Wundanyi has rightly put it that you find many infrastructural activities like roads in one area versus none in other areas. On electricity projects, you find one area is 100 per cent connected while in other areas like Nyandarua, connectivity is too low. We hope this matter will be addressed as we continue pushing for it.

Hon. Speaker: Hon. Ibrahim Sahal, you have the Floor.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Thank you, Hon. Speaker for giving me this opportunity. The macro-economic framework underpinning the 2020/2021 Budget, the

key drivers of the economic growth include stable economic environment, inflation remaining within the range, increased private consumption and the expanded exports once the borders reopen. The growth premise has not been adequately incorporated in the path of the health pandemic. Comparative studies show that a strong well-funded and multi-sectoral economic stimulus programme greatly helps support economic recovery by stimulating customers' demand, sustaining business activities and aiding the retention of jobs. The proposed economic stimulus programme by His Excellency the President include the *Kazi Mtaani* Programme, operationalisation of credit guarantee scheme in order to support SMEs to access credit, by first making payment of VAT refunds to pending bills to enhance liquidity to SMEs and the need to use local labour to carry out various projects across the country.

There is need for the Government to move with speed amidst reports of the challenges of access to screening agents. There is need to identify high-risk exposure areas and hence COVID-19 treatment and management.

Hon. Speaker, the export sector is reportedly the hardest hit by COVID-19. The proposed intervention under the post-COVID-19 economic stimulus programme is aimed at cushioning the sector through providing support for renovation of hotels through Tourism Finance Corporation, prioritising tourism through aggressive post-COVID-19 marketing, providing support to the Kenya Wildlife Service to engage 5,500 community scouts for a period of one year and cushioning horticultural producers to access international markets. As a country, there is need to aggressively diversify, add value and market our export goods in order to mitigate trade deficit.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Hon. Sossion.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Speaker for granting me this opportunity to contribute to the Report of the Budget and Appropriations Committee. I wish to join everyone in saluting this Committee appreciating the fact that mobilising resources to finance the various Vote Heads in the budget is a difficult task and considering the novel COVID-19.

Hon. Speaker, allow me to comment on the education Vote Head and also the TSC Vote Head. We appreciate that at this time, the most essential critical services in the world out of the COVID-19 are healthcare system and education. All Governments have been indicted and so has this Parliament and our budget system. These are critical areas that we cannot avoid allocating and appropriating sufficient resources. As a nation, we are members of the global community and I would like to, as we congratulate the BAC, urge that in future, we comply with the United Nations Educational, Scientific and Cultural Organization (UNESCO) standards of appropriating, at least, 6 per cent of the Gross Domestic Product (GDP) to education and at least 20 per cent of the overall national expenditure. From these figures, indications are that we are slightly below 6 per cent of GDP and 20 per cent of the national expenditure. As a country, within the framework of Vision 2030, where we endeavor to produce the best quality human resources, this cannot be achieved unless there is deliberate appropriation of enough money to education.

Focusing on the teaching service, our Constitution, which the people of Kenya gave themselves, created the TSC, so that the cost of employing teachers can be offloaded from the poor households. It is 10 years down the line and this budget-making process should actually help in actualising the Constitution. Ten years down the line, we have seen, even on the Floor of the House, questions on board on the management teachers. I wish to state that no law in this country recognises a group of teachers called "board of management teachers". We have also seen aspects of internship. In this country, out of these developments, particularly on the boards of management investment and intern teachers, we end up burdening the very poor households that needed to be

offloaded. Moving forward, there is need to rationalise the Budget with regard to the teaching service, so that more funds are directed to the actual employment of teachers.

Hon. Speaker, looking at the budget of the Teachers Service Commission the Kshs7 billion allocated for the general operations cannot compare with that of the public service which is only Kshs734 million. Do we really need Kshs7 billion for the operations of the TSC? Probably it is time we thought of having a lean and efficient TSC so that we can free more resources to hire teachers which is more important.

The vision of the TSC to satisfy the needs of teachers has been to hire 22, 000 teachers annually. This should be considered even moving forward and there should be equity right at the...

