



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. I NO. 19

THE HANSARD

Tuesday, 8th November 2022

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, we have quorum to transact business.
Clerk-at-the-Table.

COMMUNICATIONS FROM THE CHAIR

POSTPONEMENT OF ELECTION OF CHAIRPERSON OF COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

Hon. Speaker: Hon. Members, take the nearest seats to you. Order, Hon. Members.

Hon. Members, I have two Communications to share. The first one is on the election of Chairperson and Vice-Chairperson. As you will recall, following a request from the Leader of the Majority Party, Hon. Kimani Ichung'wah, the election of the Chairperson and Vice-Chairperson of the Select Committee on National Cohesion and Equal Opportunity were deferred from Friday, 4th November 2022 to today.

I wish to inform the House that I am in receipt of another letter from the Leader of the Majority Party seeking further deferment of the said election which was to take place today. The request for deferment arose from a consultative meeting between the Committee on Selection and the leadership of the House on the need to allow for further consultations. To this end, the Leader of the Majority Party now seeks deferment of the election to Thursday, 10th November 2022.

Hon. Members, having acceded to the request, I order that the election of Chairperson and Vice-Chairperson of the Committee on National Cohesion and Equal Opportunity stands deferred to Thursday, 10th November 2022. The Clerk is hereby directed to designate and notify Members of the place and time for the said election. The House is accordingly guided.

The second Communication is an invitation to all of you, Members, to the Lamu Cultural Festival.

INVITATION OF MEMBERS TO LAMU CULTURAL FESTIVAL

Hon. Members, I wish to inform the House that I am in receipt of a letter from the Member for Lamu East, Hon. (Capt.) Ruweida Mohamed Obo, regarding the upcoming Lamu Cultural Festival. In her letter, on behalf of the residents of Lamu East Constituency, she cordially invites all Members of Parliament to this year's Lamu Cultural Festival scheduled to be held in Amu Island on Thursday, 24th November, and Friday, 25th November 2022. The purpose of the said Cultural Festival is to showcase the Island's cultural heritage and promote tourism by marketing the various historical sites located in Lamu County, among them Siyu, Pate, Shella and Lamu Port.

The House is accordingly informed.

(An Hon. Member spoke off record)

You are invited in your individual capacities.

(Laughter)

PAPERS

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Proposed National Government - Constituencies Development Fund (NG-CDF) budget ceiling for each constituency for the Financial Year 2022/2023.

The first and second batches of nominees to the NG-CDF Committees from the NG-CDF Board for the following Constituencies:

1. Bahati Constituency;
2. Baringo South Constituency;
3. Belgut Constituency;
4. Bondo Constituency;
5. Budalangi Constituency;
6. Bumula Constituency;
7. Bura Constituency;
8. Butula Constituency;
9. Chagamwe Constituency;
10. Cherangany Constituency;
11. Chuka/Igambango'mbe Constituency;
12. Dadaab Constituency;
13. Dagoretti South Constituency;
14. Eldama Ravine Constituency;
15. Eldas Constituency;
16. Embakasi North Constituency;
17. Embakasi West Constituency;
18. Endebess Constituency;
19. Ganze Constituency;
20. Gatanga Constituency;
21. Gilgil Constituency;
22. Githunguri Constituency;
23. Igembe North Constituency;
24. Igembe Central Constituency;
25. Isiolo North Constituency;
26. Jomvu Constituency;
27. Kajiado East Constituency;
28. Kajiado North Constituency;
29. Kajiado West Constituency;
30. Kaloleni Constituency;
31. Kangema Constituency;
32. Kapenguria Constituency;
33. Kapseret Constituency;
34. Kasipul Constituency;
35. Kathiani Constituency;
36. Khwisero Constituency;
37. Kibra Constituency;

38. Kilgoris Constituency;
39. Kilifi South Constituency;
40. Kinangop Constituency;
41. Kipkelion East Constituency;
42. Kipkelion West Constituency;
43. Kipipiri Constituency;
44. Kirinyaga Central Constituency;
45. Kisauni Constituency;
46. Kisumu Central Constituency;
47. Kisumu West Constituency;
48. Kitui Central Constituency;
49. Kitui East Constituency;
50. Kitui Rural Constituency;
51. Kitui South Constituency;
52. Kuresoi North Constituency;
53. Lagdera Constituency;
54. Laikipia East Constituency;
55. Laikipia North Constituency;
56. Laikipia West Constituency;
57. Lamu West Constituency;
58. Likuyani Constituency;
59. Limuru Constituency;
60. Maara Constituency;
61. Magarini Constituency;
62. Malava Constituency;
63. Mandera East Constituency;
64. Mandera South Constituency;
65. Manyatta Constituency;
66. Maragua Constituency;
67. Mathioya Constituency;
68. Mbeere South Constituency;
69. Molo Constituency;
70. Moyale Constituency;
71. Msambweni Constituency;
72. Muhoroni Constituency;
73. Mumias East Constituency;
74. Mwea Constituency;
75. Mwingi West Constituency;
76. Naivasha Constituency;
77. Nakuru Town West Constituency;
78. Nandi Hills Constituency;
79. Narok North Constituency;
80. Narok South Constituency;
81. Ndaragwa Constituency;
82. Njoro Constituency;
83. North Horr Constituency;
84. North Imenti Constituency;
85. Nyakach Constituency;
86. Nyatike Constituency;
87. Ol Jorok Constituency;

88. Othaya Constituency;
89. Pokot South Constituency;
90. Rabai Constituency;
91. Rarieda Constituency;
92. Rongai Constituency;
93. Rongo Constituency;
94. Roysambu Constituency;
95. Ruiru Constituency;
96. South Imenti Constituency;
97. Soy Constituency;
98. Subukia Constituency;
99. Suna East Constituency;
100. Tarbaj Constituency;
101. Teso South Constituency;
102. Tharaka Constituency;
103. Tongaren Constituency;
104. Ugunja Constituency;
105. Wajir West Constituency;
106. Wajir South Constituency;
107. Webuye East Constituency;
108. Webuye West Constituency;
109. West Mugirango Constituency;
110. Wundanyi Constituency;
111. Yatta Constituency;
112. Baringo Central Constituency;
113. Kacheliba Constituency;
114. Kaiti Constituency;
115. Kieni Constituency;
116. Langata Constituency;
117. Makueni Constituency;
118. Marakwet East Constituency;
119. Marakwet West Constituency;
120. Mvita Constituency;
121. Mosop Constituency;
122. Nyeri Town Constituency;
123. Saboti Constituency; and,
124. Tiaty Constituency.

Thank you, Hon. Speaker.

NOTICE OF MOTION

APPOINTMENT OF MEMBERS TO THE PARLIAMENTARY SERVICE COMMISSION

Hon. Speaker: The Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to give Notice of the following Motion:

That, pursuant to the provisions of Article 127(2) of the Constitution of Kenya, the National Assembly approves the appointment of the following Members of the National Assembly and Senators to the Parliamentary Service Commission—

- (a) under sub-section (c)(i) –
- (i) Hon. Faith Wairimu Gitau, MP.
 - (ii) Hon. Mohamed Ali, MP.
 - (iii) Hon. Sen. Nderitu Kinyua, MP.
 - (iv) Hon. Sen. Joyce Korir, MP.
- (b) under sub-section (c)(ii) –
- (i) Hon. Mishi Juma Khamisi Mboko, MP.
 - (ii) Hon. King’ola Patrick Makau, MP.
 - (iii) Hon. Sen. Fatuma Adan Dullo, CBS, MP.

(Loud consultations)

Hon. Speaker: Hon. Members, that is just a Notice of Motion. The Motion will come.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Makali Mulu, there is hardly anything going on. What could be out of order?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Speaker, thank you very much for giving me this opportunity. In a Communication last week, you indicated that some of the oversight committees were not going to conduct their elections. You instructed the select committees to meet yesterday, and we were expecting some amendments to the placement of Members to the committees today. We are going through the main agenda of the day without delving into that matter. Since it was your Communication, I am seeking your indulgence on this matter, so that we are aware of where we are on it.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Makali. Indeed, you are right. The matter came to the House Business Committee (HBC). The committee met, but their report was not ready, so we gave them time. In the event they bring the report before we progress with our business, I will authorise the printing of a Supplementary Order Paper. If they do not, it will be on the Order Paper for tomorrow.

Proceed, Leader of the Majority Party.

MOTION

APPOINTMENT OF MEMBERS TO THE PARLIAMENTARY SERVICE COMMISSION

Hon. Speaker: The Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Speaker, I beg to move the following Motion:

That, pursuant to the provisions of Article 127(2) of the Constitution of Kenya, the National Assembly approves the appointment of the following Members of the National Assembly and Senators to the Parliamentary Service Commission—

- (a) under sub-section (c)(i) –
- (i) Hon. Faith Wairimu Gitau, MP.
 - (ii) Hon. Mohamed Ali, MP.
 - (iii) Hon. Sen. Nderitu Kinyua, MP.
 - (iv) Hon. Sen. Joyce Korir, MP.
- (b) under sub-section (c)(ii) –
- (i) Hon. Mishi Juma Khamisi Mboko, MP.
 - (ii) Hon. King’ola Patrick Makau, MP.

(iii) Hon. Sen. Fatuma Adan Dullo, CBS, MP.

Hon. Speaker, it is imperative that Members of this House note that the PSC, as I have stated, is anchored under Article 127(2) of the Constitution, and has a very critical responsibility of ensuring the efficient and effective functioning and running of Parliament. By saying Parliament, I mean this House and our sister House, the Senate. I further seek to thank the leadership of both the Minority and Majority parties of both Houses for their joint engagement in ensuring that this process of nominating Members who will represent us in the Commission, which as I said is a constitutional Commission like all other commissions, is indeed, a success.

Hon. Speaker, as the Chairman of this Commission, you know that this Commission, like any other, is subject to oversight. The committee that oversees this Commission is a very important committee, namely, the Members' Welfare and Services Committee, now chaired by Hon. Wachira Karani, the Member for Laikipia West. When we were having engagements in the selection of committees, many Members were afraid of joining the Members' Welfare and Services Committee because of the connotation of its past name. When I was having a conversation with some Members, I told them that this is the Committee that oversees the PSC. Other than the Justice and Legal Affairs Committee, which also has that rare privilege of overseeing a constitutional commission, there are many privileges that come with overseeing your own employer, the Parliamentary Service Commission.

We are also aware that matters concerning Members and staff welfare, both at the constituency level and in Parliament, are carried out through the Parliamentary Service Commission. Therefore, there is no doubt as to the amount of work that is on the in-tray of the incoming commissioners. It is important that as we approve these commissioners, they bear in mind that they are getting into the commission to serve the interest of the entire Parliament. They are not being nominated into the commission to push their own personal agendas like employing their relatives or village mates, but to ensure that even staff who are recruited by the PSC reflect the diversity of our nation in terms of regional representation, ethnic representation, gender and everything that pertains to equitable and fair representation of Kenyans. As I move this Motion, I wish to implore the proposed Members of this commission to perform their duties diligently devoid of any political party affiliations, as this is the only way to ensure that Parliament is able to provide services and facilities as provided under Article 127(6) of our Constitution.

The Parliamentary Service Commission Strategic Plan for 2019-2030 provides that the Parliamentary Service Commission will adopt deliberate and strategic policies that will actualise a people-centred democratic Parliament by the year 2030. In this regard, this Commission, if approved, has a lot required of them. They should ensure that Members of Parliament are facilitated to effectively and efficiently discharge their mandate of legislation, representation and oversight in line with the Constitution.

Speaking about a people-centred democratic parliament by the year 2030, I think the outgoing commission that developed this ten-year strategic plan was, indeed, visionary when creating the democratic and people-centred Parliament to be the vision. We must, therefore, ensure that the Members who are being nominated to the Commission ensure that all the Members here and the Senators are empowered and properly facilitated to carry out their representation roles.

On this note, Hon. Members, I know that we have had a long running fight with our siblings in the other House on the Senators' Fund. I plead with my colleagues in this 13th Parliament to be the House that will rise to the occasion to ensure that we facilitate our Senators to carry out their representation role as effectively as possible. As we facilitate the Senate, as Members of the National Assembly – who are more of the people's representatives than the

Senators, who represent counties – we also ought to be facilitated in order for us to undertake public participation and get our people’s views, even as we represent them here.

Hon. Speaker, as I mentioned earlier, the Committee that oversees this Commission should not oversee particular commissioners, but the Commission as a whole. The Committee has a duty to ensure that the Commission enhances the growth of our democracy and parliamentary democracy in the country. Therefore, I ask the Member for Laikipia West, Hon. Wachira Karani, who is the Chairperson of the Committee on Members’ Services and Facilities, to prepare to engage with the Commission as soon as it is sworn into office, so that the Commission can apprise this House on what they are doing to facilitate Members in the advancement of parliamentary democracy. They should also guard our parliamentary democracy selfishly. Therefore, Hon. Wachira Karani has his job well cut out.

With those many remarks, I ask this House to approve this list as submitted. I beg to move and ask the Deputy Leader of the Minority Party, Hon. Mbui, to second.

Hon. Robert Mbui (Kathiani, WDM): Hon. Speaker, I rise to second the Motion on the appointment of Members to the PSC. Article 127 of the Constitution is designed such that this Commission has Members drawn from the National Assembly and the Senate. Because of coalitions, sometimes it becomes very complicated and tricky to identify the specific Members that will serve in this Commission. For example, in the Minority Party side, we have the Orange Democratic Movement (ODM), the Wiper Democratic Movement (WDM) and the Jubilee Party as parliamentary parties. The leadership has really struggled to come up with an acceptable list. We know that every Member in this House is capable of doing this job, but it is only seven Members that can be appointed to the Commission.

I want to talk about this Commission’s responsibility as stipulated in Article 127(6). One of the things that these Members being appointed to the Commission must know is that they are going there to represent us. It is important that if the House approves the nominees, they should know that their work is cut out for them. We just came from elections to find out that Members’ salaries have been cut, their allowances reduced and the house allowance scrapped. This is unfortunate. It is important for the new Commission to know that they have their work cut out for them.

Article 127(6) says that the Commission is responsible for providing services and facilities to ensure the efficient and effective functioning of Parliament. So, it is important that these new commissioners do everything that is heavenly possible to ensure that the Members’ welfare is considered and taken care of.

Hon. Speaker, as I finish, Members from areas near the City like Kajiado, Kiambu and Machakos constantly have to drive to their constituencies. They obviously drive to their constituencies just like their counterparts from very far. Unfortunately, over the years, these Members do not earn a single cent on mileage. There must be some kind of equity. It is unfortunate when one Member can earn up to Ksh1 million and another one earns zero for doing the same job just because one’s home is located farther than the other. It is important that this Commission looks into that matter and ensures that all Members get a fair share so that they can carry out their responsibilities as expected.

With those few remarks, I second.

Hon Members: Put the Question!

Hon Speaker: Order, Hon. Members.

(Question proposed)

Hon Members: Put the Question!

Hon Speaker: Is that the wish of the House?

Several Hon Members: Yes!

Hon Speaker: I will put the Question to putting the Question. Is it the wish of the House that I put the Question?

Hon. Members: Yes!

Hon. Members: No!

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

Hon. Speaker: Hon. Members, I will now put the Question. Remember that there is a precedence set in this House under the stewardship of Speaker Marende that in a situation such as this, we vote for the block as is; either accept all or reject all.

(Question put and agreed to)

(Applause and loud consultations)

Order, Hon. Members, Order! I acknowledge the following schools seated in the Public Gallery:

- (1) Spurgeon's Academy Kibra, Nairobi.
- (2) James Gichuru Primary School Njiru, Nairobi.
- (3) Kirangari Boys High School Kabete, Kiambu.

On my behalf and on your behalf, I wish to welcome the students to the Public Gallery of the National Assembly.

Next Order.

(Loud Consultations)

Order, Hon. Members. Order!

(Hon. Owen Baya lifted his phone in the Chamber)

Order, Hon. Members. Hon. Owen Baya, it is out of order to take pictures in the chamber. It is totally out of order.

MOTION

LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

Pursuant to the provisions of Standing Order 114(7A), it is notified that on Wednesday, 2nd November 2022, the Speaker accorded an opportunity to the Member for Gichugu, Hon. Gichimu Githinji, and the Member for Matungulu, Hon. Stephen Mule, to make statements on their Legislative Proposal to amend the Constitution to entrench in the Constitution the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund, and the Economic Stimulus and Empowerment Fund;

Thereafter, the Speaker allowed Members to make general comments on the Legislative Proposal.

(Moved by Hon. Gichimu Githinji and

Hon. Stephen Mule on 1.11.2022)

(Resumption of Debate interrupted on 3.11.2022)

We will now go back to the constitutional amendment proposal of Hon. Gichimu and Hon. Mule. The screen is full and I do not know if the Members on the screen wish to speak to this. Let us hear from Hon. Rindikiri Mugambi. Give the Member the microphone.

(Loud consultations)

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Speaker, I thank you for the opportunity. For the record, let me state that I have spoken on that Motion. I remind Hon. Nyikal that he cannot engage the Speaker publicly and with a lot of noise. I have spoken on this Motion.

Hon. Speaker: You have already spoken on this Motion.

(Laughter)

Let us hear from Hon. Kakuta Maimai. The Floor is yours.

Hon. Kakuta Maimai (Kajiado East, ODM): Thank you for giving me the opportunity to make my remarks in regard to this Motion brought by Hon. Githinji and Hon. Mule. The NG-CDF is critical for the development of our communities. As you know, we have seen a lot of work on the ground, and it is from the NG-CDF. It is important to reinstate the NG-CDF and make it possible for us to ensure that we enrol more children in schools. As I speak, many children are at home. They have not gone back to school simply because they do not have school fees. In pastoral communities like Kajiado, parents have to sell goats and cows to send their children to school. This has not been possible because of the ongoing severe drought. The NG-CDF can be a lifesaver to many families and children who want to go back to school. Therefore, I express my support to reinstate the NG-CDF, so that more children can go to school.

When I came to Parliament, I promised my constituents that I have a goal to build a secondary school in every location of our constituency. There is a big shortage of secondary schools in our constituency. I promised my constituents that we would build more secondary schools in every location. Without the NG-CDF, the education dream of many of our children in our constituency will not be attained. They will not have secondary schools in their locations.

We have had many other leaders talking about the importance of making the NG-CDF even more elaborate. As much as we cover so much about building of classrooms and aiding children with school fees, it will also be good to include water projects, so that through the NG-CDF, we can commission water projects; whether it is drilling and equipping of boreholes, and even piping of water in some of the very remote and dry areas of our land. Therefore, the NG-CDF is critical to the development of our communities and constituencies. Therefore, I add my support to reinstate the NG-CDF right away so that our children can return to school, and we can begin the work of building schools in our communities. We also need to start the work of drilling more boreholes and piping more water in our communities.

We have seen the work of the NG-CDF, and it is even more visible than the work done by many county governments. Through the NG-CDF and county governments, we have seen a lot of development and projects in schools. I strongly support reinstating the NG-CDF to make it possible for our constituents to have more schools and funding for our children to return to school.

Lastly, I was hoping the national Government and our President would declare and issue an order asking schools, particularly secondary schools, not to send children back home for school fees. In places like my Kajiado East Constituency, there is so much desperation because of the many cows dying. Sending children home to seek school fees is like sending them off forever because their parents do not have cows or goats to sell. We should encourage and advise schools to keep children in school and allow them to sit their exams until the situation has improved. On that note, I wish to see the NG-CDF reinstated by the National Treasury right away, so that we can begin the work of rebuilding our communities that have been devastated by drought.

I thank you, Hon. Speaker. I donate my time to my neighbour right here.

(Loud consultations)

Hon. Speaker: Let us have Hon. Lilian Gogo. Is she in the Chamber? Then, let us have Hon. Phelix Odiwuor. Have you spoken on this?

Hon. Phelix Odiwuor (Langata, ODM): No. I have not spoken on this.

Hon. Speaker: Go ahead, Hon. Member.

Hon. Phelix Odiwuor (Langata, ODM): Thank you, Hon. Speaker. The NG-CDF is, to me, the only fund constituents seem to understand and know. Even if we had any other fund out there today, and we already have the Uwezo Fund and the National Government Affirmative Action Fund (NGAAF), every person would still ask where the NG-CDF is. As I speak, I have people and constituents lining up, waiting and asking for school fees. There is nothing you can tell them to understand that the NG-CDF has not been disbursed. Even as this Motion continues, we request that we find a way to have the money disbursed to the constituencies as soon as possible to mitigate what is going on around our constituencies.

Hon. Speaker, I went to a village school called Nyangoma Boys Secondary School, P.O. Box 23, Bondo and we never thought that one day, the school would ever have a school bus. However, through the NG-CDF, it is now enjoying a school bus, which I saw when I visited. Apart from what the NG-CDF is meant to do, it should be opened up to cater for other things besides security, education and sports. Money allocated for sports is not enough, yet we have enough talent out there waiting to be exploited. We know very well that through the NG-CDF, we can make this to happen.

Hon. Speaker, I want this House to push for the immediate release of the NG-CDF, so that work in the constituencies can continue.

Hon. Speaker: Thank you, Hon. Odiwuor. Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Speaker, for allowing me to add my voice to this Motion. It has come at a time when we are pre-debating the NG-CDF issue. I happen to have been here in 2015, and I saw the transition from the old CDF Act to the new NG-CDF Act. In the last Parliament, having also seen what we went through in terms of the Building Bridges Initiative (BBI), I wish to add my input to this Motion, so that Hon. Mule and Hon. Gichimu can take cognisance of these issues and make amendments before publication, and then we can have a good document to save our very good fund. My concern is that once the Bill is published, we will not be able to amend it even by adding a comma. That being the case, I wish to request the four funds being proposed in this Bill to be done individually, so that should a reeling of fate befall any of the Bills, let it be an issue of exclusiveness, rather than the whole baby being killed alive.

After having witnessed what happened with the BBI, where a few clauses made us lose the entire document, this should not be the case with the NG-CDF being the backbone of devolution which we started after. Last weekend, I had the privilege of giving out a very nice school bus to one of the schools in my constituency and the enthusiasm, happiness and joy that

was with the students and the teachers was enormous. If you kill the NG-CDF today, it will be a very big blow to the administration of the day, which should not suffer a fate which is not theirs. We are happy that the President has thrown his weight behind this Bill and has suggested that we have a good Bill and documents to support the governance of his administration.

The NG-CDF is visible across the country. Wherever you go, a bridge, rough road or schools are built using the NG-CDF. When you look around to see what county governments have done, they have tried and done well, although it is not to the level of the NG-CDF. It is my prayer that we have a document that will support it for posterity.

On the issue of the Economic Stimulus and Empowerment Fund, it is my wish and prayer that we exclude it from the main document. The Public Finance Management (PFM) Act is alive. It gives the Cabinet Secretary for the National Treasury and Planning powers to operationalise a fund of such a magnitude. It is important that we allow the PFM Act to prevail and the Cabinet Secretary to do that function rather than anchoring it in the Constitution. Otherwise, whereas the three funds are good, I wish that we separate the documents. Let them run separately rather than being in one document.

I wish to support.

Hon. Speaker: Hon. Joseph Samal. Is he in the House?

Hon. Joseph Samal (Isiolo North, JP): Hon. Speaker, I had spoken on the NG-CDF.

Hon. Speaker: You have already spoken? That is okay. I will give the Floor to Hon. Omboko Milemba. Give him the microphone.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker, for giving me this chance to contribute to this legislative proposal.

