



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 1st December 2022

The House met at 2.30 p.m.

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

PRAYER

Hon. Speaker: We have quorum. So, we can start. Hon. Members, you may wish to note that we have a Supplementary Order Paper that will guide our business this afternoon.

COMMUNICATION FROM THE CHAIR

STATUS OF DISBURSEMENT OF NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND FOR FINANCIAL YEAR 2022/2023

(Several Members walked into the Chamber)

Hon. Speaker: The Hon. Members standing at the Bar, take the nearest free seats quickly.

Hon. Members, I have two pieces of Communication to make. The first one is a Statement by the Cabinet Secretary for the National Treasury and Economic Planning on the status of disbursement of the National Government Development Fund (NG-CDF) for the Financial Year 2022/2023.

Hon. Members, I wish to bring to your attention the fact that I have received a Statement from the Cabinet Secretary for the National Treasury and Economic Planning regarding the effect of the Supreme Court's decision on the matter of the NG-CDF Act and the accrued liabilities of the Constituencies Development Fund (CDF) and the NG-CDF. In his Statement, the Cabinet Secretary reports that the Attorney-General has advised as follows:

(i) THAT, all liabilities properly incurred by the CDF and the NG-CDF before the decision of the Supreme Court should be settled by the national Government.

(ii) THAT, the NG-CDF Act of 2015 has itself not been expressly declared unconstitutional despite the observations by the Supreme Court. The matter of the constitutionality or otherwise of the Act is a matter still pending determination by the High Court in Wanjiru Gikonyo and Another versus the National Assembly and Eight Others (2016) eKLR, and as such, express declaration may only be made by the High Court in line with its jurisdiction, pursuant to Article 165(3) of the Constitution;

(ii) THAT, with regard to the matter of the Interim Independent Electoral Commission (2011) eKLR, the Supreme Court held that, and I quote:

“Quite clearly, the High Court has been entrusted with the mandate to interpret the Constitution. This empowerment by itself, however, does not confer upon the High Court an exclusive jurisdiction, for, by the appellate process, both the Court of Appeal and the Supreme Court are equally empowered to interpret the Constitution, certainly in respect of matters resolved at first instance by the High Court.

Only where litigation takes place entailing issues on constitutional interpretation, must the matter come in the first place before the High Court, with the

effect that interpretation of the Constitution by both the Court of Appeal and the Supreme Court will have been limited to the appellate stages.”

Hon. Members, based on the foregoing guidance, the Attorney-General has, therefore, advised that the NG-CDF Act of 2015 technically remains in force until such express declaration is formally made by the High Court or other superior court as may be seized of the matter on appeal.

In light of the advice from the Attorney-General, the National Treasury and Economic Planning confirms that it will commence disbursement to the NG-CDF by tranches of Ksh2 billion on a weekly basis with effect from 9th December 2022 and will have disbursed a total of Ksh44.289 billion by the 23rd week of disbursement.

The House is accordingly informed.

(Several Members walked into the Chamber)

Hon. Members, take the nearest available seats. There is still another Communication.

SUSPENSION OF COMMITTEE SITTINGS DURING RECESS

Hon. Speaker: My second Communication is on suspension of Committee sittings during the long recess.

Hon. Members, as notified in today’s Order Paper, at the rise of this Sitting, the House is scheduled to proceed on its long recess from tomorrow Friday, 2nd December 2022 to resume its sittings on Tuesday, 14th February 2023 in accordance with its Calendar as approved on 12th October 2022. Therefore, today’s Sittings mark the conclusion of regular sittings of this part of the First Session of the 13th Parliament. Tomorrow will be the beginning of a well-deserved break after the smooth take off of the 13th Parliament.

Hon. Members, during this Session, we have managed to transact key businesses of the House, including swearing in of Members, establishment of committees, vetting and approval of Cabinet Secretaries and vetting of Principal Secretaries, among other business. A more comprehensive report on the activities of the House will be contained in the Session report on business of the Assembly, which is being prepared by the Clerk.

Hon. Members, as an established practice, committee activities are usually interrupted during this long recess. In this regard, the House is notified that all committee activities shall stand suspended from Monday, 19th December 2022 to Monday, 16th January 2023. Consequently, no committee activities shall be conducted during the said period unless special consideration is granted by my office upon written request.