Hon. Speaker: Let us have the Hon. Member for Saboti.

Hon. Caleb Luyai (Saboti, ODM): Thank you, Hon. Speaker, for granting me this opportunity to add my voice. First, I thank the Committee for working very hard at this unprecedented time to deliver this Report.

I support this Report but with caution. On matters transport, I would like to say that one of the catalysts for economic development for a country such as Kenya that depends on agriculture and tourism is to support infrastructure and road networks. As we talk about the Big Four Agenda on manufacture or local production, emphasis must be on a proper plan on how we can develop the overall infrastructure of this country so that we do not have a skewed road network or allocation of funds to different regions probably for political reasons or otherwise.

Saboti Constituency is often referred as the bread basket of Kenya but how does this bread reach the rest of the country if there is no infrastructure? This is a constituency in the whole Republic of Kenya that does not have any road that is upgraded to bitumen standard. All the tarmac roads surround it but there is no through way. Had we considered major highways that pass through the constituency, for example we would have Turbo, Tongaren past Kiminini through Saboti Constituency and finally Endebess. That is a highway that can open an entire region consisting of almost five constituencies. This focus of constructing roads is because all that people need to have their produce to the markets is passable roads.

We recognise the fact that we do not have the required resources to have all the road networks in the country but all we need is to make the roads passable, whether they are upgraded to bitumen standard or not. During the rainy season, roads become impassable in the areas that we come from. It is a big paradox that I spend millions of shillings from my pocket to take food to an area that is supposed to be the bread basket of the Republic of Kenya simply because we have not empowered it in terms of infrastructure to enable it produce this food.

Going forward, we must realign our infrastructure funds to the economic capacity of that particular area. If you go to my constituency or even the neighbouring constituencies that I have mentioned, you will find perennially whenever there is a rainy season, people plant banana stems on the road and they do so well such that the entire road is converted into banana plantation. So, the whole concept of road network in this country must be relooked at. We should ensure that at least every road in the interior is first and foremost passable before we talk about upgrading them and the highways.

Hon. Speaker: Member for Mogotio.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Speaker for giving me an opportunity to contribute to this important Budget. I want to thank the Budget and Appropriations Committee for a good job guided by the outgoing Chair, Hon. Ichung'wah. First of all, I am concerned about the role of budgeting. Most times we are engaged in our various departmental committees and eventually towards the end, we find most of our recommendations are reversed at

some stage. As we were told this morning, most of the issues pertaining to budgets are actually negotiated.

I think this is something that we need to revisit and see to it that whatever departmental committees contribute is taken seriously. Concerning the revenues, I know this is a difficult time of COVID-19 and getting revenues is a bit difficult. I know the Parliamentary Budget Office has said the projection of growth of around 4.2 per cent may be difficult to achieve. However, my concern is more on the expenditure side.

In Mogotio Constituency, most of our major issues are water, roads and electricity and these areas need enhanced budgets. In terms of roads, we are concerned because in Mogotio in the last 25 years, no road has been tarmacked. We have been promised severally that something will be done. At one point, procurement took place, but eventually, this was cancelled. So, some of us are feeling a little bit left out. I heard other Members saying that we need to be inclusive in terms of putting more resources into the road network. If you put Kshs30 billion in one road and leave other constituencies with nothing, then they will be left behind.

I know at one point this House passed that every constituency should get about 20 kilometres of tarmac road. We have canvassed this in the Committee of Implementation, but I think the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works does not take it seriously. I would like this House to enforce that every constituency must get some of their roads tarmacked every year. In terms of the stimulus package which the President outlined, I want to thank him for reaching out to the needy especially the elderly and for the *Kazi Mitaani*.

Currently, because of COVID-19, many of our people are experiencing food shortage. Therefore, this stimulus package should be extended in terms of food provision to various communities. In terms of the pending bills, this is an area which I raised with the Chairman of the Budget and Appropriations Committee because it has become a perpetual thing. We know the requirement is that every agency is supposed to prioritise pending bills. This is something that has been pending for a long time and leads to distorted budgeting.