Hon. Speaker: Hon. Members, those of you who have already spoken to this... Order, Hon. Milemba! If you have already spoken to this matter, you are advised to log out, so that you do not crowd the screen unnecessarily. Go on.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. Before the NG-CDF was introduced, there were several attempts to ensure that funds were devolved from the central Government to the bottom in the village levels. Such efforts were done by the former President Moi, and they included the municipal councils and others like the District Focus for Rural Development. They did not optimise or get much out of this because they did not have a structure of operation. We thank the Government of Mwai Kibaki under the Member who finally introduced the CDF. This was the first fund in this country to devolve funds down to the villages, constituencies and locational level. Since then, this fund went ahead to prompt Kenyans when making the Constitution to realise that it was very important to devolve funds.

For the longest time, this country operated using Sessional Paper No.10 of 1965 authored by one Tom Mboya. It preferred areas that had some development to be strengthened, while those without much development to remain behind. It was hoped that the areas which had attained some form of development would later on, using the multiply effect, pull up the others that were down. Since this fund started, it has served us well. I will not dare repeat what everybody has said on the importance of the NG-CDF.

As we make this law, I wish to advise that there are certain areas we have always spoken to in this House, and which are somehow never implemented. For instance, I remember when we came in the 12th Parliament, we talked about the need to enumerate the village elders. I recently saw the same Motion here and it has gone like that. I also saw another Motion on the school-feeding programme. Similarly, we also talked about it at the beginning of the 12th Parliament and equally, this time, we have seen it come and go. What the new Members may not realise is that we always speak about such Motions and do nothing about them. We end up saying “we urge the respective ministries and departments to take action”, but urging has proved to be nothing.

Hon. Speaker, my proposed input to this legislative proposal is that whereas most of the money has been allocated for development projects, while accepting the need to increase the percentage of the NG-CDF from 2.5 per cent to 5 per cent, we should create a bigger percentage where we can use recurrent expenditure. If we created a bigger percentage for recurrent expenditure, we can allocate ourselves some functions. I will speak about only two, which are in dire need in our constituencies. One such area is the village elders. Suppose we add a clause to provide that from the 5 per cent that we will be receiving we put a certain agreed ratio of amount to pay village elders. We shall have completely and for once solved the question of village elders, who earn no stipend yet they do a lot of work. So, I am giving a solution to the question of village elders working and not being paid.

Another area I would like to give my input into is that of the school feeding programme. Currently, as we all know, most students are in school and there is drought and hunger in the whole country. People are suffering. As we raise the allocation of the NG-CDF from 2.5 per cent to 5 per cent, we should create a provision to allow us to spend that money recurrently so that we have a portion in every constituency which specifically goes to the school feeding programme for our students. We shall have helped this country by making sure that all school-going students have lunch in their schools and, therefore, equalise the feeding and education of all learners. The role of the NG-CDF in our development cannot be trampled upon. I ask those in charge of this Motion to widen out and talk to all authorities.

Currently, we have a challenge with the Senate. The Senate says that they were not consulted, but they do not need to oppose a good idea just for the sake of it. They are opposing this idea simply because they say that we did not consult them. However, if the idea is good, I ask Senators not to block it simply because of consultation. We are here and available. The Hon. Speaker is also available. Let the Senate consult you. Let the proponents of this legislative proposal equally consult the Senate leadership, so that when we break and go to the field, we do not have counter-voices, such that when we speak about the NG-CDF being entrenched in the Constitution, Senators do not say that they need to be consulted before it is done. I support the fund created for Senators as well as the NGAAF.

Finally, there is a special fund for people living with disabilities. It is unfortunate that the National Council for Persons with Disabilities (NCPWD) has decided to change from the old cards to new ones. Unfortunately, persons living with disability, including students in special schools, are being asked to pay between Ksh600 and Ksh1,000 to get the new cards. That is not good. These students are already in special schools and have no money. They already have disabilities, yet you want to surcharge them Ksh600 to Ksh1,000 to get a card. I propose that funds for PWDs and special needs be enhanced, specifically for students in special schools, so that they are accommodated, given food and all their education needs are taken care of. Those funds should be ring-fenced, so that those students learn in the same way others do.

As I conclude, the NG-CDF has been very great. In Emuhaya Constituency, we have been able to do so much that I cannot mention it all. Currently, apart from having a technical training college through the NG-CDF, which the Government has now adopted, everything else has been done by the NG-CDF in the absence of county governments. I look forward to this legislative proposal going through to support the people of Kenya.

Over the weekend, I attended one of the most precious meetings that we usually do, and unfortunately, everyone was crying about school fees. This proposal should go through very quickly, so that the people of Emuhaya, Kenyans and parents of this country can get bursaries for their children.

Thank you, Hon. Speaker for allowing me to contribute. I support the legislative proposal.

Hon. Speaker: Thank you, Hon. Member. Hon. Lillian Gogo.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you so much, Hon. Speaker, for giving me this chance to speak to the matter on the Floor of the House. I have not spoken in this 13th Parliament since I got back. That calls for me to first congratulate you on being elected as the Speaker of the National Assembly. Congratulations Papa. I also congratulate Hon. Gladys Boss, together with your able team. We also have a new Clerk. I think Bunge is headed in the right direction.

I also thank the people of Rangwe. Rangwe is a great constituency that took great pains to elect a woman in 2017. As if that was not enough, they changed the history of Members not being elected for a second straight term by re-electing me to Parliament. I thank the great people of Rangwe Constituency. I promise that I will put in a lot of effort to work for them on the platform that I was elected on, which is good performance and working for the people. I will work in a better manner and give better services during this second term.

Hon. Speaker, on the matter that is on the Floor of the House to amend the Constitution in terms of the NG-CDF, many of my colleagues have spoken to this. However, I must add my voice to it because the NG-CDF is one fund that can be felt by *wananchi* on the ground. The NG-CDF works beyond borders and boundaries. It was even improved to the extent that there is equity in its distribution. Constituencies that have more wards are expected to get slightly more than smaller constituencies.

Allow me to speak to what I have seen the NG-CDF do in Rangwe Constituency. The NG-CDF is one fund that elevates education infrastructure in our schools. It is also structured to help with security matters. We have used the NG-CDF in a single term to buy 14 school buses that could not have been bought by schools attended by poor pupils whose parents do menial jobs in the sub-counties.

The NG-CDF is well-structured in its nature to the extent that the Member of Parliament has no role, and only oversees it, which is the main component of the work of a Member of Parliament. If the NG-CDF works well, it means that Members are doing a good job in their oversight work. I support this legislative proposal. We need to increase the allocations because there is so much to be done and the funds are limited. There are so many things that are done through the NG-CDF such as maintenance of roads that go to our schools, and construction of classrooms, laboratories and dormitories. When these things happen and members of the public see the changes that can be done through this fund, they can compare how different leaders worked during their tenures. A very good way of gauging the work of a Member of Parliament is through their oversight of the NG-CDF. We need to empower our people.

The NG-CDF, the NGAAF and other funds come directly from the national Government to the grassroots. This is one way for the Government to reach its people directly, other than through the devolved functions. So, the NG-CDF should be enhanced. We need to allocate more funds to bursaries. Many children from poor families who are unable to raise school fees and to fund their education get funds through bursaries from the NG-CDF. It is important for the Government to support this matter, so that we can constitutionalise the NG-CDF, and people stop meddling and thinking that the NG-CDF gives weight to the Member of Parliament.

Members of the National Assembly have literally nothing to do with the NG-CDF, and this is because their role is oversight. Structures are put in place to govern and manage this fund. So far, the fund has been used effectively. For the first time in the history of Rangwe Constituency, we will have a modern sub-county headquarters. It is still under construction. Were it not for the availability of the NG-CDF, you would not know that you have reached Rangwe. In the next three months or so, we will have finished the multimillion project through the NG-CDF.

In addition to that, we also do security lighting and through that, we have improved our communities. In any place where there is a Government institution or otherwise, we have what

we call Corporate Social Responsibility (CSR). Other than providing education, the role of schools is to help the community. If the buses we bought in Rangwe Constituency are not being used for school functions, then the local community use them. They are hired at very minimal subsistence just for fuel, so that the community can enjoy the benefit of having the schools around them. Therefore, I support the matter and congratulate you and your team for this. I hope this proposal is supported so that people can stop interfering with the NG-CDF.

Hon. Speaker: The Member for Starehe.

Hon. Amos Maina (Starehe, JP): Thank you, Hon. Speaker for giving me this opportunity. I rise to contribute to the proposal on the amendment of the Constitution to include the NG-CDF. First and foremost, in Starehe Constituency, Nairobi County, where I come from, most of the populace dwell in the slums. The people have benefited from bursaries through the NG-CDF throughout their lives. Therefore, proposing that the NG-CDF be scrapped off will be detrimental to the gains made by the NG-CDF in my constituency. Children from the slums such as Mukuru Kayaba, Marigu-ini, Fuata Nyayo among others, have gone to school courtesy of the NG-CDF. Now that the NG-CDF hangs in the balance, we are in a chaotic situation because people are despairing. They keep asking me when the bursary will be back. As we approach the first term that will start in January 2023, parents in the slums are in panic mode. Therefore, I support this proposal on constitutionalising the NG-CDF so that the fund can, once and for all, be anchored in the Constitution, and we do not have to debate about it again.

In my constituency, the NG-CDF has made a lot of gains on security matters. Many people have talked about insecurity in the slum areas. However, the NG-CDF has helped bolster the security systems by constructing modern police stations. The fund has also supported the security system in my constituency and we have curbed crime in the slums. In my constituency, the fund has also helped many children who do not go to school due to lack of school fees. It has especially paid fees for secondary school students. In my opinion, we should be having discussions about bolstering the fund and not scrapping it off because the NG-CDF has been effective in our constituencies. We also have tertiary courses supported by the NG-CDF. For example, in my constituency, we have sponsored some students to undertake tertiary courses like driving, tailoring, baking and other technical skills. Therefore, we should be thinking of incorporating more activities under the NG-CDF and expanding it in order to address the issue of unemployment.

My friend, Hon. John Kiarie, has come up with a Motion seeking that the NG-CDF caters for artists and artisans. This will equip our artists and artisans with skills, technology, tools, machinery and capital. That will be a step in the right direction. The beneficiaries of the NG-CDF bursaries in tertiary institutions will be empowered to gain skills and make a living out of their skills.

I support the proposal on constitutionalising the NG-CDF.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

Hon. Deputy Speaker: Member for Mosop constituency.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to support the proposal on entrenching the NG-CDF to the Constitution. The NG-CDF has truly played a major role in our country. The fund has helped many children who are from humble backgrounds in terms of bursaries. It has also helped in the construction of schools. In many places, especially in Mosop where I come from, most of the schools were

constructed because of the funds from the NG-CDF. Therefore, entrenching these funds in the Constitution will ensure that the development of this country continues uninterrupted. I want to believe that every Member has a project in his or her constituency that was done through the NG-CDF. I would also wish to thank the Government for continuing to increase the NG-CDF funding. In the last Parliament, the NG-CDF distributed to several constituencies was just the same, but in the 13th Parliament, they will distribute as per the size of the constituency and the wards in that constituency. I am supporting that the NG-CDF be entrenched in the Constitution, so that we can continue with development in our areas.

Hon. Deputy Speaker, I also want to support the Senate Oversight Fund. For a very long time, Senate has undertaken oversight without funds. It is very crucial to give them funding so that they can continue with what they are supposed to do. The funding to the NGAAF has also been limited. Therefore, entrenching this in the Constitution will guarantee the development of our constituencies and the whole country without interruption. As it is, although we believe we will still receive the NG-CDF, the Supreme Court had ruled it unconstitutional. By entrenching it, we will never have to deal with this issue again, and development will continue.

Every time I am home, the constituents ask me when they will receive the NG-CDF. They have always budgeted for the fund. They also believe that the NG-CDF is one of the funds whose development can be seen, compared to other funds from the Government. I want to support the proposal that we continue with the NG-CDF and more so, entrench it in the Constitution. This will ensure that the fund continues to support our country's development.

I support the proposal.

Hon. Deputy Speaker: Let us have the Member for Soy constituency.

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Deputy Speaker. May I say that from where we sit as Members, the NG-CDF is very important to the development of our constituencies. Therefore, I support the Motion of entrenching it in our Constitution. As you are aware, there have been various litigations as a result of which the CDF Act of 2013 was declared unconstitutional by the Supreme Court, which was not in order. The only way such issues would be resolved is by making sure that they are entrenched in our Constitution. That way, we will do away with all manner of litigations from those people who are anti-development. The NG-CDF has done a lot in Soy Constituency. We have achieved a lot in the development of our schools, providing bursaries, school busses and sorting out many other issues that affect our population.

Hon. Deputy Speaker, as we look at entrenching the fund in our Constitution, we ought to be cognisant of the fact that schools are opening in January. Therefore, I call upon the Committee on the NG-CDF to move with speed and ensure that committees are in place to ensure the allocations to the various constituencies have been approved. It should ensure that before we break for our recess, the NG-CDF money, which is due, has been approved and sent to our constituencies to enable us to sort out the bursary issues. I am also calling upon this House to look at the oversight role that the Senate is playing. I know there have been various issues affecting the Senate. They have been asking for the oversight fund, which this House has not approved. Let us make a difference by approving the Senate Oversight Fund. Furthermore, it will be important to have a similar fund in the National Assembly to help us oversee our projects as Members of Parliament.

With those few remarks, I support the Motion.

Hon. Deputy Speaker: Let us have the Member for Laikipia East.

Hon. Mwangi Kiunjuri (Laikipia East, TSP): Thank you, Hon. Deputy Speaker. I also support this very noble idea. I happen to have served in this House when we did not have the privilege of the NG-CDF. I can assure this House that Members were frustrated and demoralised in doing their work because they had to rely on the Government, which was not

willing to support the people at the grassroot level. We fought for the Bill which became law and the subsequent Parliament that followed enjoyed this privilege. Today, any time Kenyans hear that there is an amendment to the Constitution, they are always up in arms. But as you can feel the ground today, very little resistance is there when they hear that the NG-CDF needs to be anchored in the Constitution.

Why is it so, Hon. Deputy Speaker? This is because Kenyans have directly enjoyed and benefitted from the NG-CDF. It is the only fund that a Kenyan can access easily because they can access their Member of Parliament. This fund touches the most-needy people in our constituencies and the country at large. Today, Members are facing very rough situations on the ground. Kenyans are so worried that this fund might be abolished. If you ask them today, they are not asking whether it will be scrapped off, but when they are going to benefit from the money that come to the constituencies. The country is already facing severe times. There is hunger and drought, and yet most of our students have been sent back home because their parents cannot afford to pay school fees. Therefore, it is incumbent on this House to ensure that we anchor this into law once and for all, so that decisions can be made without fear, and so that our people can enjoy this fund when it is well defined. It is touching on education and more of security.

The best gift that we can give to our children is education. A very huge number of Kenyans cannot afford to educate their children. Today, we have long queues and requests from people who require bursaries. Equally, although we have the free primary education, the issue of the school feeding program has become a nightmare whereby Ksh4,000 that is required for every term in day schools is already a disaster. Our parents cannot afford to pay, and the feeding program is not even available for our students. Therefore, it is important to ensure that the parameters we are putting in place are not only discussing this fund, but whether we can make additional funds to support this program. The dignity of our people and the dignities of Members of Parliament must be protected. I remember when we could not support our people who came lining up every day in our houses requesting for medical support, but today, we can support that through the NG-CDF by paying for their National Health Insurance Fund (NHIF).

On special needs, you look at the society and realise that the very needy ones can now afford to go for tertiary education. We are assisting our *boda-boda* riders by paying for their driving lessons to help them acquire driving licenses, which they could not afford and hence were harassed daily. We are supporting the Kenya Kwanza Government whose approach is bottom-up. The only fund that can get to our people and help the Government to implement its bottom-up strategy is the NG-CDF. At the end of the day, the funds have been with the people and can be accessed. At the same time, this fund has many beneficiaries and touches the lives of our people.

Lastly, it is good for us to remember where we are coming from by recognising the people who initiated this program, namely, the likes of Hon. (Eng Muriuki Karue and the former President, the late Mwai Kibaki. With His Excellency the President, Hon. William Ruto, we will implement this program. The Members will finance their constituents and ensure that their wellbeing is taken care of.

I support, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Member for Laikipia East. I now call upon the Member for Gilgil.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Deputy Speaker. I support the discussion we are having on this very important legislative proposal. First of all, I congratulate Hon. Mule and Hon. Githinji, because this is the closest we have come to addressing the issues that we have had with the NG-CDF and the NGAAF. Instead of complaining out there and paying a lot of fees to lawyers to go to court, we are now using the Floor of this House appropriately. We should deal with this matter once and for all and entrench it in the law by

having it in the Constitution so that whoever is sitting at the chair of legislation of either the Executive or the Judiciary does not have the power to take it away from the people. As my colleagues have said, if you go to many places around the country, especially in the rural constituencies, you will realise that the only visible fund on the ground is the NG-CDF. We have enough things we can stand up and talk about it. We are in the third county government since the onset of devolution in this country but you cannot compare the work that the NG-CDF has done in the last few years with the work that the county governments have done with the billions of shillings that have gone to them so far.

I support this idea and laud this House. Under Standing Order 114 (7A) we have a window to ventilate on a proposal to amend the Constitution. It is also a form of public participation. When you have a legislative proposal to amend the Constitution, you can bring it to the Floor of the House and the Speaker may allow Members to comment on it. The nature of the law that governs constitutional Bills is such that you cannot amend a comma or full stop when that Bill comes to the Floor of this House. What that means is that we will talk on a constitutional amendment Bill and at the end of the day we will either pass it the way it is or we lose it all together. So, this window not only gives the issues to the public but it also serves as public participation. More importantly, it helps to enrich the law. I am sure the drafters of this proposal are taking notes. After the sessions of this debate, we will get a full printout of the Member's ventilations so that as the drafters craft the envisaged law, they will come up with the best law.

It is through the NG-CDF that the secondary schools that we have built – like the 35 that are in my constituency – have administration blocks and laboratories and they can compete with schools like Starehe and others. These are schools that nobody never thought in their life time they could have such infrastructure. There are primary schools that have been neglected for a long time. In my constituency, there is a school called Kapkures Primary School, which had a mud-walled administration block. There are schools that had mud-walled classrooms – like Meli Primary School – which have since received a facelift and dignity, courtesy of the NG-CDF. Teachers had terrible working conditions from toilets to classrooms and offices. You would find different classes sharing one classroom, where students of one class would face in one direction while those of the other class face the opposite direction. That was a chaotic scene. However, through the NG-CDF, we have ensured that we have made their standards to be akin to academies of private schools. That means we have equalised every child regardless of whether they are going to a public school or a private academy. They are getting the same standards and almost similar infrastructure, courtesy of the NG-CDF.

We have too many people who are direct beneficiaries of the NG-CDF – from employees, members of committees that are constituted in the constituencies to people who work in the NG-CDF offices. What this Fund has done is to set the pace of how other funds should be administrated. What do I mean by that? The NG-CDF has set the threshold of how much money should go, for example, to bursaries and what percentages should go to construction, sports and environmental management. The law is very clear on how that should be done. I do not think there is any other law that has such clear guidelines on how administration of a fund should be done. That is the best practice that county governments should borrow so that they do not end up spending 80 per cent of their resources on paying workers – some of whom have been shown through audits to be ghost workers – and spend a small percentage on development. The push and shove of NG-CDF has had many enemies from people who feel like the Fund has made them look bad because they are not delivering. On this, we have had many sponsored cases and back and forth from the Judiciary. We have had a long battle for a long time with that. So, this proposed constitutional amendment will put the matter to rest and we will be able to deal with issues as they come.

On the issue of the National Government Affirmative Action Fund (NGAAF), I know that from the 11th to 12th Parliaments, where I sat, this Fund was a fight between Members representing single member constituencies and Members representing counties. It felt like it was a competition. What affirmative seats have done, including the woman representative position and nominated position, is to incubate leaders. Today we have a woman governor for Meru County who was a county woman representative. I stand here having benefited from a nomination. The Governor of Homa Bay was once a county woman representative. Today we have Hon. Mishi Mboko, who was a county woman representative; and we have Hon. Ruweida from Lamu, who was a county woman representative.

Affirmative action seats have become fertile incubation grounds to get Members to run for other seats and be able to compete out there. However, they have challenges. When you talk about Ksh100 million for NG-CDF, you are talking of Ksh7 million for a constituency and billions of shillings for county governments. Women have had a hard time keeping up and delivering on their mandates. So, putting this in law will give more women power and the push they need to run for other seats. What that means is that more women will be governors from the county woman representative positions and representatives of single member constituencies, senators and deputy governors from county women representatives. What I have learnt over time from the last three Parliaments is that we have gone a full cycle. We have people here who sat in the 11th Parliament. I sat in the Senate and they sat in the National Assembly and they bashed the Senate. In the 12th Parliament, they ended up being Senators and others who were Senators like myself, Hon. Elachi and Hon. Lesuuda have ended up in the National Assembly.

I hope we can have this proposed legislation for posterity. It is not a personal issue. The Speaker of the National Assembly was a Senator. We have governors who were Senators. We now have Senators who were governors. We have people who served in the Executive and the Judiciary, like the Deputy Speaker, who are now in this House. So, I hope we can look at the proposal from a posterity viewpoint – that we are not making the law for ourselves but for years to come.

That said, I hope we will look at the constitutional issues so that they do not hamper the implementation of this proposed law. I hope the drafters of the envisaged law will pick the issues. Personally, I like the idea of separating the funds because one may have an issue with one fund and get the Bill shot down as being unconstitutional and it will affect the other funds. I hope our legal team will look at the best way to get the two Houses working together and we will learn from experience. We have third generation county governments that will ensure all of us, the Senate and the National Assembly, are on the same table doing things to achieve the same goal. I hope we will fast-track this legislation and get it to the Senate to pass it so that the issues that we are grappling with right now can be resolved. If a girl does not get a chance to sit for Kenya Certificate of Primary Education (KCPE) or Kenya Certificate of Secondary Education (KCSE) – because they are unable to access the sponsorship from the NG-CDF – within a year, that girl will be a parent whether she is a baby or not. I hope the proposed constitutional amendment will be fast-tracked so that we get to the end of it.

With those remarks, I support.

Hon. Deputy Speaker: Thank you, Member for Gilgil. I now call upon the Member for Kipkelion East to contribute. Since the Member for Kipkelion East is not here, I call upon the Member for Kangema to contribute.

Hon. Joseph Cherorot (Kipkelion East, UDA): Hon. Deputy Speaker, I am the Member for Kipkelion East. I am here.

Hon. Deputy Speaker: Oh! You are there.

Hon. Joseph Cherorot (Kipkelion East, UDA): Hon. Deputy Speaker, I had actually participated in this debate. I am waiting for the next order.

Hon. Deputy Speaker: Alright. Kindly, Hon. Members, if you have spoken remove your cards so that others can have opportunity to also speak on this debate. Kindly, remove your cards. I can see that the Member for Chesumei has spoken and he has his card on intervention. I will now have the Member for Kibwezi West.

Hon. Deputy Speaker: Member for Kibwezi West.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Deputy Speaker. I join the rest of our colleagues in supporting the amendment by Hon. Mule and Hon. Gichimu to entrench the NG-CDF, the NGAAF and the Senate Oversight Fund in the Constitution. There is no gainsaying as to the work that the NG-CDF has done in this country. Members have eloquently enumerated the several projects that have been done through the use of the NG-CDF. As a first term Member of Parliament, I have perused the records in my constituency. One of the key things that touched my heart is that my predecessors have been funding over 5,000 children in secondary schools and over 2,000 students pursuing university education every year. As we debate here today, some of the children who were benefiting from the NG-CDF are not in school because the bursary funds have not been disbursed. It is, therefore, prudent of me, as the representative of the people of Kibwezi, that I support the NG-CDF to be entrenched in the Constitution so that the legal issues that have been tormenting this Fund can be dealt with once and for all.