In order to safeguard business with statutory timelines from lapsing during the period, the counting of days for such businesses shall cease and resume when the House first sits for the Second Session on 14th February 2023. I hasten to remind Members that should need arise for the House to be recalled to transact any urgent business, pursuant to Standing Order 29, you will be notified accordingly.

Hon. Members, I wish to sincerely thank the leadership of the House, Members of this House and staff for the diligence and commitment exhibited during processing and transaction of business in both plenary and committees throughout the Session.

I also wish to thank the Members for settling down pretty fast and focusing on the collective duty of this House, notwithstanding the divergent political shades of opinion that defined the hotly contested general elections.

In conclusion, as you proceed to attend to your constituents and spend time with your families during the holiday season, I take this early opportunity to wish you all a happy festive season as well as a prosperous new year, 2023.

Thank you.

(Applause)

Next Order.

PAPERS

Leader of the Majority Party.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Memorandum on the Ratification of African Union Treaty for the Establishment of the African Medicines Agency (AMA).

Annual Report for the Financial Year 2020/2021 from the Parliamentary Service Commission (PSC).

Reports of the Auditor-General and Financial Statements of the following institutions for the year ended 30th June 2021 and the certificate therein –

- (a) Kitale National Polytechnic;
- (b) Bungoma North Technical and Vocational College;
- (c) Lugari Diploma Teachers Training College;
- (d) Mathioya Technical and Vocational College;
- (e) Kenya School of Government;
- (f) Institute of Human Resource Management;
- (g) National Housing Corporation;
- (h) Kenya Urban Roads Authority;
- (i) Kenya National Highways Authority; and,
- (j) Lake Basin Development Authority.

Reports of the Auditor-General and Financial Statements of the following institutions for the year ended 30th June 2021 and the certificates therein:

- (a) Rangwe;
- (b) Suba South;
- (c) Likoni;
- (d) Kitutu Chache;
- (e) South Mugirango;
- (f) Bobasi;
- (g) Mvita;
- (h) Malindi;
- (i) Magarini;
- (j) Awendo;
- (k) Nyaribari Chache;
- (l) Bonchari;
- (m) Taveta; and,
- (n) Kilifi.

Thank you, Hon. Speaker.

Hon. Speaker: Are you done?

Hon. Silvanus Osoro (South Mugirango, UDA): Yes, Hon. Speaker.

Hon. Speaker: Next Order.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

MEDICAL NEGLIGENCE AND MALPRACTICE IN THE COUNTRY

Hon. Speaker: There is a Statement by the Member for Kiambaa, Hon. Kawanjiku.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Health regarding cases of medical negligence and malpractice in the country.

The Bill of Rights, under Chapter Four of the Constitution, provides for the right to the highest attainable standards of health, which includes the right healthcare services and reproductive healthcare. It also includes the right of every person to access emergency medical treatment. A patient generally approaches a medical practitioner or hospital based on their reputation. On one hand, medical practitioners and hospitals are expected to provide medical treatment with all their knowledge and skills. On the other hand, they are also expected not to do anything to harm patients in any manner because of negligence, carelessness or reckless attitude. Medical practitioners are supposed to use their special knowledge and skills in the most appropriate manner for the best treatment of those patients who entrust their lives to them.

Most regrettably, negligence and malpractice cause injury or death. The increasing number of medical cases of negligence and malpractice in the country is a concern to everyone. Urgent steps need to be taken to ensure that they are put to a stop.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Health on the following matters:

1. What is the number of medical negligence and malpractice cases that have been lodged with the Kenya Medical Practitioners and Dentists Board in the past 10 years, providing a breakdown per county?
2. Out of the cases lodged above, how many have been heard and determined and how many are pending?
3. What is the status of investigation into the circumstances surrounding the death of Baby Travis Maina, who passed on in October 2022 at the Kenyatta National Hospital during surgery to remove a fork *jembe* that was lodged in his head after allegedly waiting for too long before receiving emergency treatment?
4. What steps is the Ministry of Health taking to ensure that cases of medical negligence and malpractice in the country are put to a stop.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Kawanjiku.