I know this Budget of Kshs2.8 trillion will not bridge the gap. The National Treasury needs to be a little more conservative in terms of budgeting, so that we do not overbudget when the revenues are limited. Finally, on loans, this morning we were told about commercial loans versus concessional loans. I agree with the Chair of the Budget and Appropriations Committee that we need to seriously enforce the concessional aspect of loans.

Finally, in terms of appropriation, I heard about NEMA and other agencies.

Hon. Speaker: Member for Mwatate.

Hon. Andrew Mwadime (Mwatate, ODM): Shukrani Mhe. Spika kwa hii fursa ambayo umenipa. Napongeza Kamati ya Bajeti kwa sababu katika wakati huu mgumu wameweza kuja na Bajeti ambayo tumeona angalao kila idara imepata hela kidogo. Ingawaje tukiangalia, changamoto tuko nazo nchini kama kazi kwa watu wetu. Ukiangalia Idara ya Viwanda, kwa kweli ile hela wamepewa sio eti inawawezesha kutengeneza kampuni nyingi ili vijana wetu wapate kazi. Vile vile, kulikuwa na raha na vifijo na nderemo kule kwangu wakati vijijini umeme ulikuwa unawaka hapa na pale lakini nikiangalia bajeti ya idara ya kawi, naona imepunguziwa hela kidogo. Sioni kama itaendelea tena kuweka umeme kule vijijini.

Kila wakati hata hapa Bungeni huwa tunalia tunasema kwamba wazee wa vijiji wana kazi kubwa. Sasa hivi nimeona Wizara ya Ndani angalau kidogo wameshiba. Basi tunaomba pia wao washibishe wale wazee wa vijiji. Ugavi wa mkate ndio huleta vita, malumbano, makasirikiano na chuki zote kubwa humu duniani. Kwa kweli ukiangalia hii Bajeti na nikiangazia Eneo Bunge langu la Mwatate, tumekuwa na kilio kikubwa cha maji. Kuanzia mwaka wa 2014 Serikali imekuwa

ikisema kwamba itaweka maji ya Mzima Springs kule kwetu Kaunti ya Taita Taveta na maji mengine yaende Kaunti za Mombasa, Kilifi na Kwale lakini nashangaa mpaka leo hii bado katika hii Bajeti hawajaiwekea mgao wa hela. Mimi hulilia sana na ndovu na simba. Hata hivi juzi tumekuwa na fisi mla watu, haswa wazee. Hata mimi nina wasiwasi na hii Bajeti ya mwaka wa 2020/2021 maana nimelia sana kuhusu ndovu. Nikiangalia Wizara ya Mazingira na Maliasili, kwa kweli bajeti yao imepunguzwa na sasa hivi najua hawa wanyama watatusumbua sana. Zile hela walizopata ni za marupurupu yao tu lakini kufanya zile kazi zinatakikani itakuwa vigumu kwao.

Nitaongea kuhusu Tume ya Kuajiri Walimu. Kwa kweli naipongeza kamati kwa kuipatia pesa za kutosha ingawaje hela ambazo wametenga za matumizi katika afisi ile wameweka juu sana. Mimi nikiwa mwalimu, kwa kweli ile hela ya Kshs7 bilioni iko juu. Namuunga mkono mwenzangu Mhe. Sossion vile alikuwa amesema. Angalau wapunguze hizo hela na wawe na afisi ambayo inaweza kutoa huduma sawasawa kila mahali. Naona muda wangu umekwisha na nilikuwa na mengi ya kuongea.

Asante, Mhe. Spika.

Hon. Speaker: Member for Limuru.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I rise to support this Motion. In supporting, I commend the Budget and Appropriations Committee for the kind of work they have done given the special circumstances the Coronavirus pandemic has brought to our country. They did not mind the social distancing. I got to know that they even sat over the weekends. They have worked back and forth with committees, including a Committee I belong to, and they were able to come up with a document that has been presented here. That is why we are here this hour to support this Motion and make sure that we have a budget that is going to address the issues that pertain to the pandemic and, of course, other social issues that affect our people.