Secondly, I have been following the legal battles that the NG-CDF has been going through right from the High Court through to the Court of Appeal and, recently, the pronouncement at the Supreme Court. It has been clarified that the decision of the Supreme Court did not affect the NG-CDF Act of 2015 but rather the predecessor CDF Act of 2003. We, therefore, urge the Board to move with speed to disburse the Fund now that the Committee has tabled the amendment in the House. This is because the Act that created the NG-CDF has not been annulled.

Hon. Deputy Speaker, even as we construe the law and the Constitution, Members, Judges and ordinary citizens need not to put more emphasis on legal technicalities at the expense of the public good. Even as we look at the NG-CDF, we cannot look at it as a Fund for a Member of Parliament. We have to look at it as a Fund for the people – a public interest Fund. When we say that the NG-CDF is illegal, we must also exercise our minds as to what will happen to the thousands of poor children who go to school through the help of this particular Fund.

Without appearing to disparage the Judiciary, I know they are aware of children within their own localities whose fees is paid through the NG-CDF. By continuously looking at technicalities – the small issues as it were – and ignoring the public good, they actually make it impossible for children from poor families to access education. We are looking at a constitutional amendment, and the threshold is quite high.

(Technical hitch)

Hon. Deputy speaker, there is need for clarity as to what is an Oversight Fund against the NG-CDF. In my understanding, the NG-CDF is a developmental Fund, and not for the Member of Parliament. It is meant to fund building of classrooms, accommodation housing and other security infrastructure, and provision of bursaries. The Oversight Fund that is contemplated in this amendment is the one that will facilitate the Senator to move around the county.

Though I am not good in mathematics, I was computing the percentage that has been provided in the amendment by looking at the last audited accounts, and it translates to about Ksh200 million per annum. If you divide Ksh200 million with 47 Counties, you will realise that each county will get between Ksh4 million and Ksh5 million. This is money that is meant

to enable Senators to fuel their cars as they move around the counties to see whether projects that county governments claim to be complete are actually complete. This is a Fund for the Senator to facilitate research on oversight of the devolved Funds. Even as our colleagues in the Senate say that they require more Funds, I wish to refer them back to when the NG-CDF was started.

In 2003, after the late President Mwai Kibaki took over power, under the leadership of the then CDF Committee, which included the late Hon. Richard Kalembe Ndile – may God rest his soul in eternal piece – each constituency got its first annual disbursement of Ksh6 million. We, therefore, need to start from somewhere. We also need to distinguish the fact that the money that the Senators are going to be given is not going to fund development. They are not going to be asked to build classrooms, police lines or give bursaries to needy students. It is rather money that will facilitate the office of the Senator to undertake oversight activities. In my view, we are beginning at a good point. Members of the public need to be advised properly, so that we do not politicise the matter so much and end up losing such a progressive amendment.

As I conclude, I wish to congratulate the Member for Matungulu and the Member for Gichugu, Hon. Gichimu, for this well thought out and timely amendment. I would also like to pay tribute to the initiators of the NG-CDF. We have Hon. (Eng.) Karue and the third and late President of the Republic of Kenya, Hon. Mwai Kibaki. This is because if it had not started then, we would not be where we are today. I would, therefore, support the entrenchment of the NG-CDF in the Constitution when the time comes so that the issue of its legality does not haunt us anymore. In my understanding, a constitutional provision cannot be declared unconstitutional.

I, therefore, beg to support. I also urge Members to avail themselves in the House at the critical hour to meet the threshold for voting.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. I now call upon the Member for Kisii County to take the Floor.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Deputy Speaker. I rise to support the Motion.

Some people perceive the NG-CDF as a loophole for putting money into some individuals' pockets. There are many people who have benefited from NG-CDF bursaries, including yours truly Hon. Donya from Kisii County. Many families can applaud the Fund because it has paid bursaries for their needy children at various learning institutions. The NG-CDF has contributed a lot to realisation of equitable development in the country and addressing the issue of imbalanced regional development that was brought about by partisan politics.

What has the President promised his people? He said that his Government will protect and provide opportunities for all Kenyan. Through the NG-CDF, the Government has been releasing resources to vulnerable groups in the grassroots. Anyone fighting the NG-CDF should be seen as an enemy of development.

If you move around, you will see classrooms and other projects funded by the NG-CDF. What if this Fund was done away with? Today we should be discussing how we can increase revenue allocation to the NG-CDF and other affirmative action Funds so that Members of Parliament and Women Representatives can issue sanitary towels to our young girls who are unable to attend class when they are on their menses because they cannot afford to buy them. In addition to that, the allocation to the NG-CDF should be increased to support the school-feeding programme. Some students stay in school for a whole day without food. The Members of this hallowed House should be trusted and not be treated as suspects. Some people out there do not understand what it entails for the Government to provide these resources. They say that the NG-CDF money is pocket change for Members of Parliament. Honestly, it has never been

pocket change for a Member of Parliament with his or her people in mind. January is around the corner and students are calling us to help them clear their school fees balances to enable them sit for examinations. The NG-CDF is for our constituents. It is not a loophole for politicians to have petty cash.

With those remarks, I support.

Hon. Deputy Speaker: Thank you, Member for Kisii. I now call upon the Member for Kangema.

Hon. Peter Kihungi (Kangema, UDA): Thank you, Hon. Deputy Speaker. I support the amendment to the Constitution. I congratulate Hon. Mule and Hon. Gichimu, who came up with the idea of amending the Constitution.

Every Kenyan understands how the NG-CDF is utilised and how it has been helpful to Kenyans. I remember that when I was in school, most school activities and infrastructure development projects were funded by our parents. Parents who lacked funds would work at construction sites to keep their children in school. That is no more. The responsibility of parents now is to pay school fees. The Fund is now also used to pay school fees, especially tuition fees, for students in day schools. A child in a day school can be sponsored 100 per cent by the NG-CDF because the school fees is affordable. The intention and motive of civil societies that have been going to court to challenge the Fund is not to assist Kenyans. They do it for recognition. They hope to be talked to so that they drop the cases. I congratulate the Members who thought that the best thing we should do is to entrench the Fund in the Constitution so that the challenge of managing civil societies is put to rest.

The principle of separation of powers is very clear the NG-CDF Act, 2015. Today the Leader of the Majority Party tabled a list of constituencies whose members of the NG-CDF committees have been forwarded to the Board. The advertisement for those positions were done by the Deputy County Commissioners (DCCs), who are the representatives of the Executive at the constituency level. We know that the court case was on the CDF Act, 2013. The best thing to do is to entrench the Fund in the Constitution so that we put the matter to rest. As per the NG-CDF Act, 2015, the Board is extremely independent. Members of Parliament are just patrons. Being representatives of the people, we raise issues that they require us to address. I call upon Members to support the proposed amendment to entrench the Fund in the Constitution so that we assist the people.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Tigania West, I hope you have not spoken on this Motion.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Deputy Speaker, for giving me an opportunity to add my voice to the matter of constitutional amendment before the House to entrench the NG-NG-CDF and other affirmative action Funds in the Constitution. I thank God for the opportunity to discuss this issue. I also thank Hon. Gichimu and Hon. Mule for seizing the moment to bring this matter for discussion. It is important for the Government to go the fund way because it enables us to undertake development in a better and more organised manner. Therefore, I support the idea of having the NG-CDF, the NGAAF, the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund enshrined in the Constitution.

As I speak, many counties in this country have issues. Some issues may not be as visible and violent as Meru issues are. I feel that this proposal is lacking in one dimension. All elected Members deserve to go back to the people and report to them on development. There is no development that can be carried out without participation of Members, and for it to be fully owned by the people. I propose that this constitutional amendment be further amended to include Ward Development Fund (WDF). This Fund is contentious in many wards today because there is no clear provision on how much of the money allocated to a county government

should go to the wards. It is not provided for in law or in the Constitution. It is illegal to even discuss the WDF. I believe this proposal can be amended to include the WDF. This particular proposal will have to go to the Senate, which also has its issues. Even if we include the Senate Oversight Fund, senators have issues with wards in the counties. They basically support MCAs in oversight. It will be good for us to set aside a certain proportion of the money allocated to counties as WDF to purposely support specific development in the wards.

Guided funds are important in the sense that they support development better. All these funds target specific areas. Their scope is not limited. We need to undertake development in various fronts: water supply, security and medical care, among other areas that need support. These funds are not in vain. If we include the WDF, it will support some of these specific areas.

I believe Members will support this proposal in large numbers. It is important that once the amendment is done, it is immediately followed through by a guiding legislation and regulations. The guidelines should be discussed by the people so that they can know how much money should be allocated to specific development activities. The use of the NG-CDF is guided. People know that 5 per cent goes to bursaries, 6 per cent to managing the office and 6 per cent to emergencies. I would like to point out one thing on emergencies. The NG-CDF enables us to respond in real time when there is an emergency because the money is already there. For instance, if the roof of a classroom or classroom block is blown off by wind, you have to go to the National Government to look for money. The bureaucracies involved and the rigid structures that we have cannot enable such an action to be taken as fast as is desirable. With the NG-CDF in place, the response to emergencies is almost in real time. The guidelines are very important. Therefore, we would like to emphasise that these Funds, even though they will be integrated in the Constitution, must be defined precisely in terms of the functions they will undertake and areas of focus in view of the development endeavours they will target.

Hon. Deputy Speaker, it is important to note that we need to modernise our areas in terms of development. It is not just about bringing in new things. The NG-CDF has the flexibility to modernise schools. This Fund has helped us have better and new schools in most parts of the country. It has helped us to complete stalled school projects. It also helped us bring down the structures that were dangerous to pupils and students. Therefore, it is a very good Fund. If it is integrated in the Constitution, it will help us to be better focused on what we want to do, and we will do the right things when the time comes.

It is important for us to clear with matters of CDF and NG-CDF at this point in time. The NG-CDF is as per the 2015 legislation and the follow-up regulations of 2016. The CDF was as a result of a 2013 legislation. What was taken to court was the CDF Act of 2013. I would like Kenyans to know this because they ask a lot of questions. Members of Parliament conducted public participation and had a lot of consultations, and then they realised that our problem was CDF. Therefore, they came back to this particular House and came up with the National Government-Constituencies Development Fund (NG-CDF). It describes clearly and precisely what needs to be done. It is no longer ambiguous. There are no areas that are unclear. There is nothing that is not transparent in the NG-CDF. Therefore, the court's issue does not necessarily focus on the NG-CDF. It talks about the CDF Act, which this House had already done away with as at the time of court ruling.

It is important for us to look at how these Funds target development and clear out wrangles. The public participation that is initiated before investment is very key. People come and say what they would want done in their areas. Although you can have a foreplan in terms of long-term or medium-term plan, you can always interpret this in terms of the specific needs of the people. Once you supply them their needs, the Fund is used precisely. It is much more appreciated than any money or development that you force on people without involving them.

The NG-CDF and the other affirmative action Funds that we are discussing today give people more hope. I am talking about more hope because the greatest questions that we, as Members of Parliament, answer today is when we shall have the bursary fund reinstated. People are going through a period of drought. There is a lot of famine across the country. There is no money to take children to school. Some of them will do their final exams this year. Therefore, they are asking when they will have bursaries. The NG-CDF supports more than 70 per cent of the children who go to school. If this money is used and targeted well, it can help a great deal. Therefore, putting it into the Constitution removes any form of doubt. It guards this money against any form of intrusion and helps us to plan far into the future.

We appreciate the fact that the NG-CDF also focuses on the numbers. When we were campaigning last time, we talked about one man, one shilling, one vote. The NG-CDF should also focus on this principle. What we have seen at the beginning of the current Session of Parliament is that the NG-CDF would target the number of wards that we have. If you have five Wards, you would get a little bit more than a Member who has four wards. A Member who has six wards would get more money. That way, we would be prorating development. We are trying to increase equity. When these Funds come in, there is need for us to also incorporate equity. Whatever is planned should target the people and not the expansiveness of the physical political unit. This is because we develop the people and not physical political or administrative unit.

I am happy because this legislative proposal has come in time. I pray that the Members of this House will support it. We should amend the Constitution to integrate these Funds and the Ward Fund.

With those remarks, I beg to support.

Hon. Deputy Speaker: Member for Jomvu Constituency.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana, Mhe. Naibu wa Spika kwa kunipatia fursa hii. Mimi pia nataka kuungana na wenzangu kumpongeza Mhe. Mule, ambaye ni rafiki yangu, na vilevile Mhe. Gichimu kwa kuleta marekebisho haya kuhusu NG-CDF.

Sasa tunaona mwelekeo mzuri. Kuweka Hazina ya Maeneo Bunge kwenye Katiba yetu kutaondoa msukosuko uliokuweco, ambapo mara kwa mara tulipelekwa kortini kutoka wakati wa nyuma mpaka hivi karibuni. Sasa NGCDF Act itakuwa miongoni mwa sheria kuu ya Kenya. Kama wanenaji wenzangu walivvosema, tusilizungumze jambo hili tu tukiwa kwenye sherehe bali tuhakikishe kwamba unapofika wakati wa kulipigia kura sisi sote tuwe hapa bungeni ili tuliunge mkono jambo hili na tulipitisho.

Nazungumza leo nikiwa na furaha tele. Eneo Bunge la Jomvu lilibuniwa mwaka wa 2013. Kabla ya wakati huo, tukihitaji huduma tulikuwa tukienda kwenye ofisi ya Eneo Bunge la Chagamwe. Eneo Bunge la Jomvu lilipobuniwa mwaka wa 2013, nikabahatika kuwa mjumbe wa kwanza kuliwakilisha hapa bungeni na mpaka sasa ninawakilisha watu wa Jomvu, huu ukiwa mhula wangu wa tatu.

Hon. Patrick Makau (Mavoko, WDM): On a point of order, Hon. Deputy Speaker.

Hon. Bady Twalib (Jomvu, ODM): Mhe. Naibu wa Spika, nataka kuchukua fursa hii kumpongeza Commissioner Makau King'ola. Najua yuko katika Hoja ya nidhamu kwa sababu sijamtaja.

(Laughter)

Yeye ni rafiki yangu, na ninampongeza kwa kuchaguliwa kuwa Commissioner wa Parliamentary Service Commission (PSC). Vile vile, nilifanya naye kazi kutoka mwaka wa 2013 nikiwa katika chama cha Wiper Democratic Movement. Vile vile, nachukua fursa hii kumpongeza ndugu yangu, Mhe. Mohamed Ali na dada yangu, Mhe. Mishi Mboko kwa kuteuliwa kuwa ma-Commissioner wa PSC.

Leo nataka kusema kwamba NG-CDF ama Hazina ya Maendeleo Kwenya Maeneo Bunge imeniwezesha kujenga makao ya serikali ya Taifa kule Jomvu – yani *sub-county headquarters*, ambayo haikuweco zamani. Vile vile, NG-CDF imetuwezesha kujenga shule kama nyingi, kama vile Shule ya Msingi ya Maganda, sehemu ambayo haikuwahi kuwa na shule wakati wa nyuma. Watoto wetu walikuwa wakitoka Miritini na kuenda mpaka Kwale County, mahali panapoitwa Mwamduu. Kufikia leo, nimejenga shule mahali pale, inayoitwa Maganda. Vile vile, nimejenga shule mahali panapoitwa Kibarani, ambapo palijulikana hatari na hapakuweza kufanywa maendeleo yo yote. Kuna mahali ambapo sisi tunapakana na Rabai, ambako kulikuwa hakuna shule ya upili. Nimejenga shule ya upili inayoitwa Miroroni. Mimi niko na wodi tatu. Pesa za Maeneo Bunge zimeniwezesha kuweka polisi katika kila eneo kwenye wodi zangu. Vilevile, namshukuru Mungu kwa sababu pesa hizi zilituwezesha kujenga Ofisi za *Assistant County Commissioners* na machifu katika kila kata.

Wabunge wengi wameongea kuhusu watoto kusomeshwa. Leo nasema mtoto wa kike na wa kiume wanastahili kusomeshwa. Ninafuraha kubwa sana kwa ajili wewe ambaye ni Naibu wa Spika wetu ndiye uliyemuapisha Rais Uhuru Kenyatta kule Kasarani ukiwa Registrar wa Mahakama Kuu. Nina imani kuwa hungeweza kuwa Registrar wakati ule kama siyo elimu yako ambayo imekuwezesha kufikisha pale. Tunakumbuka wakati ulipokuwa kamishna katika Tume ya Uchaguzi. Tuna imani kuwa ni elimu yako ndiyo iliyokufikisha pale. Wewe uko hapa kama Naibu wa Spika ambaye anaendeleza vikao vya Bunge. Naamini kuwa ni elimu ambayo imeweza kukufikisha hapa. Nina imani kwamba Rais wa kwanza wa kike nchini Kenya atakuwa wewe kwa ajili ya elimu uliyonayo.

Pesa za Hazina ya Maendeleo ya Maeneo Bunge zimefanya mambo mengi. Mwanafunzi bora zaidi katika mutihani wa kitaifa wa Darasa la Nane katika eneo la Pwani mwaka jana alitoka shule ya Amani Primary School. Tulimpatia scholarship tukitumia edha za NG-CDF ndiyo tukaweza kumpeleka kule Kisumu mahali alipopata shule. Ilikuwa furaha manaake mama yake hakujua jinsi angeweza kuendeleza elimu ya msichana yule anayeitwa Lisa Adhiambo. Hakujua angepata wapi pesa ili ampeleke shuleni. Lakini kupitia kwa ofisi ya mjumbe, tulimlipia karo ya mwaka mzima. Pia, ili kuweza kumtia motisha msichana yule, tulimkatia tikiti ya ndege kutoka Mombasa hadi Kisumu. Kwa hivyo, nina imani kwamba hii ni njia moja ambayo imetumeweza kubadilisha maisha ya watu wengi.

Wazo hili la kuweka sheria ya hazina ya Maendeleo ya Maeneo Bunge katika Katiba litawakomesha wale watu ambao shughuli yao ni kupinga kila linaloendelea katika Bunge hili. Kuna watu wengi waliotupeleka kortini mara nyingi, kama alivyosema Mbunge wa Tigania Kaskazini. Hata hivyo, tuliweza kupambana na watu hao kortini.

Mhe. Mule na Mhe. Gichimu wanaweka historia. Tutakapostaafu kutoka ulingo wa siasa, watakaochukua uongozi katika maeneo Bunge hawatasumbuliwa tena kwa sababu hazina ya NG-CDF itakuwa inalindwa na Katiba yan chi. Vile vile, majina ya Wabunge hawa wawili yataingia kwenye kumbukumbu za historia ya Kenya kwa kupingania kuendele kuwepo kwa hazina ya NG-CDF. Nasi pia tutaingia kwenya historia kuwa tuliweza kuunga mkono mambo kama haya.

Katika eneo Bunge la Jomvu, tulifanya maendeleo mengi sana tukitumia pesa kutoka hazina ya NG-CDF. Katika kila wodi tumeendeleza mambo kadha wa kadha. Kwa mara ya kwanza, tumewakumbuka walemavu kwa kuwawekea madarasa spesheli kule Kwashee Primary School na Miritini Primary School, tukishirikiana na World Bank, ili nawo pia wajihisi ni binaadamu kama binaadamu wengine. Tumetumia peasa za NG-CDF kuwajengea hayo madarasa spesheli.

Kwa mara nyingine tena, ningependa kuwapongeza waheshimiwa Mule na Gichimu kwa kuileta Hoja hii bungeni. Nawaomba wabunge wenzangu kuhakikisha kwamba wakati wa kuipigia kura Hoja hii utakakaopwadia, sote tuto katika Bunge hili ili tuiptishe.

Kwa hayo machache, ninaunga mkono.

Hon. Deputy Speaker: Ahsante sana, Mbunge wa Jomvu. Ahsante kwa mema unayonitakia. Nami nasema “Inshallah.”

(Hon. Edith Nyenze stood at her place)

Member for Kitui West, you are out of order. You do not rise if you want to speak. You just press the intervention button. Nevertheless, this is your turn to speak to the Motion.

Please, proceed.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Deputy Speaker for giving me an opportunity to contribute to this debate on anchoring the NG-CDF, and the other affirmative action Funds, in the Constitution.

Let me, first of all, congratulate the two Members who came up with this Amendment. They have done the right thing because the NG-CDF has transformed our country tremendously. If it were not for the NG-CDF, our constituencies would not be where they are today in terms of development. The NG-CDF has transformed the country in as far as development is concerned. Kenya looks beautiful, courtesy of the NG-CDF.

Hon. Deputy Speaker, the NG-CDF has also contributed to the education of our children. Education is the only equaliser since it enables children from poor families who perform well to be considered among others who come from rich families. Entrenching the NG-CDF in the Constitution is very important because it will stop the court cases that come up every now and then. It is through the NG-CDF that we managed to come up with the Day Mixed Secondary Schools. These schools have really transformed education because the students who go to day mixed schools have the opportunity to get secondary school education. This was not there before. There are some parents who could not afford to take their children to secondary schools because of the huge amounts of school fees that they were required to pay. With the help of the NG-CDF, we have been able to construct classrooms for Mixed Day Secondary Schools. We have also been able to pay small amounts of school fees for needy students. This has enabled very many students to get the opportunity to join secondary schools and also to access university and middle-level college education, and much more. Therefore, the NG-CDF has made our people equal by making education for all possible.

Parents no longer conduct harambee. At this time and age, if you were to conduct a harambee, it will be very costly. It will not be possible for you to educate your children through harambee. Parents can no longer afford to organise for harambees to build classrooms and other infrastructure in schools.

It is for those reasons that I strongly support this Motion. We will also bring amendments to include school feeding programmes and have them anchored in the NG-CDF. In the NG-CDF, we will also include programmes like *kazi mtaani*, which will help unemployed youths who are not well educated. It will enrich the NG-CDF since it is the only Fund that is taken as a grant and you do not have to repay the money once you benefit from it in terms of bursary. For funds like Uwezo Fund, Women Enterprise Fund and Youth Fund, you have to pay back the money once you borrow from them.

The NG-CDF actually provides free money to help poor students and parents. It has really helped in transforming and developing our country and supporting the education of pupils to ensure that they get the best they could. If it were in terms of loans, it would be very difficult for parents to repay the money. Higher Education Loans Board (HELB) funds are borrowed and paid back. However, bursaries from the NG-CDF are free. It makes it possible for pupils from poor families to access education without having to pay back.

As I support the NG-CDF, I also support the other Funds—especially the NG-CDF. Right now, we have many problems. There is a lot of famine in the country, especially in some counties. There are some 29 counties where there is a lot of famine. There are also other areas

where we have a lot of famine. If people cannot afford to buy food, surely, what about education? It is very clear that most pupils are not going to school because they do not have bursaries. The schools I have talked about are Day Mixed Secondary Schools. About 90 per cent of the fees in those schools is paid through NG-CDF bursaries. This ensures that pupils stay in school. Bursaries having been withheld during this time of famine, when parents cannot afford food, they certainly cannot afford to pay school fees.

I am, therefore, asking the Government to release the NG-CDF funds because the CDF Act that has been declared unconstitutional is the CDF Act of 2013. The NG-CDF Act of 2015 is still constitutional. Immediately the NG-CDF committees are put in place, the Government should release the money so that pupils do not continue to lose on their education. They will perform poorly if they stay at home. I would also suggest that we increase the funds, especially for the NG-CDF, so that we increase the amount for bursaries. This will really help parents. I also support the other Funds, including the NGAAF, and the money for empowerment and oversight by the Senate. I also support those ones. However, the NG-CDF is very crucial for our pupils and their parents. Every Kenyan supports the NG-CDF. Let us anchor the NG-CDF in the Constitution and try to amend it where possible so that we do not have to always go through unnecessary court cases.

With those remarks, I support the Motion.

The Deputy Speaker: Thank you, Member for Kitui West. I now call upon the Member for Dagoretti North to contribute to the Motion.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you very much, Hon. Deputy Speaker. I rise to support the Motion, which has come at a time when many students and pupils across the country are wondering whether they will benefit from the NG-CDF again. I thank Hon. Gichimu and Hon. Stephen Mule for co-sponsoring this Motion.