ORDINARY QUESTIONS

There is Question 088/2022 by Hon. Caleb Amisi. The Question is deferred.

Hon. Caleb Amisi (Saboti, ODM): Hon. Speaker, I am around.

Hon. Speaker: You have moved from where you normally sit. Go on *Mheshimiwa*.

(Laughter)

Question No. 088/2022

REBRANDING AND REGISTRATION OF BARCLAYS BANK OF
KENYA LIMITED INTO ABSA KENYA LIMITED

Hon. Caleb Amisi (Saboti, ODM): Hon. Speaker, I rise to ask the Attorney-General the following Question:

(i) Could the Attorney-General explain the circumstances under which the defunct Barclays Bank of Kenya Limited rebranded and registered as Absa Kenya Limited in 2017, considering that the Absa name was already registered and patented in 2007, issued with a Certificate of Incorporation No.C130654 whose director is one Mr. Edward Njuguna, and the patent renewed in 2007 for a ten-year period?

(ii) Could the Attorney-General outline the steps that the Government is taking to address the concerns raised in (i) above, and in particular, confirm whether any user rights for the name were transferred to the Bank?

I thank you, Hon. Speaker.

Hon. Speaker: That Question will go to the Departmental Committee on Finance and National Planning.

The next Question is by Hon. George Koimburi. Is the Member present? His Question is deferred.

Question No. 089/2022

STATUS OF CONSTRUCTION OF JUJA HIGH POINT (CENTURION) FOOTBRIDGE

(Question deferred)

The next Question is by the Member for Nyeri County, Hon. Rahab Mukami.

Question No.090/2022

STATUS OF STALLED DAMS IN NYERI COUNTY

Hon. Rahab Mukami (Nyeri County, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

(i) Could the Cabinet Secretary explain the status of the progress of the approved but stalled Naromoru and Karemuru dams in Kieni, Nyeri County?

(ii) What measures has the Ministry put in place to ensure that the said dams are completed in a timely manner so as to help to alleviate the biting drought in the county?

(iii) What measures has the Ministry put in place to ensure that irrigation water from these dams is distributed to the constituents in an efficient and cost-effective way that will boost the profitability of their farming activities?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mukami. The Question is to be replied to before the Departmental Committee on Blue Economy and Irrigation.

Leader of the Majority Party, do you have your Statement, pursuant to Standing Order 44(2)(a)? I am sorry. Before we go to the Leader of the Majority Party, there is response to a request for Statement. The Chairperson of the Departmental Committee on Administration and Internal Affairs is to respond to a request for Statement by Hon. Irene Kasalu on insecurity and invasion by camel herders in Kitui County.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Hon. Tongoyo, before you issue the Statement, is Hon. Kasalu in the House? Well, the Statement belongs to the House. Go ahead and give your response.

STATEMENTS

MEASURES TO ENHANCE SECURITY IN KITUI COUNTY

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, the Statement from the Cabinet Secretary is very long, but I will try to mention the important issues.

Hon. Irene Kasalu, Member for Kitui County, requested for a Statement on insecurity and invasion of camel herders in Kitui County. The Member sought to be informed on the immediate steps the Government has put in place to enhance security in the region, and in particular to stem the influx of armed camel herders from Tana River, Garissa and Wajir counties into Kitui County.

She also wanted to know the investigations undertaken to arrest and bring perpetrators to book for killings and loss of property and crops in Kitui County. She further wanted to know the actions taken by the Government to flush out bandits, raiders and invaders across the county, including those in game parks. She also wanted to know the measures that the Ministry has put in place to ensure that affected residents will be compensated for loss of lives and properties as well as for injuries sustained.

The issue of camel herders has a long history in Kitui County dating back to the 1970s. Nomads moved from North Eastern Kenya in the early 1970s through Tana River County to Kitui County, mostly in search of water and pastures. Over that period of time, they accumulated large numbers of camels, sheep and goats. They have enjoyed peaceful coexistence over the years. However, in recent times, there have been accusations against herders with locals alleging that they are major conduits of firearms into Kitui and possibly the nearby areas, which is of big concern to the locals.