Secondly, I associate myself with the very many good points that have been put across by my colleagues. I do not want to risk being superfluous or monotonous by having to repeat them. Let me pick one of the issues of the economic stimulus package, especially the *Kazi Mtaani* Programme which generally is going to cushion people who have lost their economic activities and probably also the jobs that they have had. I also wish to ask the Cabinet Secretary that we should be ready to formulate a policy and strategy to absorb some of these people. I am sure not all of them, even once the restrictions are eased, will go back to their work places. So, the Government must create a kitty to cushion them from the ravages of the poor economy that we shall be going through.

Secondly, Hon. Speaker, there was mention in the morning about pending bills and everybody is talking about them. But it is very interesting that pending bills accumulate when we have accounting officers who are supposed, in the first instance, to ensure that every other project which is done is paid promptly. I want to cite one of the agencies that we oversee which retrenched people who were owed Kshs52 million. It took us, as a Committee, to try to get money from wherever they had put, including in development, to cushion the people who had been retrenched. It is COVID-19 time, then they are denied their terminal dues, and there was no provision. Some of those agencies that are doing this to our own people are not sensitive to the plight of Kenyans.

Hon. Speaker, I saw it in the same area and I think we need to ask ourselves: When we are budgeting, are we going to be getting financial performance reports of a project or technical percentages of completion? Honestly, I saw one which was termed as 100 per cent complete but on the ground, there was nothing. When I asked, they said the 100 per cent completion only pertained to finance. So, I asked what was spent in this finance. They were preliminary reports and

consultations while on the ground there was nothing. We need to take care, so that we do not go through that route.

Finally, as I end, Hon. Speaker, on this issue of expenditure which has been brought here for us to rubberstamp, I propose that those projects and payments should come to Parliament before they are paid and we are notified of the same. That is a very good recommendation from the Budget and Appropriations Committee.

Hon. Speaker: Member for Wajir North.

Hon. Ibrahim Ahmed (Wajir North, ODM): Thank you, Hon. Speaker. I also rise to support this Report. That said, I also want to echo the sentiments of my colleagues that it is important for us to have fair distribution of the Budget to Kenyans, so that we can have equality. The issue of equality and equity is very important in terms of distribution of resources because we all share the tax burden as Kenyans. That is why it is also necessary to share the resources equitably.

Hon. Speaker, the key thing that we are depending on in this budgetary allocation is a needs-based approach as well as looking at the Big Four Agenda and its enablers. You will find that most parts of this country, especially the northern parts, and in particular my constituency, access roads have been destroyed by floods. Also, maternal mortality rate is extremely high. These reports are available and could have been used as the basis for us to do the resource allocation but unfortunately, this has not been the case. As we speak, health is one of the devolved functions. However, it is unfortunate that since this function was devolved, we have gone from bad to worse. That said, despite the fact that public participation is enshrined in Article 118 of the Constitution, in most cases, instead of depending on the needs-based approach with clear priority ranking, it is unfortunate that senior Government officers in Nairobi are making decisions in boardrooms and cascading down the needs. That is very unfortunate. There is a case in my constituency which is already in court. That is the unfortunate level we are in.

That said, this country is also ill-prepared for rapid onset disasters. We were ill-prepared for COVID-19. Besides COVID-19, you will find that we were also ill-prepared for the floods which are also rapid onset disasters. The number of lives we lost due to floods are more than the number of lives we have lost to COVID-19.

Despite the resource allocation that we are doing, it is unfortunate that to date, the country is ill-prepared for COVID-19. I come from a non-governmental organisations (NGO) background and I remember before I left, we had got to a level where we were sharing multi-agency and multi-sectoral assessment reports. There were also interventions where people were working together in terms of accountability both at the Government level and non-State actors. People were working closely together. In case of rapid onset disasters, be it diseases, floods or even clan conflicts, the response was better by far. We are currently in a terrible situation.