One of the things we have neglected so much in this country is to put in a clear policy on how primary and secondary schools should be funded with Government support. We also thank the Government for standing firm and ensuring that it is within the NG-CDF that development trickles down to the constituencies. As I speak, we have students who are just about to sit for exams. We need classrooms for Grade Six pupils, who will be transiting to Junior Secondary School, and those who will be joining Form One. Some schools need dining halls at the moment. They are wondering what is going to happen. We are looking at a very serious situation.

As a House, we need to very clear and firm on these issues. We might even have to adjourn the House one day to debate this matter in order for us to understand how our children in Grade Six and those joining Form One in January will be catered for in terms of classrooms and other infrastructure. Are we going to enable them to be retained in primary schools, where we still need these Funds? By December and January, we have to ensure that these Funds are operational on the ground. We have children who have been on bursaries, some of whom are in Form Fours. We are wondering whether they will be sitting their exams. Most of them have not cleared school fees balances. This Motion gives us an opportunity, as MPs, to scrutinise the NG-CDF, the NGAAF, the Senate Oversight Fund, and the Economic Stimulus Empowerment Fund.

Myself having been nominated to the Senate, and as explained very clearly by Hon. Martha of Gilgil, it is no longer feasible for us to say that we will never be in this House of Parliament or the other. You can decide to move from this House, as a Woman Representative, and become Senator Governor. Therefore, you should want to see each House of Parliament being able to go back effectively, including undertaking oversight roles in the counties to ensure that the funds going to county governments are being used properly. I have been speaker of a county assembly. A Senator is one person who is so vulnerable. He might not even know what is happening in his or her county. One of the things he or she has never been able to do is

fully participating in the county governments affairs, especially when they start preparing County Integrated Development Programmes (CIDPs) Paper up to when they get to budgeting and implementing projects.

The Senator will always only find the document that the Controller of Budget has finalised. It is only after implementation of the programmes that the Senator will be calling his Governor to question him why resources were spent inappropriately or mismanaged. Therefore, the Senate Oversight Fund is going to support them. It is not a matter of just supporting them for the sake of it or giving them a token. It is like we look at these Funds in that poor light. Even on the NGAAF, I remember how all of you fought to have it. At one point in time, you were losing it but many people have now realised that money from this Fund has been used to build markets and women have been able to do trade with it. They have even been able to find themselves with grants in their merry-go-rounds. If we entrench this Fund in the Constitution, we will remove the barriers of having to regularly deal with court cases.

The economic stimulus package or empowerment Fund is critical. It will support the Government in many of the challenges they have been facing after Covid-19. Members will remember the time we had a serious economic stimulus package that supported many people. Women in trade and the youth will need such economic stimulus and economic empowerment program. Even as we ensure that we come together and support this Motion – We will certainly ensure pass it with the numbers needed – one of the things we must be worried about is the lapse of time. Many Kenyans are confused. We have many people who are wondering where the NG-CDF is within Dagoretti North—Why is it that we are not seeing projects? Why is it that we are not seeing programmes running? Why is it that they have not been sensitised even on the new Act?

One of the things we have to do is to go back to our electoral areas and sensitise our constituents so they understand that the Act has changed, and that the NG-CDF is not for the Hon. Member. The Fund is now supporting the national Government to ensure that development goes on in the constituencies. We should also tell them that the NG-CDF has been ringfenced to ensure that we deal with security, schools, bursaries and education. It is important for the citizens to have this information.

Most of our constituents out there are only aware of the old CDF way of doing things, where the Member of Parliament would just pick a committee and decides how things should run. It is important for them to know that we have Fund Managers from different constituencies, and that a Member of Parliament cannot have a Fund Manager from his own constituency. So, as we move forward in all the 290 constituencies, the Fund Managers will be reshuffled and taken to different constituencies. Let us have clear regional balance so that we do not find one constituency with 10 Fund managers and another one with none. Let us try and balance. Therefore, as members of that committee, we will look at everything and ensure that our constituents get what they need.

I hope the Senate Oversight Fund will change the way Senators look at things. They will now be able to go to the ground and do public participation. Also, they will enlighten Kenyans to understand the role of the Senate properly. For those within the NGAAF, it is important that we sensitise the citizenry to understand all these Funds.

Hon. Deputy Speaker, this is a good way for us to go. During the 13th Parliament, we were bipartisan in most things. So, we should work together to ensure that we do not polarise many things. I hope the media will also not polarise things and make us lose focus.

With those remarks, I beg to support.

Hon. Deputy Speaker: Thank you, Member for Dagoretti North. I now call upon the Member for Kitui Rural.

Hon. David Mwalika (Kitui Rural, WDM): Thank you, Hon. Deputy Speaker, for giving me an opportunity to give my views on this legislative proposal. Before I go on, let me

thank the people of Kitui Rural for re-electing me for a second term to serve them. I also want to thank the Members who came to support me because my election was postponed. I also thank my party leader, Dr. Stephen Kalonzo, for the invaluable support he accorded me.

Hon. Deputy Speaker, from the outset, I want to support this legislative proposal. I thank Hon. Mule and Hon. Gichimu for bringing it to the House so that we anchor the NG-CDF, the NGAAF, the Economic Stimulus and Empowerment Fund and the Senate Oversight Fund in the Constitution. The importance of the NG-CDF cannot be understated. Anybody trying to belittle or scrap it is not only an enemy of this country but also the people elected to sit in this august House. I can assure you that without the NG-CDF, most of us would not have come back, or will not come back to this Parliament. This is because after five years, what will you tell the people you have done for them?

The NG-CDF is the only fund whose effect can be seen on the ground. It supports the low-income people. It has done a lot in terms of construction of school infrastructure, including building new schools, classrooms, dormitories, dining halls and renovation of schools. Where I come from, in Kitui County, the poverty levels are quite high. Before the NG-CDF came into being, most primary schools were constructed using mud in Kitui County but today they are constructed using blocks. This is a very good thing because if the school infrastructure is good, you will expect good grades.

Hon. Deputy Speaker, the NG-CDF has given bursaries and scholarships to many students. As we speak, many students are at home because their parents cannot afford to pay school fees for them. I am very sure that most of Members of Parliament cannot sleep in their homes because parents are looking for them left, right and centre to request for money. As you know very well, we do not have that kind of money to give as school fees. The NG-CDF has also been used to construct chiefs' offices and police stations, which are very important for the security of our people.

When these funds are used to construct schools, we use the local business people to do the work. Therefore, the NG-CDF supports the local economies because these people employ others who earn income. We need to increase the NG-CDF because if we get double the amounts that we were getting, we will do a lot more.

Hon. Deputy Speaker, in reference to NGAAF, I understand the Women Representatives are given only Ksh7million per constituency, which is too little. This Fund needs to be increased so that its impact can also be seen on the ground. The Senate Oversight Fund is an issue which has been discussed for long. At times we are our own enemies as Parliamentarians. I remember this proposal coming to this House only for it to be ignored. The work of the Senators is to oversee the counties – a very important function. The level of misuse of public funds in county governments is so high. In fact, there are some counties which get billions of shillings but they cannot show anything they have done using those funds. Therefore, we need to approve the Senate the Oversight Fund so that Senators can be able to monitor and evaluation what happens in the counties.

[The Deputy Speaker left the Chair]

[The Temporary Speaker (Hon. Martha Wangari) took the Chair]

Hon. Temporary Speaker, I have a small problem with Economic Stimulus but I do not have any problem with the Empowerment Fund. This is because it will cater for empowerment of women, men, youth and persons living with disabilities. The definition of “economic stimulus” does not fit into this proposal. This is because “economic stimulus” refers to action by government to encourage private sector economic activity by engaging in targeted

expansionary, monetary and fiscal policies. This action is taken during recession. Such action is taken when the economy is not performing well with a view to help jump-start it and enhance its growth so as create jobs. The first economic stimulus program in Kenya was implemented in Financial Year 2009/2010. It was very successful because the economy grew by eight per cent, which was the highest economic growth rate in the history of Kenya.

A sum of Ksh22 billion shillings was used to construct schools, horticultural markets, *jua kali* sheds, health centres and fishponds. For the first time in the history of Kenya, we had fishponds in the Central Kenya region. For the first time, people from the Mount Kenya region started eating fish. For the first time, we had sufficient fish production in the country. That was very important and useful to this country.

The second economic stimulus program was implemented in Financial Year 2020/2021, during which Ksh53 billion was used. I am not very sure about the impact of that program because it was supposed to cushion Kenyans from the effects of the Covid-19 Pandemic. I am not very sure if those funds were used properly and what their impact was. Therefore, as regards the proposed Economic Stimulus and Empowerment Fund, my proposal to the drafters is that they remove the words “Economic Stimulus” and retain “The Empowerment Fund.” Economic stimulus is something different from what we are looking at. On the issue of the empowerment programme, we need to have a structure of how we will disburse the money. You can have money that will not help the targeted people.

With those few remarks, I support the Legislative Proposal

The Temporary Speaker (Hon. Martha Wangari): Thank you, Member for Kitui Rural. We will now hear the Member for Embakasi Central, Hon. Benjamin Gathiru.

Hon. Mejjadonk Gathiru (Embakasi Central, UDA): Thank you, Hon. Temporary Speaker.

At the onset, I support this Legislative Proposal by Hon. Mule and Hon. Gichimu but before I contribute to it, let me take this chance to thank God, the people of Embakasi Central Constituency and Kenyans at large for giving me a chance to serve as Member of Parliament for a second term. I also congratulate Kenyans for the way they voted. They remained calm and agreed to let the Government that was elected to work without the demonstrations that we used to see previously. I thank every Kenyan who participated in the election.

On the NG-CDF, as a Member of the NG-CDF Committee of the National Assembly in the 12th Parliament, this proposal is timely. We had the problem of the NG-CDF not being anchored in the Constitution. The NG-CDF and the NGAAF have been helping many Kenyans. Currently, many university and secondary school students are at home due to lack of school fees. Most of them rely on the bursaries that Members of the National Assembly and Women Representatives usually give them. So, I support this legislative proposal.

The NG-CDF has helped many needy cases. In Nairobi, we have a shortage of classrooms. Using the NG-CDF, we have been able to build many classrooms that have helped us reduce the ratio of students to teachers from 1:100 to the recommended 1:40. I urge the House to support the amendments. When the Proposal goes for public participation, I urge Kenyans to support the amendments.

In the NG-CDF Act, there is 2 per cent allocation that is supposed to be used for environmental management. That money will go a long way in helping each constituency to take care of its environment through planting trees and cleaning rivers. We are currently talking about climate change. The big problem is that we have not planted enough trees. Using the NG-CDF, many Members will be able to add to the number of trees planted.

Hon. Temporary Speaker, if you visit many constituencies, you will find that 90 per cent of the developments you see have been done using the NG-CDF. I support the Legislative proposal by Hon. Mule and Hon. Gichimu. We should all support it.

Finally, I urge Members to concentrate. If we want to change or anchor anything in the Constitution, we should concentrate on issues that are Wanjiku-driven and not issues of term limits and other things.

With those remarks, I support.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. The next chance goes to Hon. Ferdinand Wanyonyi of Kwanza Constituency. Is he in the House? Let us have Hon. John Mbadi. Is he in the House? The next chance will go to the Member for Mukurweini, Hon. John Kaguchia. Give the microphone to Hon. Kaguchia.

Hon. Kaguchia John (Mukurweini, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support the legislative proposal.

The proposal on anchoring the NG-CDF in the Constitution will be of much benefit to us as a country. This should be our preoccupation as the Kenya Kwanza Government. We should concentrate on Bills that will be beneficial to the common *mwananchi*. The current legislative proposal is one that will help our people improve their lives, as others have done before.

I was chair of an NG-CDF Committee for a long time. During that time, I got to know that many people in this country depended on funding from this kitty. Many of our children are educated through the NG-CDF bursaries. If this Fund is withdrawn, I know for sure that there is no other way through which we will be able to get to the grassroots, which have so far been reached by the NG-CDF kitty. I do not imagine that county governments will be able to handle those responsibilities because it is not in mandate. I am not sure if the National Government Administration (NGA) on the ground is able, in any way, to bring together needy children in the villages, as has been done by the NG-CDF in the past. I know for sure that the NG-CDF kitty has helped many children, especially those admitted to national schools and extra county schools. The NG-CDF has also sustained the Day Secondary Schools over time.

Any Member, who is in their right frame of mind, must and will find this NG-CDF kitty very important to be entrenched into law. As we speak, the NG-CDF kitty has a component that deals with the environment; 2.5 per cent. This amount of money that goes to the environment through the NG-CDF kitty has increased the forest cover and fruit trees in our villages, schools and public institutions. This means that once we entrench this Fund into the Constitution, we are going to improve our capacity to increase our forest cover. We are all aware that the COP27 Conference is ongoing in Egypt. It is majorly focusing on the issue of improving our environment by increasing our forest cover, planting trees and reducing emissions across the globe.

The NG-CDF also focuses on the sport component that is important to us. We know most of our young people depend on the leagues that are organised through the NG-CDF kitty. By entrenching the NG-CDF kitty into the Constitution, we are going to take care of these young people who require attention and support from their Members of Parliament and the Government. This will ensure that they participate in sporting activities such as athletics and football. We all know that athletics is now a source of livelihood for a number of our citizens and they have triumphed internationally. I think we should be looking at increasing and expanding the mandate of the NG-CDF kitty. When I served as the Chairperson of the NG-CDF Committee before devolution, the Fund was focusing on a broad spectrum of mandate. The NG-CDF has now been reduced to a few social intervention areas such as security and education.

I dare say that the NG-CDF needs to address the issue of small irrigation schemes in the villages. We have people who want to do high drums, small dams and pipes to help them pump water into their farms. The NG-CDF should help in that. I did not see any overlapping roles between the NG-CDF and the county government funds especially when it comes to the

issue of small irrigation projects. Whereas we depend on the National Irrigation Board and the county governments to have bigger irrigation projects, if the NG-CDF was allowed to do this, then some of the irrigation schemes in Mukurweini would be comfortably handled. I am reminded of Thiha Micro Irrigation Scheme which was started by the NG-CDF kitty and was later taken up by other donor funding and it is now a huge irrigation scheme. We also have Thiha Sagana, Iganjo, and Igotha in Gikondi irrigation schemes. We can start many other irrigation schemes and support them. I want to once again echo some of the sentiments by Members and our political party that as Members of Parliament, we must be pre-occupied with issues that deal with *Wanjiku*.

Hon. Benjamin has also raised that issue. Members and our party must be pre-occupied with ensuring that the NG-CDF is entrenched into the Constitution. We must desist from diversionary tactics by some Members who want to talk about the presidential term limit. This is not necessary. By passing this proposal, we will help our country move forward. As the National Assembly, the country and Kenya Kwanza Government, we must be focused on issues that will help *Wanjiku*. I would like to ask our citizens not to pay attention to those diversionary voices on the presidential term limit.

As Members of the National Assembly, we will be very clear on our mandate. And as the President indicated, we must ensure that our people are uplifted from poverty. We must ensure that we move them from the bottom to a higher position where they can fend for themselves. We must ensure that we have money into Kenyans pockets so that they are able to run their day to day lives without much struggle.

Hon. Temporary Speaker, I want to stop at that so as to allow other Members to also contribute. As the National Assembly, we must remain focussed on the main agenda which is to uplift our people's lives through this kind of Bills that are of importance to our nation.

Thank you.

Hon. Temporary Speaker (Hon. Martha Wangari): The next chance will go to the Member for Kilome.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker, for the opportunity. Let me first thank the people of Kilome Constituency for electing me for the second time to serve them. I rise to comment on the legislative proposal to amend the Constitution so that it captures the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund.

Hon. Temporary Speaker, let me first thank my two colleagues, Hon. Gichimu and Hon. Mule, for their effort to co-sponsor the proposal as one of the key and critical business for this 13th Parliament. Earlier on, there has been a lot of confusion about the existence of the NG-CDF after the courts pronounced themselves on the same regarding its constitutionality. The CDF was brought around 2003 after the Kibaki Government came to power. This was an idea that was borrowed from India and Ghana. This is one of the cardinal values in transparency and accountability which bequeath the whole exercise to public scrutiny from different facets of Government, both public and private. The main purpose of this Fund is to address social economic development of people at the constituency level. It is designed to reduce poverty and enhance regional equity.

Historically, Kenya has been labelled as a nation with an immense level of unjust opportunities amongst its people and communities since it was conceived at Independence. Over the years, the Fund has tried to alleviate community sufferings which have been left behind by the infrastructural developments and projects. It has also contributed to education in terms of school fees payment to the needy students.

As I speak, I have sponsored over 300 students in my constituency since I was elected in 2017. Out of the 300 students who are fully sponsored, around 200 have now finished Form

Four and are joining colleges and universities with better grades. This has been facilitated by the NG-CDF. We have built so many primary and secondary schools in my constituency. There are so many rehabilitated classrooms especially in primary schools as we have modernised them. Anyone who is in denial about the NG-CDF is an enemy of the people in this Republic. Entrenching the NG-CDF, the NG-AAF, the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund in the Constitution shall ensure that such funds are reinforced to avoid existing threats.

Hon. Temporary Speaker, such funds are enforced and permanently entrenched in the Constitution to avoid incidental threats from developing legislations and court decisions which for years have sought to invalidate the existence of these funds. This is the highest time that the 13th Parliament needs to be firm on this exercise. The introduction of this Senate Oversight Fund shall strengthen the operations of the devolved funds in a manner that is strictly in compliance with the law to reduce pilferages. The Fund will enable the Senate to ensure that counties perform their functions without the earlier experience and delays so that Kenyans can benefit on time. If you go around all the constituencies, you will realise that the only physical developments and infrastructure is by the National Government Constituencies Development Fund (NG-CDF). Counties have been getting billions of money but if you compare with the little we have been getting from the NG-CDF, the development is immeasurable.

Despite trying to entrench this Fund into the current Constitution, there is need to increase these funds from the current 2.5 per cent to at least 5 per cent. I can confirm that if these funds are increased from the current percentage, you will find that all the countries will come to bench mark with us. I challenge the counties to make sure that they reduce their wage bills and at the same time increase the number of projects they can manage. I would like to add that if you compare the number of staff at the constituency level, most constituencies have less than 10 staff who execute and manage to protect this Fund and ensure that whatever is being done for the people reaches the constituency level. More importantly, my ambition is that the Economic Stimulus and Empowerment Fund will be key as it shall align with the current Government so that the *Wanjikus* can access the funds. We need to review the Fund because it will be a duplication of the Uwezo Fund. We need to look into it so that we do not duplicate the funds.

Hon. Temporary Speaker, inclusion of these funds in the Constitution, more so the NG-CDF, shall ensure all ongoing projects are concluded for the benefit of constituents. It will ensure that we do not have ghost projects at the expense of tax payers and at the inconvenience of the actual beneficiaries of such projects. There are some constituencies which have major projects costing over Ksh20 million which are done in several phases. A phase can be done for about Ksh5 million each and you will find that if the funds do not trickle down to the constituencies, these projects might turn out to be white elephants.

The NG-CDF remains one of the most closely monitored funds and its utilization has met the expectations of Kenyans. Reports from the office of the Auditor-General have attested that there have been minimal cases of mismanagement due to its utilization criteria and mandatory approvals before, during and after undertaking the projects. At the constituency level, as we speak, some students are still at home, the reason being we have very many needy students whose parents cannot afford their school fees. Equally, we have others who are orphans and bright but needy. Nobody should make a mistake of withdrawing these funds. It is prudent to note that the funds have trickled down to the very last resident of respective constituencies since the choice of projects is done on a need basis after detailed assessments by the NG-CDF committees. We do a lot of public participation so that constituents are satisfied with the projects which they are really in need of.

Hon. Temporary Speaker, as I conclude, I would urge Members of this House to move with speed and entrench this Fund in the Constitution so that no busy bodies can just wake up

in the morning and rush to the courts to deny Kenyans their right of development and benefit from this Fund. I rest my case and I conclude by asking Members to be alert on matters pertaining to this Fund and all shall be well.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. The next chance will go to the Member for Teso South, Hon Mary Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this important legislative proposal to anchor the NG-CDF into the Constitution. The NG-CDF and its achievements over time across the country cannot be gainsaid. There are vulnerable families in this country with very bright and needy children who have a story to tell today. They have testimonies of how bursaries through the NG-CDF have transformed their lives and that of the society. The impact of these bursaries alone to these needy students is something that we as Members are very proud of. Therefore, I support this legislative proposal.

Besides the bursaries, I would dare to say that the NG-CDF is an equalizer on matters development. There are far flung remote areas in this country that would never have seen decent establishments like schools in their regions without the NG-CDF. When you go across our counties and constituencies, some of the best infrastructure is done by the NG-CDF ranging from laboratories, dining halls and even buses in schools. For instance, there are certain schools where students are taught about lakes and oceans in Geography but cannot visualize since they have never been there but because we have bought buses for these schools, they are able to go on school trips to get the exposure. There are schools where, before the NG-CDF, would study Physics and Chemistry through theory because they were not able to undertake practicals but due to the NG-CDF, we pride ourselves because our schools are better equipped with the necessary infrastructure to aid learning.

Hon. Temporary Speaker, I want to further attest to the NG-CDF's contribution to development especially in my constituency. I represent Teso South and we did not have a single college or a tarmac road. We constructed the first one in 2011. Through this Fund I was able to buy land for a teacher's training college for Technical and Vocational Education and Training (TVET) as well as partner with National Government departments to fund and develop these institutions. Today the people of Teso South are beginning to see development and improved businesses. People are becoming landlords because they can put up houses for people to rent and earn an income. Therefore, the NG-CDF is a critical fund and we cannot underestimate it. We must support it to make sure that it is anchored in the Constitution to continue to help and support our country's development agenda.

Speaking of the other funds like the Enterprise Fund and the Economic Stimulus Fund, I must say that this Amendment is very timely, coming at a time when we know that jobs are scarce and our youth are languishing out there unemployed, when the economy is on its knees and we desperately as a country need to create employers who can create opportunities for the young people. We have graduates in various disciplines who can start various Small Medium Enterprises (SMEs) and become the employers of tomorrow. We want to support this Amendment which is very timely. These funds including the National Government Affirmative Action Fund (NG-AAF) for the Women Representatives are important as we need to empower women, capacity build them and guide them before they can get the empowerment funds to be able to engage in some economic activities to support livelihoods.

I must touch on the issue of climate change. Given the situation in which the world finds itself in and the impact of climate change, the National Government-Constituencies Development Fund (NG-CDF) has played a very critical role in terms of mitigating the impact of climate change. There is an allocation that goes to environment and we have played a very critical role in terms of supporting that particular programme on environment – planting trees

in schools and assigning those trees to pupils and the students who keep on maintaining and making sure that those trees survive. This is also a very critical component of NG-CDF that we cannot ignore.

Having said that, I commend Hon. Mule and the other Member for bringing this Amendment to the Floor of the House. We must support it. I appeal to the Board that the CDF Act that was nullified by the court is the Act of 2013. The National Government-Constituencies Development Fund NG-CDF Act 2015 is still active. So, they should move with speed to gazette the boards from various constituencies and release funds so that we can take our sons and daughters to school. We get calls every day. My kids in various universities are asking for bursaries. We are suffering as we have no school fees. We need to release funds so that we are able to alleviate the situation out there.

I support this Amendment. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. This chance will go to the Member for Chepalungu, Hon. Victor Koech.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Temporary Speaker, for this opportunity to contribute once again to this Motion. At the outset, I wish to appreciate the two drafters of this particular Amendment – Hon. Mule and Hon. Githinji. I wish to support this particular initiative so that we have NG-CDF entrenched in our Constitution. This Fund has done a lot to our community. The impact that it has brought is seen by all.