We all remember that the Cabinet Secretary for Interior and National Administration visited the area a couple of weeks ago, following the outcry from locals. Since 18th August 2022, there have been five reported murders and one serious assault or attempted murder that were committed by suspected Somali herders against the Kambas across Kitui County. All the murders were committed through use of sharp objects while the attempted murder was through a gunshot.

Hon. Speaker, I want to bring to the attention of the House the fact that investigations are ongoing. In total, five persons, all from the Kamba Community, have been killed since 1st August 2022 to date. During the same period, nine persons - eight members of the Kamba Community and one from the Somali Community - have been injured in the skirmishes. All the cases, apart from one, are under investigation. In investigation of one of the cases, there is a pending arrest of a known accused person.

The county has witnessed quite a number of incidents since August to date. Such cases have been reported and recorded at police stations in the affected areas. The Government has put in place a number of stringent measures to curb the vice. I want to mention a few.

One, both Non-Governmental Organizations (NGOs) and the National Police Service (NPS) officers at the county and sub-county levels have been holding peace *barazas* in the troubled areas. Peace committees involving members of the two communities have been activated. The County Security and Intelligence Committee has organised such meetings in Mutha Ward. The first one was held on 21st September 2022, which marked the World Peace Day. The second one took place on 18th October 2022. Members of Parliament, namely, Hon. Nimrod Mbai and Hon. Nyamai, were present.

The County Security and Intelligence Committee also held a peace meeting in Kasiluni Village, Kaavani Location, Ngomeni Division on 29th September 2022. The public insisted that the camel herders had to immediately move out of the farmland to pave way for preparation of the planting season.

On 28th October 2022, an inter-religious security meeting was held at Kasiluni Market, presided over by a joint Eastern and North Eastern Regional Security and Intelligence Committee led by Regional Commissioner, James Kianda.

We may all remember that on 22nd November 2022, the Cabinet Secretary, Hon. Prof. Kindiki, toured the Mandongoi area, after which he gave the following directives –

(i) immediate recruitment of 250 National Police Reservists (NPRs) to add to the 71 who were already in existence and deployed in Mwingi North Constituency; and,

(ii) immediate removal of camels from the game reserve - implementation of which is ongoing.

The County Government of Kitui has also promised to construct six new police stations along the game reserve and the cutline area, which stretches about 370 kilometres.

The operation to flush out bandits, raiders and invaders across Kitui County is currently at its final stages inside the game reserve. Further investigations are ongoing with a view to bring the perpetrators to book for the killings and loss of properties in Kitui County. Investigations on the cases that have been reported are at various stages.

If the Member needs more information, I am willing to give her a copy of the comprehensive Statement.

Hon. Speaker: Thank you, Hon. Tongoyo. Yes, Hon. Bowen. Give him the microphone.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker. I thank the Chairperson of the Departmental Committee on Administration and Internal Affairs. I remember when the Member for Kitui County, Hon. Kasalu, brought this issue, it was not only confined to Kitui County. It was an issue which affected almost all the counties in the North Rift and the North Eastern regions. The Statement is very good. I congratulate the new Cabinet Secretary, Prof. Kindiki Kithure. I ask him to replicate the security measures he has instituted in Kitui County in other counties affected by insecurity as well. I am asking him to employ NPRs in other parts of the country. We have about 200 NPRs in Kerio Valley, but we still have challenges of insecurity. I ask the Chairperson and the Cabinet Secretary to also visit counties in Kerio Valley as well as parts of Turkana, Baringo and West Pokot counties to familiarise themselves with the situation so that we can make sure that our people live in peace.

It is because of the prevailing drought that many of our people, who are pastoralists, are moving around the country looking for water and pastures for their animals. This should, however, not give authority to our people to invade private farms and kill people. As the leaders who represent them in this House, it is good we take appropriate measures to address this problem. We should sit down with our neighbours and agree on how we can coexist as neighbours.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Bowen. Leader of Majority Party. Proceed with your Thursday's Statement.

NOTIFICATION OF RECESS FROM 2ND
DECEMBER 2022 TO 14TH FEBRUARY 2023

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Pursuant to provisions of Standing order 44(2)(a), I rise to issue a Statement on behalf of the House Business Committee, which met on Tuesday, 29th November 2022 to prioritise business.