That said, we should use the resources allocated to COVID-19 for prevention rather than just response. Currently, what is happening is just response. You will find that in a number of areas, the awareness level is extremely low. It is my prayer that the Ministry of Health will go a notch higher and conduct the necessary awareness so that we can increase prevention.

Hon. Speaker: Let us have the Member for Sirisia.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Speaker for giving me a chance to contribute to this.

From the outset, I support the Report of the Budget and Appropriations Committee. It has done a good job with the challenges we have in the country. They have ensured that at least every ministry gets a little share. They have worked hard to make sure that there is balance.

Our country has faced a lot of challenges. The economy of this country is strong because even with the problems we are facing, we have managed to feed our people, especially the elderly. I thank the President for not forgetting them. Every time they get food from our Government, they are happy. We must thank His Excellency.

Kenya has gone through so many problems. If you were to count them, you would start with locusts, then floods and now we have the Coronavirus. We need to pray. It is good that the President has allowed churches and mosques to reopen, so that we can pray for the Coronavirus to disappear from our country. Because of the pandemic, the Government has started reviving industries. We are happy with the Rift Valley Textiles (RIVATEX). It is doing very well. If it were not for this animal called Coronavirus, Malakisi Ginnery in Sirisia where I come from would be revived. Because of bad luck, a lot of money is being spent on Coronavirus. We understand.

This country mostly depends on agriculture and tourism. We are not exporting goods now. Where I come from, there is coffee, but we are not exporting it because of these problems. We are also not exporting flowers and tea. Everything is at standstill. Even tourists are not jetting in. Our people should understand that the country is going through so many challenges. We need to support the Government. I want to thank the Budget and Appropriations Committee for the good work that they have done today. Because I do not want to repeat what my colleagues have said here, I support the Motion.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Suna East.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker, for giving me this opportunity to contribute. I stand to support the Report of the Budget and Appropriations Committee on Budget Estimates for the Financial Year 2020/2021. However, I do this with a number of reservations which I would like to highlight.

The budget-making process was conferred on this House through the Constitution, 2010. Every year at the beginning of the budget-making process, the National Treasury provides us with the BPS, which is a very important document. It lays the foundation of the budget-making process and gives out the ceilings and everything. What shocks me is that the National Treasury does not adhere to the resolutions of the House through the BPS. That is the document that they are supposed to use to lay the foundation of the Budget that they bring before the House. The resolutions of this House on the BPS are always taken for granted. The technocrats at the National Treasury do not think that the resolutions that this House passes, through the BPS, are important. Look at what happened. It was business as usual. They did not put into consideration all the resolutions that were passed in this House until we stood up here and said that we would not accept a Budget that is business as usual. That is why the Kshs53.7 billion economic stimulus package was added in the Budget. We cannot continue like this. Bad financial manners must be stopped by this House.

We will not allow the National Treasury to do such things. If you look at this financial year that will end on 30th June, the National Treasury will bring the third Supplementary Budget. We had a Budget and there was Supplementary Budget I, II and III. You do not do that in your house. You budget the little salary you earn for a whole month. You do not make a supplementary budget in your house on 10th, 15th and another one on 25th. It just shows you how incompetent the technocrats at the National Treasury are. Look at the whole world. Budgets are made once and for all for the financial year. The supplementary budget is supposed to take care of emergencies. For example, we have the Coronavirus disease this year which is okay. If you look back, we have been having Supplementary Budget I and II in every financial year. This House must stand up now

because Article 223 of the Constitution is being misused. People spend money and then bring it here for us to rubberstamp. We deal with a carcass which we cannot do anything about. Even if we do not approve it, the money cannot come back because it has already been used. We must scrutinise the way the budget-making process is being handled. It is for our good and that of the country. I am not trying to attack anyone or lie. I want things to be good. I want proper management of our finances in this country.

When I used to be in serious Opposition, but not now when we have gone down a bit, we used to talk about the debt portfolio in this country.