I wish to make the following remarks regarding the same and to make it known that before NG-CDF, my constituency had very pathetic primary schools. In fact, we had less than 40 primary schools. As we speak, because of NG-CDF, we have more than 180 primary schools. These 180 primary schools still lag behind in terms of incomplete structures. During my campaigns, I promised my constituents that within the first year, I should have been able to complete the incomplete structures within the primary schools. For example, a primary school in my constituency called Chepwostuiyet has almost five incomplete classrooms. With NG-CDF, I was going to complete the same before one year lapses. The primary school that I went to called Kimaya is in a vulnerable situation. If every Government institution was going to work, it should have been closed as at now because its structures are in a deplorable condition.

I had promised constituents, including the primary school that I went to, that within the first two years, I will have given them proper structures for learning. If the NG-CDF is not going to continue to exist, we will be forced to go back to the days when the only way to achieve development was through the harambee clarion. We want to speak on behalf of the vulnerable families that we are all coming from. I want, for instance, to talk about myself because were it not for NG-CDF, I do not know where I would be as at now. I am true example of a product that was assisted by NG-CDF, and through the hustles while I was learning, I was able to complete my studies. As I speak today, I am a Member of Parliament courtesy of the same.

The people who went to court to challenge the existence of NG-CDF should have at least thought about what will happen to the vulnerable families. What will happen to the needy in our society? What is going to happen to the orphans who live with us in our communities whose main source of hope to educate their children and to get basic needs of education is through NG-CDF? The people who went to court should have at least answered the above questions.

I want to talk about the registration of mushrooming schools within our society. The Ministry of Education has a basic requirement before you are registered, and are not limited to accessibility or availability of two acres of land. Having constructed four permanent classrooms, the Ministry of Education also requires before registration of new schools, the school should have two toilets – one for boys and the other for girls. It will only mean that we

are not going to have new registrations of mushrooming schools as per the needs of our constituents if NG-CDF is not going to continue to exist. I support this Motion because we want to see meaningful development continuing to exist within our constituencies.

We should support sports talents for the various disciplines with our constituencies like volleyball, football and others. If the NG-CDF is not going to continue to exist, we do not know what will happen to our talents that we want to support. It is indicated within the NG-CDF that 2 per cent should go to sports. As said by my colleagues who spoke earlier, on the conservation and protection of the environment, NG-CDF has to allocate around 2 per cent.

As a Government, we cannot be speaking from two sides. We cannot be demanding that we have a 100 percent transition to secondary while at the same time we want to deny the poor and the needy within our society the basic need to education due to the lack of school fees. If the NG-CDF ceases to exist, we will have no library construction in our young schools, which means a drop in terms of performance in various secondary schools that we have within our constituencies. Lack of NG-CDF will only mean that no new laboratories are going to be constructed in our new schools. I heard several requests for construction of laboratories while I was campaigning. This will greatly impact on improving the performance of various schools. The lack of NG-CDF will only mean we go back to the harambees. This is something that the Kenya Kwanza Government would not want as it will only mean our country going down.

There is rise in the number of dropout students. All of us would not want to see vulnerable families unable take their children to school simply because they lack fees. We pray to have NG-CDF properly entrenched within the Constitution so that it continues to exist, and continues to offer support as it does at the moment. Denying the vulnerable in society the basic need of education is ungodly. For this reason, I want to entirely support this particular legislation.

Thank you.

(Hon. Johnson Naicca crossed the Floor without bowing)

The Temporary Speaker (Hon. Martha Wangari): For the benefit of the new Members, Hon. Johnson Naicca, when you are crossing the Floor, you should go to the Bar and bow, and not as you have just done.

The next chance will go to Hon. Agnes Mantaine, Member of Parliament for Narok North.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion.

I want to thank Hon. Mule and Hon. Gichimu for coming up with this proposal that will see NG-CDF anchored into the Constitution. This is a Fund that is known by everybody in Kenya, and not meant for Members. Some of our schools have been funded by this Fund. We have been able to construct classrooms in primary schools, laboratories, dormitories and dining halls. If it were not for this Fund, our children would still be studying in mud walled classrooms. As I speak, there are those who still study in classrooms that are not permanent. We want the NG-CDF because it pays school fees for our children.

At the moment, we are experiencing drought in my constituency and most men are not at home because they have all gone out to look for greener pastures to graze their livestock. So, once these children are sent home, they will only find their mothers who have nothing to offer the children. This means that most of them will remain at home. I, therefore, support this Motion to ensure that this Fund is anchored into the Constitution. By doing so, this Fund will be there forever to help our people, and nobody will ever go to the court or interfere with it whether we are there or not.

I also support the increment of this Fund to 5 per cent and to include provision of water as it was not included before. This is because some places are arid and semi-arid, and have no water. Our people are drinking contaminated water, and for them to have clean water, we must include water in these programs so that we can provide clean water for our people. This is a Fund that empowers our people. If we cannot have this plan in place, it means we will not have bursaries for our children. Our people are still poor, some of the children have single parents and hence cannot afford to pay university school fees and maintain these children in schools.

I come from a community that still values culture and does not give priority to girls. When girls drop out of schools, parents are reluctant to take them back to school. That is when we as leaders chip in to ensure that we give these girls another chance to try and pursue their dreams by funding their education. I, therefore, support that this Fund be anchored into our Constitution so that we are not threatened by anyone. If it is in the Constitution, it will be there forever.

I also want to support the NG-AAF and any other fund that goes to the youths and women. It is money meant to empower our women. This program is meant to put money into women's pockets. I have seen them do table banking and by doing so, they acquire knowledge on how much money they can borrow and pay back.

When we construct these classrooms, we give local contractors tenders so that we retain the money in our constituencies or counties, and eradicate poverty as the money will circulate there. The beneficiaries are the communities in those areas. That is why I rise to support this Motion to ensure that the proposal for legislation to anchor NG-CDF in the Constitution...

I want to ask Hon. Mule and Hon. Gichimu to try and add a few Members who will look into that proposal, and ensure it is done in a way that it does not fail. They should make sure there are no loopholes but should be clear and, our recommendations are reflected in the proposal.

Thank you, and I support.

(Hon. Mule rose on a point of intervention)

The Temporary Speaker (Hon. Martha Wangari): Thank you Member for Narok North. Hon. Mule, you have a point of intervention?

Hon. Stephen Mule (Matungulu, WDM): Thank you, Hon. Temporary Speaker. For the interest of Members, I would like to move a Procedural Motion to extend the Sitting.

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

Hon. Stephen Mule (Matungulu, WDM): Hon. Temporary Deputy Speaker, I beg to move:

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend the Sitting time of the House today, Tuesday, 8th November 2022, until 9.00 p.m.

In the interest of Members, I want to carry everybody on board to ensure that we walk this journey together. I propose this Motion to ensure that every Member who is seated in this Chamber has an opportunity to contribute. At this juncture, I ask Hon. Bwire to second.

Hon. John Bwire (Taveta, WDM): Thank you, Hon. Temporary Speaker.

I rise to second this Procedural Motion reason being we have Members who have been sitting in the House for hours and have never had an opportunity to contribute in the House,

especially the new Members. What is being debated today is crucial. This is a very crucial legislative proposal that seeks to entrench the NG-CDF in the Constitution.

With that short submission, Hon. Temporary Speaker, I rise to second.

(Question proposed)

Hon. Members: Put the question.

The Temporary Speaker (Hon. Martha Wangari): I will put the question if that is the mood of the House.

(Question put and agreed)

(Debate on the Motion resumed)

The Temporary Speaker (Hon. Martha Wangari): The next chance goes to the Member for Runyenjes, Hon. Eric Muchangi.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this very important proposal to amend the Constitution of Kenya to entrench the NG-CDF in it. Everyone in this country can underscore the importance of this Fund. It was started around twenty years ago. It has brought a lot of impact compared to other existing funds, including Uwezo Fund, Youth Development Fund and Women Enterprise Fund. The NG-CDF has brought a lot of social and economic improvement in the country. It is a Fund that should be embraced by every person in the country.

I am reminded of the many students who are at home because of lack of school fees. In the five years I have been a Member of Parliament, I know of very many cases of poor boys and girls who cannot go to school if they are not supported by the NG-CDF. Therefore, no one should even for a minute think of doing away with the NG-CDF. This money has been of value to our pupils, especially orphans who rely on full scholarships. Those who come from underprivileged and single-parent families almost entirely depend on the NG-CDF.

In the last few weeks, I have been going around my constituency conducting public participation on priority projects. People are already worried about the future of the NG-CDF. They are worried because they know its importance. They know what this Fund has been doing in rural areas, starting with construction of schools. There are schools that exist today because of the NG-CDF. Examples are everywhere in the country, including Kanduri Primary School in my constituency. If we abolish the Fund, we are going to see a decline in establishment of new schools. Very many facilities have been constructed through the NG-NG-CDF, including laboratories, multipurpose halls, police stations, police posts and offices for chiefs and assistant chiefs. If we abolish this Fund, people are going to suffer immensely. Instead of doing away with it, I support the proposal to double its allocation from 2.5 per cent to 5 per cent. It will bring more impact and value to people so that they stop relying on harambees.

Before the NG-CDF came into place, many schools used to organise harambees. In recent years, we have witnessed a considerable decline in the number of harambees. Whenever a school has a need, it places its proposal at the NG-CDF office. When funds are available, the school is allocated funds to construct the facilities it needs. If we do away with the Fund, we will go back to the days when schools held harambees every weekend to put up structures. There have been instances in many constituencies where toilets and other buildings collapse and require an emergency kitty to restore. This is where the NG-CDF comes in handy. Whenever we have had an emergency project in my constituency, the NG-CDF has always assisted the people.

The Fund has an allocation for the environment. Considering the effects of climate change in the world today, we are required to double or even triple our efforts to keep our

country and environment green. In my constituency, we have had programmes to plant trees in many schools. We even plant avocado trees. Over the weekend, I took time to go to many places and I was very happy to see avocado seedlings we donated to schools doing very well. We did this to provide schools with alternative sources of income. I went to St. Johns Gaikama Boarding Primary School and Kigaa Primary School and found avocado seedlings we donated doing very well. In a few months, the schools are going to have income from the avocado trees.

Hon. Temporary Speaker, 2 per cent of the NG-CDF is allocated to sports. I can tell this House and Kenyans that the amount is never enough. We always support sports in our constituencies. There are many talented young people who want to try their hands in sports but funds are insufficient. Doubling allocation to the Fund will enable us to double the amount set aside for sports and we will be able to consider other games. Sometimes we can only support football for young men and women. With more funds, we shall be able to include other games.

There is a misconception in this country that the NG-CDF belongs to Members of Parliament. It does not belong to Members of Parliament. It belongs to the people of Kenya and benefits them. Its success stories are known all over the country, including in this House. We have people like me who have benefited from the NG-CDF and I am one of them. At one time, my school fees was paid through the NG-CDF and here I am serving my second-term as a Member of Parliament. If we continue supporting our students, in the near future, we will see other people coming up with other success stories through the support that they would have received.

With those few remarks, I support.

The Temporary Speaker (Hon Martha Wangari): The next opportunity will go to the Member of Parliament for Bobasi, Hon. Innocent Momanyi. Is he in the House? If not, it will go to the Member for Nandi, Hon Cynthia Muge.

Hon Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for according me this opportunity to make a few comments on this legislative proposal that was tabled on the Floor of this House by Hon Gichimu and Hon Mule. First, I support this Motion and may it be fast-tracked to conclusion.

The four items stated in this proposal are important for this country. While this discussion was going on, I went back to my email and I was able to trace a CDF cheque that was mailed to me when I was in the university by the Constituency Office of Emgwen under the stewardship of Hon Alex Kosgey. I thank him for having considered and given me a bursary for my university studies. Three months later, I remember there was a serious discussion about scrapping the CDF. Then I was very active on social media. I remember vehemently venting in with regard to scrapping of CDF. Of course, this was fuelled by the fact that I had been a recent beneficiary of the said Fund. I remember saying many things with regard to the Fund and wondered why someone would want such a fund that had raised the schooling standards of this country scrapped. The Fund also introduced polytechnics that were unheard of. I wondered why someone would want CDF removed yet a good number of students depended on it for schooling.

Hon. Temporary Speaker, I support this legislative proposal. The beneficiaries of this Fund are truly needy people. They are people from humble backgrounds that cannot sustain their schooling or backgrounds that cannot afford them a chance to take their children to private schools. I support this because when it is entrenched in the Constitution, it will reduce the number of busybodies who want to scrap it at their own will because they do not know its importance.

I also want to speak on the issue of the National Government Affirmative Action Fund (NG-AAF). I thank my predecessors because through the NG-AAF, Nandi County has a structure that can rehabilitate drug addicts, alcoholics and people with mental issues. Courtesy of NG-AAF, Nandi County is going to have this facility that will help many people—people

who would otherwise not be able to pay for those services elsewhere. This is not a small matter for the people who need it. It is a fund that has ensured that every village – I have seen this in a many counties patronised by women representatives – has tents for meetings which under other circumstances you would not find and if present, they would be very expensive and people would opt to do their meetings under the trees. I support this and I will be happy if these funds run without undue interruptions.

Lastly, it is just as the Member for Kitui Rural said as he spoke about the issue of the amounts or percentages allocated. I will not speak to that matter much because they say a bird in hand is better than two in the bush. This only tells us that we are going to have better terms and amounts in the future. Pending the ruling of the Hon. Speaker with regard to whether this upcoming Bill will be subject to amendments during Second Reading, I hope we will increase these funds.

During devolution talks, this country was championing decentralisation. Decentralisation of responsibilities or functions must be followed by decentralisation of funds. There is no harm if you gave 10 per cent to the NG-CDF for it to go to the ground because you are sure that it will benefit up to the last person in the administrative unit. It will have no harm when the NG-AAF fund is given a 4 per cent. It will help the Woman County Representatives to run empowerment programmes. This is the same office tasked with ensuring that it looks into issues of vulnerable groups as the women, persons living with disabilities and the youth. When the women of this country are educated, every other person is safe. When the youth of this country are catered for to have jobs and things to do, every other person will be fine. The economy will be doing better. There will be no harm in that. That said, we look forward to having the amounts increased so that those activities take place further down the administrative unit.

I support this Motion. I also support the Economic Stimulus and Empowerment Fund. I look forward to the regulations that will govern and lead these Funds so that we have things happening on the ground. I remember in the county I come from, in a constituency called Tinderet, there is a very nice market that was built by the Economic Stimulus Programme that was ran by His Excellency the late President Kibaki. It was around 2003 to 2005. It is working and you can see the importance of having that Economic Stimulus Programme. Every economic stimulus programme is something that is supposed to elicit some sort of economic response from the private sector hoping that this will ensure that we have more economic investments from the private sector. With that, together with whatever the Government is able to do, we are going to have a better country with better revenue.

I support and urge all Members of this Assembly to support. This being a constitutional amendment Bill is no joke. It has a very high threshold—a threshold that must be met for us to move forward. I urge all Members to take part in the whole process so that we have something that reflects the aspirations we have and protects our people on the ground. On behalf of the people I represent, I support. The impact of these funds is directly felt by the people on the ground.

Thank you, Hon. Temporary Speaker, for this opportunity to speak. I would have made my maiden speech but I already did so. I am almost lost for words.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Member for Nandi. This chance will go to the Member for Ganze, Hon. Charo Kazungu. If he is not in the House, the chance will go to the Member for Limuru, Hon. John Kiragu.

Hon. (Eng.) John Kiragu (Limuru, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to say a few words.

It has been five years since I last spoke in this House. I thank God for this opportunity, and the people of Limuru for giving me a chance to come to this House to represent them. I believe one of the reasons I have come back to this House is the way we worked with the NG-

CDF during the 11th Parliament. I found a constituency that had problems with schools. We did not have enough facilities, particularly for the boy child. A lot has been done to ensure we help the children who cannot afford to go to school. I remember in four and a half years, we used the NG-CDF to build new secondary schools in Gatura, Kamirithu, Muna, Kabuku and Umoja.

Hon. Temporary Speaker, as you know in Central Province, we have a big problem of alcoholism and early marriages. For example, when the NG-CDF builds new schools, this allows many young people who would have been lost to study by giving them bursaries to continue with their education. According to me, the NG-CDF is very important. I want to thank Hon. Mule and Hon. Gichumu for helping us to focus on this matter, so that it can be anchored in the Constitution.

As I stand here, I have seen young people who would have been lost and failed to pursue higher education benefit from the NG-CDF. Within five years in Limuru, I saw young people acquire higher qualifications at the university using the NG-CDF. Some were lucky to get scholarships to further their studies in very prestigious universities around the world.

As I speak, I know John Mukabi, who was an orphan and had no parents to support him, but through the NG-CDF, he went to the University of Manchester and Wainaina went to Yale University. Also Kahinga went to a school in Korea and Sebastian went to study railway engineering in China. The background of these young people was that they would not have made it were it not for the bursaries they got through the NG-CDF.

Hon. Temporary Speaker, I support the sentiments by various Members of Parliament on the good side of the NG-CDF. I also support the other proposed funds that will contribute to uplifting the lives of the less fortunate people in our society. As we speak, people at home are wondering why we are referring to the Constitution as the problem causing them not to get the NG-CDF. They believe the Constitution should help and not block them from accessing the NG-CDF. Since we know the NG-CDF Act of 2015 is still active, we do not have answers for our people who are crying desperately at home for help. All I can say is that it is important for the funds to be released so we can sort out the pressing problems our people are facing in the constituencies as we continue to pursue this matter of anchoring these funds in our Constitution. I support.

The Temporary Speaker (Hon. Martha Wangari): Thank you. The next chance will go to the Member for Turkana South, Hon. John Namoit.

Hon. John Namoit (Turkana South, ODM): Thank you, Hon. Temporary Speaker. To start with, I take this opportunity to thank God, Hon. Raila Odinga and the people of Turkana South for electing me to represent them in this august House.

The NG-CDF has undergone several evolutions right from the Act of 2003 to the Act of 2015. The NG-CDF has greatly benefited the constituents of Turkana County. Many students have gone to school. As the Member representing Turkana South Constituency, I am a beneficiary of the NG-CDF which paid for my school fees. My academic and professional achievements were supported by the NG-CDF. I was employed by the NG-CDF Committee as a Fund Account Manager and I understand its operations and workings. It has done a lot for the constituents of Turkana South.

The NG-CDF is a conveyor belt of the national Government development programmes to the lowest levels of administration. That is to say that many national Government activities are undertaken through the NG-CDF. The NG-CDF contributes funds to county governments so, we need to appreciate it. The NG-CDF has facilitated the performance and implementation of national Government programmes because it implements some programmes that are supposed to be implemented by the national Government. There is a need for this Fund to be anchored in the Constitution.

In addition to that, we need to reduce the pressure being exerted on the political leadership at the lower levels of governance. One of the funds that aims to reduce that pressure is the NG-CDF. It has supported so many hustlers of this nation. We need to understand that it is one of the funds that has targeted the lowest levels of governance. It operates through Project Management Committees (PMCs). Those committees undertake procurement of projects and give contracts to many hustlers of this nation. That is why I support the amendment by my Hon. colleagues.

Also, Hon. Chair...

The Temporary Speaker (Hon. Martha Wangari): It is Hon. Temporary Speaker for now.

Hon. John Namoit (Turkana South, ODM): Hon. Temporary Speaker, we know the NG-CDF has evolved. In the Acts of 2003 and 2013, the allocation to this Fund was based on the Government's total revenue, but in the NG-CDF Act, 2015, it is based on what is allocated to the national Government function. That is why the busybodies that were going round the streets of Nairobi and the courts of Kenya to ask them to reject its implementation are taking us for granted. People who want the NG-CDF to be removed are enemies of the hustlers of this nation.

The NG-CDF authorises a number of neighbouring constituencies to pull their resources together. This enables harmonious co-existence between these constituencies. For example, Turkana and West Pokot counties can come together through the NG-CDF to implement some common peace projects. These projects will enable the two communities to come together and co-exist. The projects will also enable the two communities to interact, work, do their business and school together. This can only be done through the NG-CDF because the law allows the users of the Fund to work together and implement common programmes.

Hon. Stephen Mule and Hon. Gichimu Githinji, the co-sponsors of this proposal, had something in mind. It is important to note that the first devolution that was realised in this country was through CDF. It has done a lot in the sporting activities and environment protection. We are now talking about climate change. How do we counter climate change? We can only counter climate change through the implementation of some programmes in the NG-CDF. Therefore, I take this opportunity to recognise and appreciate the good Members who brought this amendment before this august House to anchor the NG-CDF in the Constitution of Kenya.

Hon. Temporary Speaker, I support this amendment.

The Temporary Speaker (Hon. Martha Wangari): Thank you Member for Turkana South. This chance will now go to the Member for Central Imenti, Hon. Moses Kirima.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker. I hereby support the Motion before this august House to amend the Constitution to anchor the NG-CDF in it. This will help in developing our rural areas especially where the national Government has been very rare in the past and even in the present. The CDF Act, 2013, was done away with by an honourable court because it was not anchored in the Constitution and was not tailored in a way that it could work together with devolution. There was collision in one way or the other between the county governments and activities of the CDF where MPs used to be the patrons and used to oversee.

However, the NG-CDF Act of 2015 which came up with the NG-AAF and the NG-CDF was tailored in a way that it does not conflict with county governments developments. In the existing circumstances and due to the judgment, which has already been delivered by the court, we are operating on shaky grounds. It is therefore necessary that the NG-CDF is entrenched in the Constitution.

Let me take you back a little bit to our early times. In my constituency, Central Imenti, I cannot remember seeing any development from the national Government of any nature. Throughout my life, other than the Deputy County Commissioner's (DCC) office which is a one storey building, all other infrastructural developments in the area, academic, administrative and security have been done and developed by the NG-CDF. This is a very necessary and vital fund to develop the rural areas. When this Fund is entrenched in the Constitution, irrespective of whether you are in the Opposition or Government side, nobody will intimidate or dictate to you how you should carry out the activities. Constituencies will be free to carry out development projects through the NG-CDF boards without interference or manipulation by the system as it used to happen between 2017 and 2022 where the ones who were not towing the line of the existing system which just ended were left to suffer. Our constituencies were left behind because the amendments were tailored towards those ones who were pro-system.

If the NG-CDF was as we are trying to entrench it into the Constitution through the Amendment which is before the House, things could have been better. We should come up with a way that even the NG-CDF Board will not be influenced by the Executive as to who is to get the funds before who. Sometimes you find that there are constituencies which get funds faster than others, others get complete amounts while others do not. We should come out in a way that there is neutrality when it comes to disbursement of the funds. There should be no discrimination of whatever nature. This is very necessary taking into account most of the rural areas where people are struggling on how to earn a living and take their children to school. We have day schools which came up during the late President Mwai Kibaki's time when Hon. Muriuki Karue came up with the CDF Bill which was supported by the House at that time. However, as it is without this money, the Government stated clearly that it would sponsor these schools fully and students are supposed to enjoy their education without paying a penny. This is difficult because the teachers are left with nothing to eat and they are forced to device a way in which the children are supposed to have for lunch and sustain them in schools.

Hon. Temporary Speaker, it is through the NG-CDF that the boards device ways to support those projects to sustain such secondary day-school students in schools. Now that the funds have not been released and with the current problem of severe drought, there are a lot of students at home and the schools have closed because of lack of ways to sustain them. It is my prayer that all Members in this House will support this Motion so that there are no "Omutatas" and other busybodies who will come up and ...