As Members are aware, the House is scheduled to proceed for a long recess from tomorrow, 2nd December 2022, in accordance with our House Calendar. Members will have opportunity to go back to the constituencies to recharge and reconnect with families and constituents over the Christmas season.

Hon. Speaker, I wish to take this opportunity to thank you and the Members for their diligence and active participation in the business of the House. Despite the strict deadlines, we have achieved much in several key issues, including the just concluded vetting of Principal Secretary nominees. There has been great representation of Kenyans by Members of Parliament. I also commend the committee chairpersons for their diligence in leading the committees in concluding a lot of business that has been pending.

I believe this has been a wonderful Session in which we have achieved a lot. As we recollect and appreciate what has been achieved, I would like to remind Members that we still have a significant number of legislative proposals, Bills and other statutory instruments that will certainly need our keen attention when the House resumes after Monday, 13th February 2023.

Hon. Speaker, I also wish to take this opportunity to inform Hon. Members that the House may be recalled for a Special Sitting pursuant to the provisions of Standing Order 29 to consider important pending business, including consideration of nominees for appointment to the Commission on Revenue Allocation, among other urgent business that may arise in the interim, subject to your approval.

On behalf of the House Business Committee, the great people of Kikuyu Constituency and myself, I take this opportunity to wish all Members, their families and constituents a Merry Christmas, a happy festive season and God willing, a prosperous 2023.

Hon. Speaker, I lay the Statement on the Table of the House.

(Hon. Kimani Ichung'wah laid the Statement on the Table)

Hon. Speaker: Thank you, Leader of the Majority Party. Hon. Members, I wish to acknowledge the presence of students from Diwopa Catholic Primary School of Embakasi East Constituency seated in the Speaker's Gallery.

(Applause)

Also seated in the Public Gallery are students of Manyatta Primary School from Laikipia West Constituency, Laikipia County; Mount Zion Academy from Moiben Constituency, Uasin Gishu County and Ilkirragarien Primary School from Narok East Constituency, Narok County.

(Applause)

I join the House in welcoming the students from the four schools to the Houses of Parliament. You are all welcome to observe the proceedings.

Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. I rise under Standing Order 40(2). For avoidance of doubt, I would like to read it out –

“40(2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the House, direct.”

Hon. Speaker, having looked at the Supplementary Order Paper for this Afternoon's Sitting, I notice that the business listed as Order Nos. 13 to 32 are considerations of nominees for appointment as Principal Secretaries. This is to, kindly, request you to re-arrange the business so that Order Nos. 13 to 32 come after Order 33. I have just received the first batch of the reports of the committees on these proposed appointments. The first Report we have received this afternoon is from the Departmental Committee on Defence, Intelligence and

Foreign Relations. We have a whole lot of reports from other committees that are yet to land on our desks. We may need to get time to go through these reports conclusively in order to make informed contributions when the time comes. This is a well reasonable request. If Order No. 8 ultimately succeeds, we may have all the time to deal with the rest.

(Hon. (Dr.) Robert Pukose spoke off record)

Hon. Speaker, why is Hon. Pukose shouting? This House must go back to its default mode of being a House of debate and discourse. If every time someone rises to speak people shout, it does not make sense. I am making a well reasonable appeal to you, Hon. Speaker, that we consider these businesses after the business appearing as Order No. 33 in order for us to get ample time to go through these reports which, as you can see, are voluminous. One of them is from the Departmental Committee on Defence, Intelligence and Foreign Relations. Otherwise, we will not be doing justice to ourselves and to the country.

I thank you, Hon. Speaker.

Hon Speaker: Leader of Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I think the Leader of Minority is within his rights to make such a request, but I want to, vehemently, oppose it.