(Laughter)

I remember those days when the Chairman of the Budget and Appropriations Committee used to ask me: “What kind of debt are you talking about? Look at Japan and the USA, they are at 200 per cent of their GDP.” Today, the debt repayment is at Kshs900 billion while we are collecting Kshs1.6 trillion or even less, as I am being informed. Where are you going to get all that money from? If you had listened to me in 2014 when I was doing *mapambano*, maybe you would be paying Kshs200 billion by now and not Kshs900 billion. You never listened to me. Now look at where you are. You have to look for Kshs900 billion to pay your debts. Please, add me a minute. I will help you pay. Look at what the Budget has brought. The wages and benefits are at 36.9 per cent, which is contrary to 15.2..

(Hon. Junet Nuh’s microphone went off)

Hon. Speaker: But you said you have mellowed a bit these days. In the interest of COVID-19, you have one minute.

Hon. Junet Nuh (Suna East, ODM): That one minute, I will use it in two ways. First, we must adhere to the Constitution and the law when we are making the Budget.

In my last minute, I want to thank the outgoing Chairman of the Departmental Committee on Budget and Appropriations. I looked at the Budget thoroughly and I have not seen any gratuity for him. I wanted to put at least Kshs10 million for him to go home. I do not know whether we can get it from the Parliamentary budget or from which ministry. Let us see how we can send him home. He has done a very good job for the time he has been there.

Hon. Speaker, I support.

Hon. Speaker: Member for Kitutu Masaba, do you want to contribute?

Hon. Shadrack Mose (Kitutu Masaba, JP): Thank you, Hon. Speaker, for giving me the chance to also put in a word in support of this noble job that has been done by my good friend, Hon. Ichung’wah.

I have two points to speak to. One, I will deal with the issue of the budget in respect to our Judiciary. Hon. Speaker, everything that we do and that is in this House, gravitates around the judicial process. When I look at the allocation, I would urge that in the coming Budget, we increase the amount of money allocated to the Judiciary on three grounds. One, in terms of the infrastructure of our courts, you will find that many of them are half-way done. Therefore, the dispensation of justice is greatly hampered.

Secondly is the issue of the judicial staff. The magistrates and other personnel who are involved in ensuring that the aspect of justice is served are really challenged. Therefore, this is one

area that we need to ensure is well funded for the democratisation process in this country to be advanced.

Lastly, because of time, and I can see that many speakers have spoken on various issues, I want to speak on the issue of the elderly in terms of the cash transfer programme. I note with concern that the amount of money that has been allocated is not sufficient. When we go to our constituencies, we realise that many old people are in dire need, but the cash transfer is actually inadequate. Therefore, this is one area that we need to also delve into seriously. Like other jurisdictions in developed democracies like the USA, we should also take care of our elderly, who have done a lot to bring us this far.

Lastly, I want to congratulate the Chairman of the Budget and Appropriations Committee, Hon. Ichung'wah, for having steered his Committee and given us a budget that is well balanced despite the COVID-19 pandemic.

With those remarks, Hon. Speaker, I support.

Hon. Speaker: Let us have the Mover to reply, there being no other Member desirous of speaking.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. In replying, again, let me take this opportunity, in a very special way, to thank the Members of the Budget and Appropriations Committee, the Parliamentary Budget Office and the entire House for the support throughout this budget-making process of the 2020/2021 Financial Year. This being my last Budget to oversee as the Chairman of the Budget and Appropriations Committee, I also thank, in a very special way, all the 26 Members, including myself, of the Budget and Appropriations Committee. I thank all the Members I worked with for the last three years, for the immense support they have given me throughout the time that I served as the Chairman of the Budget and Appropriations Committee.

Hon. Speaker, you will appreciate from where you sit and many Members will appreciate too that this is one of the most difficult jobs to do in this House where you have to balance interests, balance allocation of resources amongst competing priorities and the resources are always very limited. I thank all the Members of this House because many have been understanding when we are not able to do many of the things they request us as Members of the Budget and Appropriations Committee, to do. Chairs of all our departmental committees have also been a great team. They have been very understanding and supportive throughout the process in the last three years. I wish to take this opportunity to thank all of them.