Hon. Stephen Mule Mutinda (Matungulu, WDM-K): *(Inaudible)*

Hon. Moses Kirima (Central Imenti, UDA): My colleague Hon. Mule is telling me what they are called. Unfortunately, I am not used to that ghetto language. When this Motion is supported, I hope we will not have the Omtatahs and other busy bodies interfering. My colleague, Hon. Mule, is telling me how such people are referred to but I am not used to his ghetto language. I pray we will not have people who will rush to the courts just for the sake of it, to please their masters abroad. They have a way of getting money by taking the Government or the National Assembly to court. Actually, there are sponsors from the Nordic countries who support busy bodies in third-world countries to stop development. That has to be entrenched in legislation. They ensure it is stopped by the courts. We also know that the Judiciary is full of activism. After this amendment, I hope there will be no such activities to stop what this National Assembly has taken time to debate, especially the amendment of the Constitution concerning the issue of the NG-CDF. Indeed, the NG-CDF is a necessity in Kenya and it needs to be entrenched in the Constitution.

There is no conflict between NG-CDF and the devolution money in the county governments. We should have the 2015 Act as it is after the division of revenue has been done. After the county governments get their money, what is left for the national Government should be used to top-up the NG-CDF.

I, therefore, support this Motion.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Kirima. The next chance will go to the Member for Nakuru County, Hon. Liza Chelule.

Hon. Liza Chelule (Nakuru County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute and add my voice to this wonderful Motion that was brought to the Floor by Hon. Mule. It speaks to an important amendment that is strongly related to the people of this country. We are in this House as representatives. We cannot talk about representation without development. The only fund that has brought about many development projects at the community level is the NG-CDF.

Hon. Temporary Speaker, ten years ago, we were speaking about devolution, which is about services and resources being taken closer to the people. The work that NG-CDF has done at the community level speaks for itself. There are so many types of devolved funds in Kenya. There is NG-CDF, NGAAF which is managed by women representatives, *UWEZO* Fund, which is managed by the Member of Parliament in every sub-county, Youth Enterprise Development Fund (YEDF) and, the Women Enterprise Development Fund (WEDF). These funds are operated differently. The NG-CDF had money that is used, but not meant to be returned to the Government. The NGAAF is a grant to the women, youth and people living with disabilities in this country. This is money meant for development. Today, you cannot sit in this House as a representative without having money that is meant to get to the people. Money from the NGAAF has really assisted women groups in our counties. Women representatives in this House can attest to that. I know how it has assisted many vulnerable students from extremely poor families.

Hon. Temporary Speaker, in my previous term, through my office, I supported around 50 students by paying their school fees from Form I to Form IV. My happiness today, and I want to report to this House, is that the students excelled. They are all going to join universities. Whoever is planning to do away with this Fund should go back to his or her books. The devolved funds are meaningful. We cannot say that we are Members in the National Assembly to represent our constituents if we are not doing any kind of development. There is no development that is going to be done, especially at the sub-county level, without the NG-CDF.

Hon. Temporary Speaker, you know what the Fund has done in your sub-county. You are one of the students who benefited from it. If it was not for NG-CDF, you would not be sitting as our Temporary Speaker today. Whoever is planning to do away with this Fund, we are here to tell them that we need it anchored in the Constitution.

Regulations governing management of NGAAF has a section on countywide projects. In Nakuru, we chose buying of water tanks for vulnerable schools as the countywide project. The 10,000-litre tanks we bought for some schools really helped during the Covid-19 pandemic. We support the existence of these devolved funds. If you have nothing to take to the people, then you have no reason coming to this House to represent them. I am in support of entrenching these Funds in the Constitution so that they are protected.

I support all the Members who have said that NG-CDF allocation is not enough and it needs to be raised from 2.5 per cent to 5 per cent. As woman representatives, we request to be allocated 30 per cent of the Fund. For example, if a county gets Ksh140 million every financial year, NGAAF should get 30 per cent of that allocation to cover all women projects in the county. People are confused sometimes. We sit in the same House as Members, but the area a woman representative covers is bigger compared to the constituencies. While we are not complaining about that, we need to be considered for additional NGAAF allocation to be able to cover the counties. For example, Nakuru County has 11 sub-counties. The area coverage is so vast. We request to be allocated more money. At the moment, every sub-county is allocated Ksh7 million through NGAAF compared to Ksh140 million through NG-CDF. We need to be allocated 50 per cent of NG-CDF. If a sub-county is receiving Ksh140 million through NG-

CDF, it should be allocated Ksh70 million through NGAAF. This money belongs to the people of these counties. Increased allocation will empower the people to pay taxes and grow the economy of this country.

Uwezo Fund is a revolving fund which is supposed to be given to registered groups. After some time, the groups repay the money so that other groups benefit. The same applies to Youth Enterprise Development Fund (YEDF) and Women Enterprise Development Fund (WEDF). Those are monies that are supposed to be taken by registered women and youth groups and repaid so that other groups can also benefit. They are different types of community funds. We need to have a programme of civic education to educate Kenyans on those funds. Nobody should be opposed to any money going to the community.

For this reason, I support all the devolved funds to be protected by the Constitution. I am requesting all of them to be anchored in the Constitution. Maybe, whoever said that we should do away with the NG-CDF benefited through it in his or her education. It is very bad. We now have the Competency Based Curriculum (CBC). The students who are pursuing it will sit for their examinations soon. They are supposed to go to school. If someone chooses to do away with the NG-CDF, it is very bad. Both the NG-CDF and the National Government Affirmative Action Fund (NGAAF) assist students from extremely vulnerable families to go to school. It is not good for our children to stay at home just because there is no money. School fees should be taken care of 100 per cent by the Government in this country.

I am so happy because of the two Members of Parliament, Hon. Mule and Hon. Gichimu, who have brought this constitutional amendment to the House. On behalf of the people of Nakuru County, I fully support them.

Thank you very much for giving me this chance to add my voice to this matter.

The Temporary Speaker (Hon. Peter Kaluma): Those are great contributions. I hope the proponents of this constitutional amendment are taking notes. I cannot see them in the House. Are they here? They have run away.

Hon. Kathambi Chepkwony.

Hon. Charity Chepkwony (Njoro, UDA): Hon. Temporary Speaker, thank you very much for granting me the opportunity to contribute to this legislative proposal, which was introduced by Hon. Mule and Hon. Gichimu in relation to entrenching the NG-CDF in the Constitution

Let me first start by saying whoever is against NG-CDF is the enemy of development in this country. Whoever is against NG-CDF is an enemy of the poor children we take to school, be it colleges, universities or secondary schools. Whoever is against the NG-CDF in this country does not appreciate the great work that Members of Parliament, who vie in single member constituencies, do in this country. Being a Member of Parliament for Njoro Constituency in Nakuru County, I want to confirm that the NG-CDF has changed the lives of people. As I stand here today, I have done over 100 projects in my constituency with money from the Fund. In my first term, I bought over seven buses to support education and also assist members of the community whenever they go for graduations. As I stand here, let me confirm that the orphans in my constituency have an office where they can rush to and get bursaries. Money from the NG-CDF has given me the opportunity to introduce short courses, so that even the *pikipiki* riders can go for those courses, get fully equipped with knowledge and get the requisite government licenses for operation. The Fund has also helped me to come up with other different courses in the textile or clothing area. The courses accommodate youths from poor backgrounds. I have considered others to pursue courses in electricity, plumbing and catering services. We have many talented youths who took up courses courtesy of the Fund, and are now working in salons and barber shops.

So, whoever is against the NG-CDF is the enemy of this country and the enemy of development. Money from the NG-CDF enabled me, in collaboration with the Government, to

construct a technical institute worth Ksh60 million. I did that because I realised there is a challenge of youth unemployment in our country. If we can construct Technical Training Institutes (TTIs) and Technical and Vocational Education and Training (TVET) colleges to provide empowerment skills to our youths, then to some extent we will be empowering our jobless youths.

It is the same NG-CDF that has given us an opportunity to support our police officers in terms of constructing offices for them. Before the previous dictatorship against our officers, we used to support the police officers to get residential houses through NG-CDF. Let it also be noted that it is through NG-CDF that we have managed to construct offices for the assistant chiefs, chiefs and deputy county commissioners (DCCs) to give them a good working environment. I, therefore, would like to say that NG-CDF must be supported no matter the cost.

Right now, there is a global voice that climate change is real. It is affecting all of us. Environmental matters also benefit from the NG-CDF. I have used money from the Fund to buy tanks for some schools given the water scarcity in this country. Water shortage is a big problem to institutions and communities. The NG-CDF has enabled us to buy tanks to provide water for our communities. Through the same Fund, we have bought seedlings and we are now campaigning that people must plant trees. The role that Members of Parliament are playing through NG-CDF in their constituencies is so important that it cannot be ignored. Whoever ignores the role of NG-CDF is a foolish person, if I may use a bad word to describe them. The Fund has saved lives of hopeless single mothers who do not have a place to go to for help. They run to the NG-CDF offices to seek bursaries for their children. Given all the issues I have mentioned today, any man or a woman who is against the NG-CDF has no plans and dreams for the future generations.

It is my humble request to the entire Parliament that we support this Motion, no matter the cost and whichever action that is taken. Let us do the best to make sure that it is fully anchored in law so that it can no longer be shaken by the enemies of development in this country. I support my colleagues, Hon. Muli and Hon. Gichimu, who came up with this amendment to ensure that the NG-CDF is fully anchored in law so that we all continue to benefit and make our constituencies and our country better.

Thank you so much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you for those passionate contributions. I hope the nation has been watching and listening to Hon. Kathambi. Is Hon. Ferdinand Wanyonyi in the House?

(Loud consultations)

I remember, I gave him a chance to speak the last time I sat here. I do not know if there is a way to remove such requests from the list. Hon. John Mbadi. Has Hon. John Mbadi spoken or we are just waiting for them? We can leave them out. Hon. Innocent Momanyi and Hon. Charo Kazungu, MP for Ganze are not in the House. Let us have Hon. Amina Mnyazi, MP for Malindi.

Mhe. Amina Mnyazi (Malindi, ODM): Mwanzo ningependa kuchukua fursa hii kukushukuru kwa kunipatia nafasi hii ili nitoa sauti yangu na kujadili kilicho mbele ya Bunge hili leo. Ningependa pia kumshukuru Mhe. Mule kwa mjadala huu kwa sababu ni jambo ambalo limeshika Kenya nzima. Mwanzo kabisa, nashangazwa sana na wale ambao wanapinga NG-CDF.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Member. I will give you a minute. Hon. Gachobe, could you be leaving?

Hon. Samuel Gachobe (Subukia, UDA): No.

The Temporary Speaker (Hon. Peter Kaluma): I just wanted to notify you if you were leaving. You have waited for far for too long. You are very close to speaking. You may continue. I will add her an additional minute.

Hon. Amina Mnyazi (Malindi ODM): Mhe. Spika wa Muda, nilikuwa natangulia kusema kwamba nashangazwa sana na watu ambao wanapinga maswala ya NG-CDF. Kama kuna Mkenya yeyote anayepinga maswala ya NG-CDF, anapinga kwa misingi gani? Na ni suluhisho lipi wako nalo kuhakikisha wanafunzi milioni moja kila mwaka wanasaidika katika shule zao tofauti tofauti. Nashangazwa na hao watu. Kivipi hawaoni maendeleo ya madarasa zaidi ya elfu ishirini na moja ambayo yamejengwa kupitia NG-CDF? Hawa watu wananishangaza. Ombi langu kwa Wabunge wenzangu ni kwamba hizo ni kelele za chura, zisituzuie kunywa maji. Ni lazima tufanyie wananchi wetu kazi na ni lazima tupitishie maswala ya NG-CDF na NGAAF na tuyaweke kwenye Katiba ili kuhakikisha kwamba matatizo madogo madogo kama haya hayatukumbi huko mbele katika maisha yetu.

Jambo la kwanza ningependa kusisitiza ni majengo bora. Kama mnavyoona, Kenya yetu imebadilika. Zile enzi za watoto na wanafunzi kuketi chini huku wanasomeshwa chini ya mti zimepitwa na wakati. Hayo yote yamesaidika na kuondolewa kupitia huu mfuko wa NG-CDF ambao Wabunge wako nao. Mimi naunga huu mjadala mkono kwa sababu najua kuna mambo makubwa yametendeka eneo bunge langu la Malindi. Sio shule pekee yake. Kuna masoko. Akina mama wanatoka katika nyumba zao huku wamebeba mizigo yao na biashara zao wakichuuza chini ya kiangazi. Leo hii wako ndani ya nyumba kwa sababu ya NG-CDF. Serikali iliyoko leo inasema ni Hustler Nation. Na *mahustler* ni kama hao mama mboga ambao wako hapa nchini. Tukiondoa NG-CDF, majengo ya hao akina mama yatajengwa na akina nani?

Kuna jambo la pili ningependa kuliweka wazi - ya kwamba sisi Wakenya ni wazalendo. Na ni wakati sisi kama wakenya na viongozi tufanye jitihada na mambo ambayo yatafanya tupende pia wale Wakenya wa chini kabisa. Wakenya kwa dakika hii wanahitaji huduma bora na za haraka. Ni NG-CDF imeweza. Tumeona kwa mifano mingi ambayo wenzangu wameshatangulia kuzungumzia. Ya kwamba kupitia NG-CDF, huduma bora na huduma za haraka zinaweza kuwafikia wananchi. Mfano ni huu: Katika matatizo yeyote katika eneo bunge la mbunge yeyote, ni Mbunge aliye mtu wa kwanza kutatua matatizo yaliyo hapo. Leo hii tukisema tunaondoa NG-CDF na kuleta maendeleo hayo yote kwa Serikali kuu, unafikiria ile shule inayotaka kuporomoka itakuwa imemalizika kitambo zile pesa zifike ndani ya hiyo miaka yake mitano?

Kupitia NG-CDF, tumekuwa na huduma bora na za haraka pasipo kusahau zile kazi ambazo watu wameweza kuajiriwa kupitia NG-CDF. Saa hizi tuko na matatizo katika Kenya hii. Kuna watu wengi ambao hawana ajira. Masuala ya ajira yamekuwa ni donda sugu kabisa. Mbali na ile ofisi ya NG-CDF iliyo hapa Nairobi, wameajiri watu na tukisema tunaondoa NG-CDF, tunataka ndugu zetu waishi vipi? Mbali na hayo, katika kila eneo Bunge, kuna wafanyikazi walioandikwa kupitia NG-CDF. Hazina ya NG-CDF ikiondolewa, hao ndugu zetu tunawaelekeza vipi katika maisha yao? Ndiyo maana tunasema kwa niaba ya watu wa Malindi kwamba NG-CDF, mjadala ulio hapa leo, uweze kupitishwa haraka sana.

Mhe. Spika wa Muda, kuna matatizo ya elimu; hasa ukosefu wa karo miongoni mwa watoto wetu kule mashuleni. Kama nilivyotangulia kuzungumza, wanafunzi zaidi ya milioni moja wanaweza kusaidika kwa njia tofauti tofauti kupitia bursary. Wanafunzi kama hao tunawaelekeza wapi? Tunawapatia mbinu gani mbadala kama sio kwa kutumia pesa za NG-CDF? Ninavyozungumza, kuna wanafunzi zaidi ya elfu tano ambao wanaenda kufanya mthani wao wa kitaifa. Na siyo wote walio na uwezo wa kujisaidia. Zaidi ya asilimia sabini ya wanafunzi wanaokwenda kufanya mthani katika eneo Bunge la Malindi, ni watu ambao hali zao ni duni. Tusipowashika mkono, tutakuwa tumeyapoteza maisha ya watoto wetu. Ndiyo maana tunasema tunaunga mkono Mswada ulio hapa.

Kwa kumalizia, NG-CDF imeleta mazingira bora kwa watu wanaofanya kazi mashuleni na vituo vya polisi tofauti tofauti katika Kenya. Nakumbuka mradi wangu wa mwisho ambao nimefanya Malindi, hata kabla sijapata kiti cha Ubunge, ni kujenga vyoo katika shule ya upili ya Maziwani ambayo ina wanafunzi zaidi ya mia sita. Kuna walimu wa kike na wa kiume. Hao watu walikua wanaenda haja zao kubwa na ndogo msituni. Ndiyo maana tunasema tunataka jambo hili tuliweke katika Katiba ili maendeleo yazidi kufikia wananchi wetu katika maeneo bunge tofauti tofauti.

Kwa niaba ya watu wa Malindi, naunga Mswada huu mkono asilimia mia moja. Kwa hayo machache, ahsanteni.

The Temporary Speaker (Hon. Peter Kaluma): Asante sana. Tuendeleo kwa hiyo lugha kidogo. Nataka Mhe. Rashid Bedzimba, Mbunge wa Kisauni, aendeleo vivyo hivyo.

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana, Mhe. Spika wa Muda. Nitaiendeleza hii lugha ya taifa kwa sababu watu huringa na lugha yao. Kwa hivyo, nakushukuru pia kwa kulifahamu swala hilo. Ukienda Urusi, wanazungumzia lugha yao. Ukienda Uarabuni, wanazungumza lugha yao na wameendelea zaidi. Hapa kwetu, tumejaribu kuchukua lugha ya kigeni na kuiweka mbele. Ndiyo sababu hata hatuwezi kutengeza sindano ya kushona nguo. Basi wacha niachie hapo.

Mhe. Spika wa Muda, nachukua fursa hii kwanza kukushukuru wewe na kukupongeza kwa kunipa fursa mimi nitie sauti yangu katika swala hili. Naunga mkono marekebicho ya Katiba kuihalalisha NG-CDF katika Katiba iwe haitasumbuka na kusitokee mtu kwenda kuishtaki ama kuilalamikia. Iwe iko ndani ya Katiba na iwe ni sheria kwamba hizi fedha ziwe zinakuja bila kuwa na kikomo wala hofu. Mengi yamezungumzwa lakini mimi pia nitatia sauti yangu hapo. Hakika, NG-CDF ni hazina ambayo imesaidia wananchi. Kenya ni taifa ambalo wengi wa wananchi hawana ajira na wengi ni maskini. Wenye uwezo ni wachache. Wengi wanashindwa hata kunywa chai. Wengine wana watoto wawili au watatu walio shule. Inakuwa ni vigumu kwa yule mzazi kupata karo ya kuwasomesha watoto wale. Ndiyo maana nasikia wengine wanaambiwa wakae nje wachunge mbuzi, na mmoja anaenda kusoma kwa niaba ya wale wengine.

Hazina hii ya NG-CDF imesaidia hata maskini kuwa na matumaini ya kupata elimu ya msingi na kuenda shule ya sekondari na hata vyuo vikuu. Maskini ana imani kwamba kuna mgao fulani ambao utamsaidia kusukuma elimu yake iwe sawa na wale walio na uwezo. Wale ambao wanaenda kuishtaki NG-CDF kuwa ni hazina isiyo halali na wanataka itolewe ni watu wa kushangaza sana. Sijui kama wanaishi katika taifa hili ama ng'ambo, ama wana uwezo mkubwa na hawajali maskini. Watu wengi wameamka asubuhi, hata chai hawana. Badala ya kuishtaki iondolewe, wangeenda kuitilia nguvu na kusema kuwa NG-CDF iongezwe iwe na uwezo hata wa kuwanunulia watoto wetu chakula katika shule ili wanywe chai ama uji saa nne na saa sita wapewe chakula. Wangeenda kusema hivyo badala ya kusema itolewe.

Maandishi “NG-CDF” yako katika majengo yote yanayopatikana katika maeneo Bunge yetu, kuonyesha kuwa kama NG-CDF haingekuwapo, majengo hayo hayangekuwapo. Pia, ikiwa NG-CDF itatolewa, Wajumbe hawa watategemea kwenda kwenye milango ya *Executive* kila Jumamosi kuomba kabla ya kwenda mashinani. Tukianza kuomba, tutafanya *oversight* namna gani? Ikiwa Mjumbe ako na NG-CDF, hana sababu ya kwenda kuomba kutoka kwa *Executive*. Ni yeye mwenyewe ataenda kwa wananchi na kuwauliza wanataka awafanyie nini na pesa zao. Hana sababu ya kwenda kuombaomba. Tupewe uwezo wa kutumia hii NG-CDF kuwalipa hata wale wazee wa mtaa ambao hawalipwi chochote. Tuweze kuwalipa hata kama ni kitu kidogo kupitia hazina hii ya NG-CDF. Imewasaidia walala hoi. Wazee wa mtaa pia ni miongoni mwa watu wanaotatua kesi nyingi na kusaidia katika masuala ya usalama katika maeneo yetu. Ajabu ni kwamba hakuna kitu wanacholipwa.

NG-CDF ni chombo muhimu sana. Hivi sasa, shule za umma zina magari ya kuwazungusha watoto katika ziara za elimu kwa sababu ya NG-CDF. Ingekuwa hakuna NG-

CDF, mambo ya usafiri yangukuwa katika shule za kibinafsi pekee. Naomba kuwa NG-CDF ibakie ili isaidie. Ihalalishwe kwenye Katiba ili iendeleo. Si vibaya hata hawa ndugu zetu Maseneta wakipewa fedha, bora zimfaidi mwananchi. Wakati mwingine unasikia Serikali ikisema kuwa uchumi umeimarika. Uchumi hauwezi kuimarika kama mwananchi hana kitu mfukoni mwake! Lazima uchumi uhusiane na mwananchi. Kwa hivyo, hata wale Maseneta wakitaka fedha za kuwasaidia wananchi, wapewe. Ikiwa zile fedha Wawakilishi wa Akina Mama watapewa zitasaidia, itakuwa vizuri zaidi. Ikiwa Wawakilishi wa Akina Mama, Wajumbe na Maseneta watasaidia, wananchi ndio watafaidika. Hili ni taifa letu sote. Kwa hivyo, ni lazima tushirikiane kuhakikisha kuwa mwananchi anaishi salama na ana mambo rahisi katika mazingira ya kitaifa.

Najua kuna wengi wanaosubiri kuzungumza na, kwa hivyo, sitaki niende mbali zaidi. Natoa fursa kwa wengine pia wazungumze. Ahsante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): Ahsante sana, Mhe. Rashid. Tunaye Mhe. Janet Sitienei, Mjumbe wa Eneo Bunge la Turbo. Tuendeleo katika Kiswahili, dada.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I do not want to speak in Kiswahili. I also want to add my voice to this legislative proposal.

First and foremost, I thank Hon. Gichimu and Hon. Mule for bringing in this legislative proposal to amend the Constitution. Therefore, I want to add my voice and say entrenching NG-CDF in the Constitution will ensure the critical role of development is continued for the benefit of the people of this nation. I would like to say that every year, Ksh11 billion goes to development through NG-CDF. One million students benefit if they are given an allocation of Ksh10,000 each. So, you can imagine more than one million students benefit from this Fund every year. I wish to support that NG-CDF should continue. It has done an amazing job in this country. It is one of the tangible projects you can see in our constituencies. It has done a lot; it has supported very poor children, constructed classrooms, dormitories, medical training colleges, and teacher training institutes. On top of this, it has ensured children get bursaries to go to learning institutions to learn skills which empower them for their livelihood.

I want to support the entrenchment of these funds in the Constitution, including NGAAF which has played a critical role in empowering women, youth and PWDs in this nation. This grant is given to groups which have improved the livelihoods of their members. We have the Economic Stimulus and Empowerment Fund and the Senate Oversight Fund. They will go a long way in enhancing development in the constituencies and counties. I support they be entrenched in the Constitution.

Hon. Temporary Speaker, there is no other Fund like the NG-CDF because it has touched the lives of people, for example, the *boda boda* who are the real hustlers. If you look around the constituencies and counties, every *mwananchi* talks about NG-CDF every day. It is the talk of town because of the amazing things it has done. I wish to support that the poor children should continue going to school and institutions of higher learning through money that is provided by NG-CDF. I support that these Funds should be entrenched in the Constitution. They will go a long way in enhancing development in our nation. I want to be brief so that my colleagues who have not had an opportunity to talk can add their voice on this legislative proposal.

Thank you, Hon. Temporary Speaker, for giving me the opportunity. I donate my time to the rest of the Members so they can say something.