Hon. Speaker, as I indicated in my Statement, all Members put a lot of time in their respective committees vetting the Principal Secretary nominees. As I indicated during the morning session, a Government that does not have substantive accounting officers in office is dysfunctional. We must appreciate that the Principal Secretaries who are leaving office are waiting to hand over. The outgoing Principal Secretaries are eager to leave office because they want to move on with their lives. It is only fair that we conclude the business listed in the Order Paper as Special Motions for approval of the Principal Secretary nominee. There is no rush. If the Leader of the Minority Party had bothered to look at the first Procedural Motion under Order No. 8, he should have realised that is about extension of the sitting of the House until conclusion of the business listed on the Order Paper. Therefore, I seek his indulgence. I request him to stay in the House. We will certainly get to Order No. 33 and do justice to it. We will also do justice to all the other Motions listed on the Order Paper since we are not in a hurry to go anywhere. Today being the last day of this session, if need be, we will take a short break and resume to conclude the business.

Hon. Speaker, with all due respect, I request the Leader of the Minority Party to allow us to proceed as indicated on the Order Paper.

Hon. Speaker: Yes, Hon. Junet. Is it on the same point? Give Hon. Junet the microphone.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I agree with the Leader of the Majority Party that we need to dispense with this matter so that the accounting officers, if approved by the House, can report to their duties, given the urgency involved. He is in his place to raise this matter because it is an important issue for the Executive. However, the vetting process took place yesterday 30th November 2022. The Speaker ruled on the day before yesterday. Members sat yesterday to vet the nominees, after which they wrote their report and the report was brought to the House today. As a House, we look like we are mocking the vetting process.

Under the new Constitution, vetting is a very serious matter. Not all Members are in one committee. Members are in different departmental committees. For example, the Members in the Departmental Committee on Health are not the same Members in the Departmental Committee on Energy, who vet the Principal Secretary nominees for appointment to the energy

sector. The Members who vet the Principal Secretary nominees for the health sector did not vet the Principal Secretary nominees for the energy sector.

(Hon. Kimani Ichung'wah consulted loudly)

Leader of Majority, you made your point. You were on a point of order. Give me time to put my point across. This is a House of debate.

Hon. Speaker: Hon. Junet, you have made your point.

Hon. Junet Mohamed (Suna East, ODM): As I conclude, the issue of vetting is very serious. Members need to look at the report, examine it and internalise the issues contained therein, unless we are just a conveyor belt that is supposed to approve everything that comes to this House. We are not a conveyor belt. We need to understand the whole thing.

(Loud consultations)

Hon. Speaker: Order, Hon. Members.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, Hon. Murugara thinks that this is the Departmental Committee on Justice and Legal Affairs (JLAC). He wants to handle us the way he handled people in JLAC. Keep quiet!

Hon. Speaker: Order, Hon. Junet! Hon. Didmus.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Speaker. The Leader of the Minority Party has said that these are bulky documents and that they need time to go through them. However, I want to assure him that 95 per cent of the Members of this House are fast learners. We have already gone through the report and internalised it. We are ready to support it or do otherwise. We should proceed. Next time I will ask the Members of the Minority Party to be fast learners. When a report is tabled, let them read it very fast. Let them not waste time meeting their party leader to debate on unhelpful matters. Read the report and be efficient.

Hon. Speaker, we should proceed.

Hon. Speaker: Hon. Members, I do not wish to open debate on this matter. The request by the Leader of the Minority Party is declined.

(Applause)

Before we go to Order No.8, I am informed that there is a request from JLAC to table their report on the Independent Electoral and Boundaries Commission (IEBC) Amendment Bill.

Chairperson of JLAC, you may proceed.

PAPER

Hon. George Murugara (Tharaka, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 42 of 2022).

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

Hon. Speaker: Thank you. Hon. Junet, what is out of order?

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I wish to seek your indulgence on the Paper that has been tabled by the Member for Tharaka, the Chairperson of

JLAC. This matter is listed on the Order Paper yet it is being tabled now and it is coming up for debate later. This is the same case...

Hon. Speaker: Just hold on, Hon. Junet. That matter is on Order No.34. I will allow you to raise the issue when we get to that Order.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I did not know it was being tabled now. I thought it was tabled in the morning for us to debate it this afternoon.

Hon. Speaker: That is Order No.34. Right?

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, this is one of the rare cases that I have come across in this House, that business being tabled now is already on the Order Paper for debate. I thought the matter was tabled in the morning. I came here for debate not for tabling. I also wanted to raise an issue on the same matter because I thought it is on the Floor, and not in the form of tabling. As a Member of JLAC, I am aware that this matter was not done conclusively. This was done in a haphazard manner.