Many issues have been raised and many of them are well and aptly captured not only in our Report, but in about six or seven reports that we have done over the last three years. Some of the issues Members spoke about are pending bills; the Member for Mogotio says they are still pending. It is still unfortunate that up to now many are pending, some like the ones mentioned by the Member for Limuru in the Ministry of Defence. Some are very old, almost 18 years old and have even court awards.

On the issue of House resolutions not being followed up, we need, moving forward, to pursue any abuse of Article 223 of the Constitution. I encourage the Whip of the Minority Party, Hon. Junet Mohamed, that it is not in vain to speak about the abuse of Article 223 of the Constitution. Let me remind him that in the 2017/2018 Financial Year, we declined the approval of money that had already been paid with regard to the Ruaraka Land Scandal of Kshs1.5 billion. If we were in a country where the rule of law was respected, if we were in a country where we were serious in our fight against corruption, that was one very perfect case of abuse of processes created under our new Constitution and abuse of State resources that should have been taken. It

is my hope that in our lifetime, we will see action being taken and money that was misappropriated under the Ruaraka Land Scandal go back to public coffers.

Hon. Speaker, in conclusion, it has been wonderful in the three years working with Members of this House more specifically Members of the Budget and Appropriations Committee. I am grateful to my political party, Jubilee, for having nominated me and given me the opportunity to serve Kenyans. I was elected, luckily, and by God's grace, as the only Member of Parliament elected unopposed in the 2017 elections, my party leader and his deputy were gracious enough to nominate me to serve in this position. Every Member of this House is capable of serving in this position. On Tuesday, I indicated that I am available and ready to support the incoming Chair of the Budget and Appropriations Committee once the Committee is reconstituted. I had indicated to the Leader of the Majority Party that upon the end of my three-year term this year, I was not willing to seek another term because it is time consuming. I want to thank the great people of Kikuyu who have donated me as a resource. Out of the time I have served this House, they have allowed me to also serve the Kenyan public as the Chair of this very busy Committee.

I leave office with my head high because I have served my country with honour, dignity, high level of integrity and a balanced way of working with colleagues. It is not easy to lead politicians. From your position, you know how difficult it is. I am happy with the support accorded to me by the Members of this House. We will continue to serve this country and do the best we can for the people of Kenya. We were not serving the Jubilee Party and our political party leaders, but we were in service to the people of Kenya. We will continue to do that as I was educated years ago to be "strong to serve". I remain strong to serve.

With those remarks, I beg to reply.

Hon. Speaker: I just want to remind the Chairman of the Budget and Appropriations Committee that next week we expect to proceed to the Committee of Supply. He must be available to supply.

(Question put and agreed to)

Hon. Members, I recall that under the Motion moved by the Leader of Majority, the House had resolved that you continue sitting until you conclude the business appearing as Order No.9. I will call upon the Leader of the Majority to give us an indication as to whether he intends to proceed.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I want to indulge you that we deal with that matter next week.

(Applause)

I want to thank Members for sitting until now to deliberate on the budget process. I want to ask you that we step it down, with your permission, and we can deal with it next week.

Hon. Speaker: Hon. Members, notwithstanding the resolution, and listening to the vibes, it appears that the most honourable thing, for the convenience of the House, is to accede to the request by the Leader of the Majority Party to stand down the request appearing as Order No. 9 on today's Order Paper.

(Order No.9 stood down)

Therefore, I want to thank each one of you for, indeed, spending the whole of this afternoon here and actively participating, more so the Members who even spoke in the Morning Sitting during the Members' allotted time, but are still sitting. I have in mind the Member for Homa Bay Town. He did not walk out because he had finished. He contributed in the morning and he is still here to follow proceedings up to the last moment that the House resolved. Congratulations, Hon. Members.

(Applause)

ADJOURNMENT

Hon. Speaker: I am used to sitting. Hon. Members, the time being 8.06 p.m., this House stands adjourned until Thursday, 11th June 2020 at 2.30 p.m.

The House rose at 8.06 p.m.