Hon. Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Sitienei Janet for those educative words and your generosity to Members. I think this is the trend we should continue with so that as many Members as possible can talk. We are honoured to be with the Chair of the Committee on Budget and Appropriations in the House. I give him this chance to tell the nation what the Government is planning around these three Funds.

Hon. Ndindi Nyoro, Member for Kiharu.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Temporary Speaker for the very generous introduction. First, I rise to support that this very important Fund, NG-CDF, should be in our Constitution.

Hon. Temporary Speaker, of all the devolved funds we have in this country, including the county funds, there is no fund that is more efficient and that has as many tangible projects as the NG-CDF. If you go to any part of this country, you will realise that most of the brick and mortar projects, the tangible ones, are those that have been funded by the NG-CDF. Therefore, it stands tall as a fund that should be emulated by the others.

Another reason is that we have many countries, especially in Africa, that are coming to benchmark with us on the NG-CDF. Zambia came to Kenya to learn how to run their current devolved fund and, therefore, a good idea should only give room or way to a better idea. A good idea should not give room to a bad idea. We already have a good idea in the NG-CDF and the best we can do is to entrench and strengthen it.

One of the features that are very enviable in as far as the NG-CDF is concerned is that as we grapple with issues... When we are budgeting or expending public money, the elephant in the room is always about how we spend most of our money on recurrent expenditure at the expense of development expenditure. The NG-CDF is a great learning tool even to the national Government on how to render services to the Kenyan people. Out of Ksh100 that is remitted by the NG-CDF, only five per cent goes into expenditure that is recurrent in nature. Now, Ksh95 out of the Ksh100 goes into tangible projects that benefit the community. I can cite many examples because I have gone to various constituencies. But I want to site my constituency. Kiharu Constituency is the largest rural constituency in the entire Mount Kenya region with regards to size and population. We have around 112 public primary schools and the NG-CDF has transformed all of them. They were totally dilapidated rural schools but they currently look like academies.

In Kiharu, the children of ordinary parents now go to classrooms which are tiled - and by tiled I mean we have refurbished all the school amenities. Like many other constituencies, we have also done a lot in the security sector by supporting our administration and security officers as well as installed security lights. Therefore, this Fund has been very integral in the development of our regions and localities in terms of enhancing security.

Hon. Temporary Speaker, there is only one thing that I would like to invite this House to look into because I am sure we are very reasonable people. I am also speaking to the other side of the sphere that when we get to the Third Reading - it might sound far-fetched. But we need to be preparing. We need to front a percentage that will be acceptable by all parties. This is a House of debate and negotiations. Even the budget-making process is a negotiation. I am sure we will cross the bridge when we get to the river so that we come up with a percentage that will be sustainable and acceptable to all parties.

We should not squeeze too much and lose too much as we chase what we are chasing. I am sure the promoters of this Bill are reasonable. They are my friends and we will sit down so that we can have a percentage that is acceptable so as to remove all the hurdles on the way and entrench NG-CDF in our Constitution.

As I wind up, Hon. Temporary Speaker, this House will have to revisit the county development committees that were anchored in our regulations. I am sure many Members in this House can bear me witness that the kind of development that we undertake in so far as overseeing the NG-CDF is concerned... There is usually a lot of duplication with the other agencies, especially with regards to roads either by Kenya Rural Roads Authority (KeRRA) or the county governments. We need to come up with a law that will enforce some of these things. The kind of work we do in leadership is not work that has got regards in hearts and feelings of leaders. We should engage our minds and not our hearts. I am saying this because we need a

roundtable of Members of Parliament, governors and other leaders in the county so that once we say that this or that road is going to be constructed by the county government, the same cannot be duplicated by any other fund. The role of the County Development Board was to bring together all those leaders so that we can streamline development such that if NG-CDF is handling a certain kind of development project, then that project should not be found in the books of the county and that, that money was expended towards the same project. We are serving the same people. We need coherence and synergy so that we are able to give proper service to the people we serve.

With those many remarks, I thank you and I support

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nyoro, you did not address the House on the proposed Oversight Fund. I assume those are the matters you have indicated you could discuss with the proponents separately. We take your word seriously because when you speak, the Government is speaking. Do you want to say something on that or it is something you will confer separately?

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, when Hon. Gachobe of Subukia speaks, the Government is speaking. I am sure he is next in line. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Ndindi Nyoro, Member for Kiharu. Thank you for the good work you are doing with NG-CDF. I would request the new Members of Parliament to visit Kiharu Constituency if they want to check on how transformative to society the NG-CDF or these funds being proposed here can be.

Hon. Naicca Johnson, the Member for Mumias West, proceed.

Hon. Johnson Naicca (Mumias West, ODM): Thank you, Hon. Temporary Speaker. I wish to congratulate you for that position. You are actually fit to be there. I wish to thank the good people of Mumias West for having re-elected me for the third term. I must say that one of the factors that must have influenced this re-election was the good use of funds. The Fund in question is none other than the NG-CDF. I want to take you back to 2003, and I am privileged to be one of the pioneers of the CDF of 2003 when it came up. I was the chairman of CDF from 2003 to 2007 of Mumias West Constituency under the good leadership of the Member of Parliament then and my mentor, Hon. Wycliffe Osundwa. Then, if you remember, the allocation was even more. A constituency in Turkana, for example, used to get more than Ksh200 million. However, when the split came in, this amount started being reduced somehow.

We have stayed here for long. It is now almost 9.00 p.m. There is nothing that has not been mentioned, but we are still going to add our voice and support this particular amendment concerning NG-CDF. It has done immense things in constituencies. Members here receive more than 200 calls every day from students in universities and secondary schools. There are students who are at home now having been chased away from school for lack of school fees. Some of those students are from very poor families while others are orphans. If NG-CDF ceases to exist, I do not think there would be any more education.

In my own constituency for example, the District Commissioner's office was built by the NG-CDF. I have built more than eight police stations and eight police posts using NG-CDF. The Fund is not in competition with the county governments. Instead, they supplement each other. Over 28 markets in Mumias West have security lights. Women and youths can now transact their businesses up to about 10.00 p.m. or 11.00 p.m., which we think is very important. We have drilled many boreholes using NG-CDF. Without it, there would be no water thus poor health conditions in the constituencies. County governments alone cannot get enough funds to do this work because of the way Governments work all over. When they give you, say, a quarter of a billion, you can use that little money for development.

During the COVID-19 pandemic, all the courts in Bungoma and Kakamega counties were closed. I hope the Supreme Court judge is listening. It is only one friendly court that I built in Mumias that was working. It was on until the COVID-19 pandemic subsided. Even in

terms of this affirmative action, I have seen my neighbour, the representative of Siaya County build over eight markets. It is, therefore, a very important Fund that we cannot take for granted.

We have locations, sub locations and divisions. This Fund has helped me build over five offices for assistant county commissioners and education offices. We have allocated bursaries to students in universities. Mumias West Technical College was built by the Government, but we also funded it hugely. It now offers various courses and students across Kenya come to learn there. It now has over 600 students. It also offers a rare course called mechatronics, which you, Hon. Temporary Speaker, know about. I support the entrenchment of this Fund into the Constitution.

With those few remarks, I request that the 2.5 per cent be increased to 5 per cent. The Ministry of Education, Science and Technology policy now says that students should not walk for long distances to schools. We need schools not more than five kilometres from each other. We need more money to build more primary schools and fund secondary schools in building dormitories. If we do not do that, the Government will not manage to do these things. The constituency is the lowest unit of government on the ground.

Hon. Temporary Speaker, you being a lawyer, kindly help us to ensure that this amendment is done in such a way that someone cannot run to court again saying that it is unconstitutional. Sometimes we blame the courts, but what can they do if we have not entrenched the Fund in the Constitution? Let us entrench it in the Constitution so that they cannot outlaw it. They will have to let it be whether they like it or not.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you for the wise counsel, Hon. Naicca Johnson. I hope the proponents of the Bill are listening. *Turudi kwa lugha ya Kiswahili. Nampatia fursa hii Mjumbe wa Subukia, Mhe. Samuel Gachobe, azungumzie mjadala huu.*

Hon. Samuel Gachobe (Subukia, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to the proposed Bill to amend the Constitution and anchor NG-CDF in it. At the outset, I support the amendment.

Allow me to thank the great people of Subukia for giving me another chance to continue serving them. They voted me back overwhelmingly. It was a show of great love, great respect and a lot of trust. I promise them that I will continue serving them the way I have done. I call upon them to continue supporting me. If they have great ideas that that can help me serve better, I am very much prepared to continue working with them. It is also important to thank the great Kenyans for allowing peace to prevail before, during and after the elections. It was a great step. Kenya is growing in terms of democracy. It is great that Kenyans can walk into polling stations, vote and go home to wait for results. We are moving in the right direction.

Back to the proposal to anchor NG-CDF in the Constitution, I thank the initiators and promoters of this Bill, Hon. Gichimu and Hon. Mule. This Bill is very important because of the role NG-CDF has played in this country. It has transformed our country. NG-CDF used to play many roles before it was amended. It used to finance construction of roads and schools and provision of water and health services. There are people who today celebrate having health facilities and clean water to drink courtesy of NG-CDF. If you go around the country, the impact of NG-CDF is visible. There are areas where you can walk for kilometers without seeing any county projects, but you can see what the NG-CDF has done. This is because NG-CDF has done very many things.

Hon. Temporary Speaker, NG-CDF supports two functions, that is, schools' infrastructure and provision of bursaries. There are very many schools that NG-CDF has transformed. The population is growing and, therefore, there is need for more schools. Therefore, we can attest that NG-CDF has been used to start new schools that accommodate a big number of students. Therefore, saying that we do away with NG-CDF will result in many students not attending school.

Today, in my constituency, we do not have a Technical Training Institute (TTI), but there are so many constituencies which are very happy because they have TTIs and Kenya Medical Training Colleges (KMTCs) courtesy of NG-CDF. Even if some of us have not built the same yet, we are able to take our students to those institutions. Therefore, we cannot afford to lose the NG-CDF.

Hon. Temporary Speaker, the NG-CDF has sponsored very many students to schools through awarding of bursaries. There are families who cannot even afford a meal, leave alone schools fees. There are students that we sponsor fully. This is because, even if we gave them little money, they cannot manage to pay the balance. Therefore, it is important to make sure that NG-CDF is anchored in our Constitution to ensure that many needy students from poor and vulnerable families can access bursaries and continue with their schooling. I recall that last year alone, I was able to sponsor close to 13,000 students through bursaries. My concern is, if we lose the NG-CDF today, where will those students get money to continue with their education? This year, because of the challenges we are facing, we may have a bigger number of students. Therefore, I support that NG-CDF should continue.

The NG-CDF also deals with security. Most of our chiefs and security officers did not have offices. The NG-CDF has helped us to build offices for chiefs and new police posts. This has enhanced security in our country because we have brought services closer to the people. Most of us were re-elected to this House because of managing the NG-CDF kitty very well. Therefore, if NG-CDF is managed very well, it can transform this country to greater heights and we can do so much for the country. As we anchor NG-CDF in the Constitution, I will also request that since it is a portion of what is allocated to the national Government, we should allow the fund to be used for other functions like water, roads and health, so that we are not only constrained to few functions. We should expand it because it is drawn from the national Government allocation.

It is through NG-CDF that we are able to promote the elderly and the vulnerable with NHIF cards so that they can access medical facilities. If I look at the number of proposals in my office to start new schools, it is overwhelming. I call upon this House and Members to really support that the NG-CDF be anchored in the Constitution of Kenya.

When I look at Senators - I take an example from Nakuru County. We have 11 constituencies. They criss-cross the county. It is important for this House to allocate oversight money to make sure that senators play their oversight role very well. That way, we will have enhanced development in this country. The NGAAF has empowered women. There are women doing business courtesy of NGAAF. Therefore, it is very important to have it anchored in the Constitution.

Finally, I call upon teachers and principals not to send students home as we await the release of money. Thank you, Temporary Hon. Speaker. I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gachobe, did you require more time? You were just going into a point which should be relayed more strongly than by one sentence as you are doing in a rush. Even in my constituency, students have been sent back home, majorly by extra-county and national schools. It is a major issue. I am adding you two minutes.

Hon. Samuel Gachobe (Subukia, UDA): Thank you, Hon. Temporary Speaker.

I was just calling upon teachers and principals to indulge with parents in this difficult time. Our country is going through a lot of problems. Our economy is not doing very well. Some parts of our country have not received rain. Therefore, we do not have food. We have so many people who are going through hunger. I am calling upon principals to make sure that they are not sending the students home. Let them remain in school. Because the Government has paid for tuition fees, it is important to make sure students remain in school and share the little they have to avoid losing those students. If they are hungry, they cannot come to school.

If principals indulge parents and allow the student to continue learning until we receive the NG-CDF money, we are going to pay later.

I support anchoring the NG-CDF in the Constitution.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Gachobe. Let us have Hon. Julius Mawathe, MP for Embakasi South.

Hon. Julius Mawathe (Embakasi South, WDM): Nashukuru sana, Mheshimiwa Spika wa Muda, kwa kunipa fursa hii. Mwanzo, wacha nianze kwa kukupongeza kwa kuchaguliwa kama mmoja wa wawakilishi wa Spika.

Ningetaka kuanza kwa kusema kwamba naunga mkono Hoja hii ya kusema NG-CDF iwekwe katika Katiba. Ndiposa wanaofikiria watashinda wakizungumza na kusumbua wananchi kwa kwenda kortini, jambo hilo liishe mara moja. Hiyo ni kwa sababu wakati mmoja waligusia aliyekuwa Waziri wa Fedha, Ukur Yatani, kwa kusema kuna *ruling* ambayo ilitolewa kuhusu NG-CDF. Nataka kukosoa kwa kusema kwamba NG-CDF haijawai kupelekwa kortini na mtu yeyote. Iliyopelekwa kortini ni sheria ya 2013 ambayo ilikuwa inaitwa Sheria ya CDF ya 2013. Hiyo iliisha na ikatengwa sheria mpya ya NG-CDF. Kwa hivyo, hakuna *ruling* yoyote ambayo imetolewa kuhusu NG-CDF ambayo ni muhimu sana kwa wengine wetu. Mimi ni mwakilishi wa eneo Bunge ambalo zaidi ya asilimia 80 ni watu wa mapato ya chini. Hazina ya NG-CDF imewasaidia sana. Kuipitia tumejenga shule tatu. Hapo mbeleni, licha ya Embakasi Kusini kuwa katika Nairobi Kaunti, ilikuwa na shule moja ya serikali ya sekondari peke yake inayoitwa Embakasi Girls. Hili ni jambo la aibu sana. Sisi tulikuwa tunaenda shule za majirani. Hatukuwa na shule zetu. Lakini kupitia NG-CDF, tumejenga shule kama vile Reuben Sekondari, Kware Sekondari, Kware Primary na nyinginezo. Pia tumejenga *dorms* zenye vitanda 450 katika Embakasi Girls.

Watu huniita mtaani, 'Mtu wa bursary' ama 'Watoto wasome'. Kama sio NG-CDF, hao watoto wangukuwa wanasoma na nini? Watoto wengi hawakuwa na nafasi ya kwenda shuleni. Lakini kupitia NG-CDF, wanaenda shuleni vizuri, kwa sababu wanapatiwa bursary za masomo. Wanaopinga hili jambo la NG-CDF ni mabwenyenye na matajiri. Wako na pesa za kupatia *lawyers* waende kortini. Hawajali mwananchi wa kawaida ambaye hana mapato. Atawasomesha watoto wake kwa kutumia nini? Mwaka jana, watoto zaidi 1,133 wali *graduate* kutoka *universities*. Walianza kusoma miaka minne iliyopita kupitia bursary.

Tumefanya mengi kupitia NG-CDF na nina uhakika kwamba itaendelea kuwepo. Tunaomba iongezwe kutoka asilimia mbili nukta tano mpaka asilimia tano kama itawezekana, ama watakavyokubaliana kama alivyosema mwenyekiti wa Kamati ya Bajeti na Uidhinishaji wa Matumizi. Isipungue asilimia nne lakini iwe katikati ya asilimia nne na tano. Tuko tayari kuzungumza na wao ndiyo tuweze kuendelea kupata NG-CDF. Pia tunapigia debe kuwepo kwa hazina ya Seneti ya *oversight*, na NGAAF ndiyo *Women Representatives* wetu wapate pesa za kuwahudumia wananchi wetu. Pia, tunapigia debe *Uwezo* Fund ndiyo vijana na akina mama waweze kupata senti za kuanzisha mabiashara.

Kwa hayo mengi, naunga mkono hii Hoja ya kuweka NG-CDF katika Katiba. Ahsante sana.

The Temporary Speaker (Hon. Peter Kaluma): Asante sana ndugu Mawathe kwa mawaidha hayo. Umenena vyema. Tuko na dada Phylis Bartoo, Mjumbe wa Moiben. Ni nafasi yake kunena.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker. I may not be able to continue in Kiswahili. Just allow me to give my contribution in English. I stand as the Member for Moiben Constituency and I want to add my voice to NG-CDF being anchored in the Constitution. The original idea of NG-CDF was for socio-economic development in constituencies and to bring equality in situations where there were imbalances brought about by political inclinations. It is unfortunate that in this century, we want to go back to where we started from and take away the NG-CDF from constituencies.

Members of Parliament have played a very big role in using this Fund. Being a first-time Member of Parliament, I have witnessed the transformation in Moiben through the NG-CDF. I have seen the construction and refurbishment of schools, which still had earthen floor classrooms and which made learning problematic. I was a teacher and I know that there are buses that were bought for schools. There are some places where seeing a school bus is a miracle. We have witnessed students benefitting from school buses, which also act as a motivation for learners to work hard. When you see students going for music festivals or school events, you realise that there is a lot of excitement regarding the kind of bus their school is using. It gives them motivation to stay in school. Schools compete in terms of the sizes of their school buses and how they look.

We have seen the construction of chief's offices. One MP has said that he constructed a court for the Judiciary and yet, it is the same Judiciary which is trying to do away with the NG-CDF from constituencies. Maybe, they were not informed when making this decision. Maybe, they need to be told that they were also beneficiaries of that same NG-CDF. Maybe, they did not understand.

Funds that are set aside for construction have helped to employ many youths. We are currently looking at industrialisation in Kenya. We are facing unemployment. Many youths are unemployed. If the NG-CDF is not there to help in construction in constituencies, where will people get jobs? We have plumbers, masons and tradesmen all getting jobs and business people in the construction industry making money. Lack of NG-CDF is bringing about unemployment. It seems like we are retrenching people when we are supposed to be creating employment.

I add my voice on behalf of the people of Moiben. When we go to the constituencies, the first thing that people ask is if the NG-CDF will still be there. People are worried. The NG-CDF has become a human right. Taking it away from the people is like violating their human rights.

We have children at home who cannot go to school or register for exams because they do not have bursaries. Where will the Member of Parliament get money to put those children in school? I agree that we request our head-teachers to keep those children in school and not chase them away. Do not let them go home because they do not have school fees, as we battle to anchor the NG-CDF in the Constitution so that life can go back to normal. What the courts did violated the basic human rights of Kenyans.

Thank you, Hon. Temporary Speaker. Let me donate my time to other Members of Parliament, so that they can also add their voices to this legislative proposal. I support it in totality.

The Temporary Speaker (Hon. Peter Kaluma): Asante sana, Mhe. Phylis Bartoo, kwa maoni hayo. Hon. Joseph Tonui, Member for Kuresoi South, I will allow you to address the House in English.

Hon. Joseph Tonui (Kuresoi South, UDA): Thank you, Hon. Temporary Speaker for that kind consideration of allowing me to address the House in English. Thank you also for giving me this opportunity to add my voice to the NG-CDF, NGAAF and the Senate Oversight funds. Before I proceed, let me take this opportunity to congratulate our colleagues, Hon. Mule and Hon. Gichimu, for coming up with this legislative proposal, which I support from the outset.

The role of NG-CDF in our country cannot be underrated. It plays a very critical role in the development of our country. This is a fund that reaches every corner of our country. Whether you are in the Government or in Opposition, you are entitled to the NG-CDF, which in turn ensures development everywhere. Therefore, this is a fund which ensures equal distribution of resources. The projects which are done by the NG-CDF are visible all over the country. For example, in my case, in the last Parliament, we used the NG-CDF to come up with around eight new secondary schools. We also used the fund to purchase four school buses

which play very critical roles in our schools. What this fund does is a lot and times is not even enough to enumerate its benefits.

I just want to request the judges in our courts not to be misled by activists because they have their own hidden agendas. They want to mislead the public that the Members are mismanaging the fund. In actual sense, the NG-CDF benefits the common man and not the Members. Hon. Members get their salaries and they are very stable. In the absence of the NG-CDF, I want to assure you that there will be serious problems in our country.

I would like to request the NG-CDF Board to move with speed and release money based on the 2015 Act, which has not been contested in court. I want to reiterate that the role of Members of Parliament is just to oversee and not to mismanage the NG-CDF. Hon. Temporary Speaker, because we have Members here who want to contribute, I want to be very generous and donate some few minutes to my colleagues to add their voices to this important debate. Otherwise, I support this legislative proposal.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Tonui, I hope our new colleagues are learning something from the old colleagues like you in terms of how we are generous with time once we put in our points. Let us have Hon. Dorothy Ikiara, Nominated Member.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. First, let me congratulate you for being in the Chair's Panel. I too take this opportunity to congratulate my UDA Party and His Excellency the President for giving me an opportunity to serve in this 13th Parliament.

From the outset, allow me to also support this very important Motion sponsored by Hon. Gichimu Githinji and Hon. Stephen Mule to amend the Constitution to insert a new Article 204(A) to anchor the funding of the NG-CDF. I want to underscore one fact that the fund is a game changer in our country. We know that from inception of the NG-CDF, Ksh56 billion has been released. When you go round the country, you can see exactly what the amount has done. The only tangible development that is visible in everybody's eyes when you traverse the country is classrooms, police stations and dormitories that have been built through the NG-CDF. School buses have also been bought and are everywhere on our roads.

Therefore, before I even say much, I want to say that the opposers of this kitty are oppressors of the society. We cannot have anything to say beyond seeing the six million children in our community who have benefited from the kitty. Today, from all the speakers that I have heard in this House, they are struggling with pleading with headteachers not to send students home. My million-dollar question is: Are those people listening to the pleas of the legislators? What do you expect the headteachers to do? They are putting the headteachers and the teachers in schools at a very peculiar state because we know too well that being a teacher in today's world is an exceptionally challenging task. Beyond the daily teaching and grading routine, educators also work to manage students' behaviour, family issues, teaching pressure and many other difficult issues.

Hon. Temporary Speaker, we know in this current episode where students are faced with looming hunger, which is real, it is the teachers who are faced with this situation on a daily basis. I want to strongly say that teachers of this country, wherever they are, have a duty and a responsibility to stay in class and do what they are employed to do. At the same time, students are also supposed to be kept in class. However, it is very demoralising when we see students walking up and down the roads. If you see students walk up and down the road because they have nowhere else to run to because they have to look for school fees which is not within the vicinity, then, there is a problem.

As a matter of urgency, if there is away this legislation can be concluded, we can have the NG-CDF money released so that our students can go back to school. The negative effect of keeping students at home are far much reaching than what we are talking about in this House.

During the COVID-19 Pandemic, we registered the highest number of teen pregnancies and we cannot run away from this fact. If this problem is not addressed at the earliest opportunity and we continue seeing students walk up and down the road, as a society, we will lose it. In January, we may again, count the number of teen pregnancies and the number of teenage boys who have opted to use drugs because they are sinking into desperation every day.

I support this Motion. It is timely, and it is a high time we committed ourselves unanimously to do something which is within our powers in this House to ensure that we teach the people who are opposed to the NG-CDF.