Hon. Members: No! No!

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, we cannot participate with this kind of heckling.

Hon. Speaker: Order, Hon. Junet. As a Member of the same Committee, you could have prosecuted that argument in the Committee.

(Applause)

Secondly, on the matter that you have raised, legitimate as it may be, is in relation to Order No.34. Right now, we are on Order No.8. So, if you hold your horses, when we hit Order No.34, I will give you the first shot to register your contestations.

Leader of the Majority Party, what is it?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, before we move to the next Order, we are well guided by your directive on the point of order raised by Hon. Junet. I am told that those in the legal profession say that if you seek equity, you must do so with clean hands. This being a law-making House, the same principle applies. If we seek equity, we must do so with extremely clean hands. I am rather perturbed because having gone through the minutes of the Justice and Legal Affairs Committee...

Hon. Speaker: Order, Leader of the Majority Party. You are falling in the same trap, escalating an argument that the Speaker has ruled out of order is being out of order.

Let us go to Order No.8.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Wandayi, are you rising on the same matter?

(Hon. Opiyo Wandayi spoke off record)

You cannot rise because I have not given you permission to do so. What is it that you want to rise on? I will rule you out of order if it is on the same issue.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I do not know why we seem to be in a hurry this afternoon. We need to relax. Let us breathe in and breathe out. The world is not ending today. It is going to be there forever. We are the ones who will perish and leave the world. So, let us not be in a hurry.

Hon. Speaker: What is your point of order?

Hon. Opiyo Wandayi (Ugunja, ODM): I am coming to it, Hon. Speaker. I like it when you are chairing because of your vast experience on parliamentary procedures and business. Even though the point raised by Hon. Junet may look flimsy, from my viewpoint, it is very weighty. It is very weighty because this House has operated based on procedures.

Hon. Speaker: Hon. Wandayi, please, take your seat.

(Laughter)

I said that whatever Hon. Junet raised, legitimate as it may be, it is on Order No.34 and I will allow him to raise it when we get to that Order. You are out of order to praise me and then sneak through the back door and start pursuing the same argument that I have ruled out of order.

Thank you for the praise, but I am sorry you are out of order.

(Laughter)

Hon. Otiende Amollo, I hope it is not on the same point. Give the Senior Counsel the microphone.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. Firstly, the point is of interest because it has arisen in a point of order before. You and some Hon. Members here are well aware that there was a matter involving all the Members of this House that came up this morning. It involved the NG-CDF.

I want to let the Members know that with the intervention of the Speaker and some of the Members here across the board, we were able to represent the Members, postpone the issue and we have a good breather to get the House in order. There is absolutely nothing to stand in the face of us proceeding. We were there with Hon. Muriu, Hon. Kaluma and Hon. Chepkonga. That is why some of us did not attend the JLAC proceedings.

Having said that, on the Order that is coming up, I am getting a bit confused because on one hand, the Leader of the Majority Party says that we are not in a hurry and on the other hand, he says that we are in a hurry. Some of the Members say that they read quickly, others say that they read slowly when it comes to the JLAC Report.

The point here is that any substantive issue on the JLAC Report can be raised at that time. There are certain matters that are more fundamental only when you give the notice. The question is, is there a report for which you can have a substantive discussion? I want to tell you without fear of contradiction that I am a Member of JLAC, but it has come to lack justice and fairness. It has become a *kangaroo* committee. One day, this will bite us. It might be convenient today, but it will come to bite us. It is unfortunate.

Hon. Speaker: Order, Hon. Members. Senior Counsel, you started very well, but you ended in an extremely bad way. I want, on your behalf, to thank the team of lawyers that have put this together. They are Hon. Otiende Amollo, Hon. Chepkonga, Hon. Kaluma, the Member for Gatanga and the Member for Kanduyi, Hon. Mutuse, Hon. Murugara, Hon. T.J Kajwang' and Hon. Oluoch.

(Hon. Babu Owino spoke off record)

Hon. Babu Owino, you were not in the team.