The NGAAF is a very important kitty because it touches on the lives of vulnerable women, the youth and the people with disabilities in our society. It is the only money that exchanges hands on a daily basis. Today, we can proudly say that the majority of women are able to handle money by the end of the day. The NGAAF is mostly given to organised groups of women, youth and to the disadvantaged in the society to carry on their activities. Bearing in mind that it is only 1 per cent of the women in this nation who have collateral to access money from any other quarter, the NGAAF should, therefore, be thought of critically. As we think of improving the NG-CDF, let us also think of improving the women kitty, so that we can have more members of our society get empowered.

I do not want to tire this House, but I want to turn back to the Kenya Economic Stimulus Program which is a precursor to the Economic Stimulus and Empowerment Fund aimed at boosting long-term economic growth and development. Given the challenges that we have experienced as a nation like the COVID-19 Pandemic, huge national debts, prolonged drought, fluctuating global prices and food prices, then, this fund should be released at the earliest opportunity.

As I wind up, I want to thank His Excellency the President because he addressed the pertinent issues and supported the entrenchment of the NG-CDF into the Constitution at the earliest opportunity. I donate my time to other Members so that they can say something. I support this very important proposal.

The Temporary Speaker (Hon. Peter Kaluma): Your nomination was truly merited.

Hon. Joshua Kimilu, Member for Kaiti Constituency.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this important proposal. I thank Hon. Mule and Hon. Gichimu for bringing the proposal at this time. It is very important for us Members of Parliament and Kenyans as a whole.

Before I contribute to the proposal, I take this opportunity to thank the people of Kaiti who gave me a second opportunity to serve them as their Member of Parliament. I was first elected to Parliament in 2017 and two of the four wards voted for me overwhelmingly while I was number two in the other two wards. This time, they voted for me because of my performance with the NG-CDF. I also thank my family who supported me during my campaigns. It was a tough time. I thank them for standing with me. Today, I am a Member of Parliament. I also thank all my friends who stood with me and supported me to become the Member of Parliament for Kaiti.

I can shed tears when I remember the importance of the NG-CDF. I was in the village over the weekend and over 100 parents flocked my house asking for bursaries. Some people think the NG-CDF benefits Members of Parliament. It is not the Members of Parliament who benefit, but Kenyans, namely, students and parents struggling with school fees.

Last year, I sponsored 287 students by giving them full scholarships. Twenty-four of them sat for the Kenya Certificate of Secondary Education (KCSE), out of whom, 23 qualified to go to university. Only one student did not get C+, and got C and joined a college. These are needy students. Were it not for the NG-CDF, they would not have managed to finish secondary

school. I picked some of them on the streets. They were struggling with school fees balances. I sponsored them and they managed to finish secondary education.

Through the NG-CDF, I have built a Kenya Medical Training College (KMTC) campus in my constituency. I have allocated Ksh20 million to the project and it is halfway through. If we decide to do away with the NG-CDF, that project will become a white elephant. It is very important for us to entrench the NG-CDF in the Constitution, so that we can continue to undertake projects to benefit the society.

If there is any important and sustainable empowerment to Kenyans, it is education. During my campaigns, some people used to tell me: “We know you as a man who values education, so we will give you our votes for free to continue the good job that you do”. If we do public participation, 90 per cent of the Kenyans will vote for the NG-CDF to continue being there. Most of the projects you can point at in the constituencies are funded by the NG-CDF. Through it, I trained *boda boda* riders. Some of them went to school, but they do not have jobs. They loiter in the streets. I mobilised and took them for training. Being *boda boda* riders, they are in a position to bring food on the table through the power of the NG-CDF.

Through it, I constructed four assistant county commissioner’s administration blocks in my constituency. I also constructed 10 chiefs’ offices and 18 sub-chiefs’ offices. This is the high time that we need to join hands and support each other to make sure that NG-CDF is aligned with the law, so that we can continue helping Kenyans.

I went to Dallas last month and I was shocked. I met a young man who works in one of the big hotels there and I engaged him. He told me that he comes from Matungulu. The Member for Matungulu helped him through the NG-CDF to complete his education. He works in Dallas now. I think that is the reason Hon. Mule came up with this idea to come up with this legislative proposal. Some of these students whom we are talking about help our country. They work in offices and if it was not for the NG-CDF, maybe some of them would be in the village loitering without jobs today.

The NG-CDF has also created jobs. Through it, some families can bring food on the table. Some of the Members do not go to their rural areas because parents run after them asking for bursaries. However, they tell them to wait. I want to thank some of the principals. As my colleague has said, this is the high time principals retained students in schools. They should be patient and wait for the money to be allocated to our constituencies, so that we can help them raise fees.

I want to thank one of the principals. When I was touring my constituency last week, I went to Ukia Girls’ Secondary School, where I support 15 students by giving them full scholarship. I spoke with the principal and she told me that she knew that I would pay when the money will be allocated. She told me that I had a debt of Ksh600,000. She is patient. She knows that I will clear that money. If the NG-CDF is not there, that will be the end of those students’ studies. These are poor girls. Some of them have no parents. Others are not even in a position to raise Ksh1,000 to pay school fees. This legislative proposal is important. We need to support the NG-CDF, so that we can continue helping Kenyans and those struggling students whose poor families cannot raise school fees.

I also support the Senate Oversight Fund for Senators and the NGAAF. The funds help our members when they transverse their counties.

I do not want to take much time. With those few remarks, I support the legislative proposal to amend the Constitution.

(Members spoke off record)

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much, Hon. Kimilu. Ndugu John Bwire, Mbunge wa Eneo Bunge la Taveta, ninaomba uturudishe kwenye lile gurudumu la lugha ya taifa.

Hon. John Bwire (Taveta, WDM): Mhe. Spika wa Muda, hiyo lugha ya taifa pia *si mdomo wangu*. May I, please, request you, Hon. Temporary Speaker, to allow me to make my contribution on this noble and very important legislative proposal.

Before I make my presentation, I would like to appreciate and thank our senior colleague, Hon. Stephen Mule, who has today literally moved from one chair to the other encouraging the new Members and assuring them that they will have an opportunity to speak. That is the kind of leadership we want in the House. I want to encourage other senior Members to borrow a leaf from Hon. Mule.

On the issue before you, I must say that NG-CDF is a *sui generis* fund. A special kind of its own. Much has been said by the Members on the importance of the NG-CDF on education and infrastructure in the entire country. Allow me to pose a question to you. How did we get here? Where is the problem? I see the problem in what philosophers call epistemology; the problem of perception. When you look at the fight against the NG-CDF, the issue is not whether or not we should have the NG-CDF, but the problem has always been the perception that the NG-CDF is pocket change for the Members of Parliament. That is why you will find the courts, the media and the civil society fighting the NG-CDF. I was shocked when I saw an article from *The Standard* published recently when this Motion was being debated. The title of the article was “Overjoyed Members of Parliament Retained Outlawed NG-CDF in the Constitution.” I think what we are suffering and why we are having the fight against the NG-CDF is purely a problem of perception of the NG-CDF, which is now perceived as pocket money for Members of Parliament.

I say this is a problem of perception because we have so many funds in the county government and the national Government which are established by regulations, but we are forced as Members of Parliament to have this fund entrenched in the Constitution because of fear. This makes me think that if these people had the opportunity of declaring Members of the National Assembly unconstitutional, they would have done that. The fight is more against Members of Parliament than the NG-CDF Act itself.

Just before I joined Parliament, I had an opportunity of appearing with you in a matter in Kilifi. As a young lawyer, you are one of the people who motivated me to vie in the election. I used to see the position of Member of Parliament as a lucrative one and has a national outlook. In addition to that, probably there is good remuneration. After interaction with Members of Parliament in this House, I can confidently say that some of them are moving loans because of the challenges they face on a day-to-day basis as they help their constituents. While seated here, I have paid school fees for 10 children in Taveta, three from Malukiloriti Secondary School, two from Eldoro Secondary School, one from Njukini Secondary School, and three from Timbila Secondary School. So, unless we do something about the NG-CDF, I am telling you, most of these Members of Parliament will be staying in Parliament not because they have no other activities outside Parliament, but running away from auctioneers. After interacting with Members of Parliament here, I know those who run to shylocks not because they want to take the loans, but because they want to pay school fees for their constituents in their villages.

So, Hon. Temporary Speaker, my plea to you and to the leadership of the House is that even as we deliberate on the constitutionalisation of the NG-CDF, we should not even disburse the salaries of the Members of Parliament first. Let them disburse the NG-CDF before salaries because we have converted our salaries into NG-CDF. We are now paying school fees, hospital bills and ambulance services because there is no NG-CDF. Hundreds of students are out of school because of lack of the NG-CDF. I want to plead with us that even as we entrench it into

Constitution, the leadership of the House, led by yours truly, should ensure that the National Treasury releases the NG-CDF before any other activity.

Secondly, we should expand the NG-CDF beyond the education and security functions that it is offering. Why do I say so? Article 189 of the Constitution allows different levels of Government to cooperate in their functions to ensure that we deliver to the people. So, I see no problem with me as a Member of Parliament cooperating with the County Government of Taita Taveta and putting up a modern maternity facility for our people in Taveta. I see no problem with me cooperating with the county government and ensuring that our ECD structures are built, so that our children are in school and we have our community advancing day by day.

Thirdly, unless we rush and protect the NG-CDF, we will have a problem where children are out of school and instead of raising children who can take up our positions in future, we have drop outs from schools who will cause problems to our society.

We have a problem of activism even in the Judiciary. If you look at Petition No.1 of 2018 of the Supreme Court, whatever was challenged was the NG-CDF Act of 2013, but the judges found a way of deliberating and touching on the NG-CDF Act of 2015. In a way telling the activists who went to court, 'even this one, if you bring it here in court, we will also nullify it.' So, we have a problem of judicial activism in Kenya and I want to plead with all the Members of Parliament that we entrench this kitty in the Constitution, so that we can protect it for the future.

With those many remarks, I thank you. God bless you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. John Bwire. For those who knew you before, like myself, you are a great addition to Parliament as a whole, not just the National Assembly. I wish you well as I congratulate you in this journey to join us in being the ATM.

(Laughter)

Hon. George N. Gachagua, Member for Ndaragwa.

Hon. George Gachagua (Ndaragwa, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this noble Motion. I rise to support this amendment meant to anchor the NG-CDF to the Constitution.

Before that, this being my Maiden Speech, I wish to thank the people of Ndaragwa for trusting me to come here and represent them as their Member of Parliament. I feel indebted and I will work for them. I thank the whole constituency, right from Kiriita Ward, Central Ward, Shamata Ward and Leshau Ward. I will make sure that I represent them in the way they wanted and I will deliver as I had promised them.

Hon. Temporary Speaker, the issue of the NG-CDF is very important. I can imagine the students who are at home because of lack of fees. One student at home because of lack of school fees is one student too many. I know this fund is very important because I have witnessed some students who could not have gone through school, but their school fees were paid by bursaries. Therefore, I wish that Parliament can overwhelmingly support this Motion brought by Hon. Mule and Hon. Gichimu. When children go to school and are sent away for school fees, I pity them because I believe when student go home and there is a hiatus, sometimes they get exposed and change course. When they go back to school, they do not catch up. I believe some of them have the potential of becoming very good leaders in this country, engineers or doctors, but once they are sent home, they lose the momentum and going back becomes a problem.

At this juncture, I wish we could also come up with a rule that students should not be sent home because of school fees. It is our responsibility as leaders to make sure that every student in this country is accorded education so that we do not lose good minds.

This fund is an equaliser and I believe there are some students who would have stopped schooling if they were not aided through this fund. Money is fluid. When we are constructing classrooms and the rest, the workers are the local people, hence the money cascades to their families. So, I believe it is also an input to needy families.

As we debate about this fund, I believe its mandate should be widened. I have an example in my constituency where I have started aiding parents to plant food and cash crops during planting season. The students normally cultivate food. They plant maize and it is kept for a whole year's use. I wish this fund could be increased and we embark on helping the schools to do farming. I believe this food can be used for the school feeding programme.

My wish for increasing this Fund is because we have many problems due to it not being enough for things like sports. You will find that the quota given just addresses football. If it was increased a bit, it could cover athletics, volleyball and other disciplines. I believe we have a lot of untapped talent in this country. If we could tackle this issue, we would come up with many sportsmen. We can increase their numbers if we harness the sports programme.

When it comes to security, this fund has really helped in bringing about peace to our parents and the community by building chiefs' offices. We do not build offices for their luxury, but for the people being served there. It is important for them to be comfortable while being served. Therefore, I cannot imagine what was in the minds of these activists when they negated the issue of the NG-CDF. In as much as they are opposing the NG-CDF, their relatives are beneficiaries of bursaries from the NG-CDF. There was one person who was arguing against it and I asked him about it. Fortunately, there was someone from his family who wanted a bursary and I asked him: "Suppose you do not get this, will you support the members of your family who go for this kitty?" He told me that he saw its importance. Some of them are just opposing it for the sake of it and because of the misconception that it belongs to the Members of Parliament.

Apart from just increasing the NG-CDF allocation from 2.5 per cent to 5 per cent, I wish its mandate could also increase. As Members of Parliament, we have many problems tackling the many needs of our constituencies. I believe that Members of Parliament are aware that we are where the rubber meets the road. As a Member of Parliament, I am told about virtually everything that happens in my constituency. We sometimes feel helpless because there are needy cases and there is no way we can just let them pass. The effectiveness of the NG-CDF is better than that of any other fund in this country.

With those few remarks, I support this legislative proposal to anchor the NG-CDF in the Constitution. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. George Gachagua, and congratulations on your election. Let us have Hon. Yussuf Mohammed, Member of Parliament for Wajir West.

Hon. Yussuf Farah (Wajir West, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this legislative proposal. First, allow me to congratulate you for being elected to the Chairperson's Panel. I would like to add my voice to what other Members have already said. This legislative proposal should have been brought a long time ago, but better late than never. The Members who have brought it in their own wisdom have done great for the people of Kenya.

The benefits of the NG-CDF cannot be gainsaid. They have already been elaborated and explained by the Members who have spoken before me. Everybody in this country knows the benefits, effects and the impact it has created in the society. Restricting the NG-CDF to two functions was a complete mess in the first place. There are other funds or institutions doing development projects like the national Government and county governments.

For example, I come from northern Kenya and the only development projects in my constituency were done using the NG-CDF and the County Revenue Fund, nothing else. We

do not get any coin or have a project undertaken by the national Government. This clearly shows the need for specific NG-CDF projects in this area. Before the NG-CDF started, we had no schools, none at all. Children learnt under trees including me; I learnt under a tree. You can imagine the hot sun and blowing wind as a child reads under a tree. What do you expect that child to gain? It is impossible to learn.

Thanks to the NG-CDF, we have completed construction of over 27 primary schools with infrastructure from Class One to Class Eight, staff-rooms and laboratories. The NG-CDF in northern Kenya is the only thing people know. For them to elect you as a Member of Parliament, the questions they ask are: How will you manage the NG-CDF and will they benefit? Will you be better than the person who was there before or the same? The perception created by the people that the NG-CDF is managed by the Members of Parliament only should be cleared once and for all. People should be informed that we only oversee the resources and not the other way round. It is not petty cash for any Member in this House.

Hon. Temporary Speaker, in northern Kenyan we are experiencing severe drought. You can imagine when the students have been sent home from school and their parents have nothing to offer them, not even a cup of tea, but if the NG-CDF was available today and their school fees was paid, they could have stayed in school and got something to eat at the end of the day. It is that bad.

In my constituency, we have two serious challenges, namely, security, which is the core mandate of the NG-CDF, and education. In regards to security, all the police stations in the constituency were constructed through the NG-CDF. None of them were nationally sponsored. We experience insecurity at the border of Isiolo North where there is a daily occurrence of cattle rustling. The security personnel who are there do not have a vehicle to operate. It was through the NG-CDF that they could hire vehicles whenever there was a problem for those officers to do their work. You can imagine the problems the people would face if there was no the NG-CDF. I want to appeal to everybody who cares in this country to visualise and see the problems the people of Wajir West are facing today rather than creating a perception that the NG-CDF is petty cash for the Members. I would urge them to think beyond the Members in this House and consider the orphaned students who have been sent home from school and have nothing to eat because of the severe drought. We also need to think about the doctors who went to universities to learn their skills though the help of the NG-CDF. In Wajir West, we did not have a single doctor before the NG-CDF, but courtesy of the fund, we have thousands of nurses, engineers and many careers that were needed in that particular area. I would also like to appeal to the Hon. Members to consider increasing the NG-CDF budget from 2.5 per cent to above 5 per cent.

Hon. Temporary Speaker, I also want to touch on the issue of the Senate Oversight Fund. The Senate needs to do an oversight role in the counties. The county money is being misappropriated by governors everywhere in this country. They need very strong Senators who have the time, capacity, mandate and resources to oversee the governors in their counties.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Let us have the Member for Ndia, Hon. George Kariuki.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to address the House on this very important legislative proposal. As Members, we know very well that the NG-CDF plays a very significant role in helping our people to better their lives. There is no better way of building our country than helping our constituents get good education. I want to confirm to you that I was re-elected solely because I helped manage and oversee the NG-CDF the right way. There are many Members of Parliament here who have been re-elected, I think we got more than 50 per cent. Were it not for the NG-CDF, this number would not have been that high. We do not engage ourselves in the real management

of the NG-CDF. The fund has its own structures. Our role as Members of Parliament is oversight.

As legislators, we have a role to help our people better their lives through exercising good governance. We all engage in public policy in one way or the other. There is this one topic called “good governance” which captures eight characteristics of good governance. One of the eight characteristics is effectiveness and efficiency. The NG-CDF is one fund of the many Government funds that exercises efficiency and effectiveness. Unlike county funds that go to the county governments, if you allow me to compare, the level of effectiveness in the NG-CDF is way above that of county governments. That is why with our little money, about Ksh100 million, which includes recurrent expenditure, we do a lot. I think development accounts for about 70 per cent. With that percentage, which is about Ksh80 million, we do a lot. That is effectiveness because there is very little wastage when it comes to the NG-CDF. We do our proposals to the board where it approves them and then we go for implementation. In implementation, we have project management committees. These management committees get us to another characteristic of good governance, which is participation. Our people down there in *mashinani* participate in the well-being of our people at the grassroots.

Without participation, we cannot know the exact needs of our people and how to address them. The board has addressed many gaps for the period that we have had the NG-CDF and that is why participation has not been a big problem.

There is another characteristic of good governance called consensus. During the sharing and distribution of these resources, we conduct public participation. As a Member of Parliament, you do not just think of buying a bus, for example, and go ahead to do so. You first have to involve the *mwanachi*. You need to go to the villages to find out whether the bus is their priority. I have been told severally that something I had wanted to do in my mind is not a priority. There is a time we built a very good social hall with a kitchen and I wanted to put up a bakery for ladies in the village to be trained on how to do pastries to enable them generate their own income, but they told me no. Instead, they suggested that I renovate a certain school. I had to abandon my ideas and do what they wanted. I got very good support in the said village because I and my committee listened to them. Participation, therefore, is a key characteristic in managing this fund

Another characteristic of the NG-CDF is accountability. With this fund, we account for every coin that comes our way. We have a committee that is composed of various members who include people with disabilities, women, men, the youth and also Government officials. When somebody decides to rush to court to oppose this noble course, they then miss a very important point.

This is not about me as a Member. I can survive without the NG-CDF, but my constituents cannot. They require this money to take their kids to schools. I can take my children to school without the NG-CDF, but my constituents cannot. I know of many children whom I have helped navigate through high school and universities, and were it not for this fund, they would not have made it.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, we have less than ten minutes to go. If the next speakers could crunch time, it would help a lot.

Hon. Nabii Nabwera, Member for Lugari.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to add my voice to this noble discourse. First, I congratulate you on being appointed to the Speaker’s Panel.

The question we should be asking ourselves today is: Why have we found ourselves in this scenario? It is because of the bad manners we Kenyans have perfected even in simple issues? The Constitution is very clear that its interpretation must be purposeful and progressive. The Constitution itself is progressive. If, indeed, we believe that elected leaders work with

donated powers of the populace and our Constitution is supreme, then why would a member of the Judiciary, for example, not see the common good of the NG-CDF, if he cannot see anything else? Why do we find ourselves prescribing in the Constitution things that should be left to legislation? It is because as a people we have decided to have bad manners?

Those of us who come from the western part of Kenya, from West Pokot to Tarime, know that until the NG-CDF was established, our region had been disenfranchised of development. Successive regimes thought that we better be underdeveloped because we are big-headed. Even the money that remains in the Ministry of Education for infrastructure development has not found its way to western Kenya or Nyanza. It has always been used in some parts of this country. Whereas I have mud-walled classrooms, the other day I was shocked to learn that a school in Central Kenya got slightly over Ksh500 million for infrastructure development. It is only reasonable that the NG-CDF be anchored in the Constitution to help those of us who have been disenfranchised.

The amount of money to the NG-CDF must be increased so that we can expand the development horizon to cover areas that are not covered such as provision of water. We put up good infrastructure in schools, but we do not provide water and so, children in those schools continue to suffer. I would like the NG-CDF funds to be used to cover the National Health Insurance Fund (NHIF) contributions. Some of us come from communities that have many vulnerable people.

Hon. Temporary Speaker, I want to highlight my last point. Even as we anchor the NG-CDF in the Constitution, we need to consider population. I have six wards, and another Member who has 3 wards gets the similar amount of money with me. I find this totally unfair.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Joshua Mwalyo, Member for Masinga.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you, Hon. Temporary Speaker. At last, I have a chance to air my views. I know that we do not have time. So, I will be very quick and spend only two minutes. Having been a Member of the National Government – Constituencies Development Fund Committee in the last Parliament, I know a lot about it.

First of all, let me talk on the last point that the Member has concluded with. We have already changed the NG-CDF policy. If you have three wards, you are not supposed to get the same amount as the one with seven wards. If you check the NG-CDF allocation which is in the Table Office, you will find that there is a big difference now.

I did a lot of things through the NG-CDF in the last term. I did 365 projects and educated a lot of children. I am a proud man because the NG-CDF will be anchored in the Constitution and nobody will go to court at will. Therefore, I thank the Members who brought this legislative proposal on the Floor of the House, so that we can debate and put it in the right place. The NG-CDF has done a lot of things. I have five wards. When I go round in my constituency, I see projects with the NG-CDF signboards. County government signboards are there, but no projects are attached. The NG-CDF is the lifeline of the electorates. If it is not protected, many people will suffer especially the school-going children in secondary schools and universities. I wonder what the courts were thinking about. We have sponsored about 800 students fully in my constituency from Form One to Form Four and they are still continuing. If the NG-CDF is discontinued, that will be the end of those students.

I can see Hon. Temporary Speaker has already switched on his light there. I do not know whether he wants me to stop contributing. This is the right time to anchor the NG-CDF in the Constitution so that we can still continue enjoying this fund and our people can benefit.

With those few remarks, I support the legislative proposal.

The Temporary Speaker (Hon. Peter Kaluma): The Member for Sigor, Hon. Peter Lochakapong.

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Temporary Speaker. I know time is not on our side. However, I want to thank you for giving me this opportunity to contribute. I want to support this legislative proposal by our colleagues, Hon. Gichimu and Hon. Mule.

The NG-CDF has done a lot in our constituencies in terms of infrastructure, school buses, bursaries and chiefs' offices. It has also impacted positively in sports and environment. So, entrenching it in the Constitution will be very good.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Lochakapong. I am very sorry you have used only one minute. You will have nine minutes the next time the House will sit to discuss this matter. My regret is also to Hon. Edwin Gichuki. I do not know whether he is in the House. I am very sorry. I will note his interest to address the House to the Speaker who will be here tomorrow. The interest that has been noted on this matter is great. We will continue with the debate tomorrow.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 9.00 p.m., the House stands adjourned until Wednesday, 9th November 2022 at 9.30 a.m.

The House Rose at 9.00 p.m.

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