(Laughter)

These Hon. Members are giving this House *pro bono* services in defence of the status of the NG-CDF, and they have assured the Speaker that they will be available to the House on any matter that touches on the integrity and good working of this House.

(Applause)

We want to extend our salutation to them and encourage them to continue defending the integrity of the House, the interests of the people you represent here and any other matter that may come to cause disruptions and inconvenience in your work. As to the second point, Hon. Otiende Amollo, you are totally out of order.

(Laughter)

Next Order.

PROCEDURAL MOTION

EXTENSION OF SITTING TIME UNTIL CONCLUSION OF BUSINESS

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, as I move this Procedural Motion, allow me to also join you in commending the team of Senior Counsels and our very good lawyers who have represented us. For the record, it is important to mention that Senior Counsel, Hon. Otiende Amollo, and other lawyers are not representing Members of Parliament in court. They are representing the NG-CDF committees from the various constituencies, including some school children who have petitioned the court on account that they are not able to access bursaries.

It is good for the record to be clear that since the Members of Parliament are not stakeholders *per se* in the NG-CDF, this team of lawyers is representing the actual stakeholders of the NG-CDF, the Kenyan children who have not accessed bursaries, and the NG-CDF committees that are not able to implement security projects and school infrastructure development projects.

The Senior Counsel and other lawyers from this House who have given their *pro bono* services to those committees, school committees and project management committees (PMCs) in villages across the country, we commend you. I am sure Hon. Babu Owino was seeking recognition because he brought children from Embakasi East who petitioned the court to be allowed to access bursaries through the NG-CDF.

(Applause)

Let me also thank the other Hon. Members and encourage all of us. You can get your school committees and PMCs in the villages to be enjoined in that case because it is in the protection of their interests. That way, we will change the perception that is out there that the NG-CDF is for the Members of Parliament. It will also help the courts to understand that the NG-CDF is taking care of the interests of children in our neighbourhoods. These are children who are not in school today and some will not access school in January if the NG-CDF does not resume operations.

The Leader of the Minority Party walked in a bit late and did not hear your Communication, Hon. Speaker. Thank you for the effort you have made, together with the Office of the Clerk and my office, to ensure that disbursement of the NG-CDF resources will commence from next week. We are talking of a figure of Ksh2 billion weekly.

Hon. Speaker, having put that matter into proper perspective, I now beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend the sitting time for today's Afternoon Sitting until conclusion of business appearing on the Order Paper.

Hon. Speaker, this Motion is self-explanatory. As Hon. Members can see, the Supplementary Order Paper is quite loaded. As the Leader of the Minority Party had clearly stated, with these Orders all the way to Order No.34, we may be required to extend this sitting beyond the normal sitting time. Since we are going on long recess, it is important that we conclude the business contained on the Order Paper.

With those remarks, I beg to move and request Hon. Muriu Wakili, who ably represented the committees in court, to second.

Hon. Wakili Muriu (Gatanga, UDA): Hon. Speaker, as I second this Motion, I would like to say something on the issue of the NG-CDF. We should expect adverse proceedings against us in court in our absence when our business, as Members of Parliament, is being challenged and we fail to get involved actively in those proceedings. I thank you for setting up that caucus. We can now proceed for recess knowing that we have the NG-CDF for our people, and our children will go back to school in January.

With those remarks, I second the Motion.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Is that the mood of the House?

Hon. Members: Yes!

Hon. Speaker: Let me hear the Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): I am on the Floor, Hon. Members. Hon. Speaker, before I comment on this Motion, let me also join my colleagues in appreciating the efforts you have made towards ensuring that the NG-CDF is unlocked.

I also want to appreciate that, finally, sense has prevailed on the Executive. All along, we told them that there is nothing whatsoever that is unconstitutional about the NG-CDF Act of 2015. Nothing was supposed to stop them from disbursing the funds. Now that they have seen the sense, we appreciate that funds should be disbursed quickly for children to proceed with their education.

From the outset, I want to oppose this Procedural Motion vehemently. I will explain why and Members must be patient to get my explanation. Just as I said earlier on, we are not in a hurry to go anywhere. I have gone through the Supplementary Order Paper from Order No.1 up to Order Order No.35 and there is nothing earth-shaking in any of these Motions or businesses under these Orders such that if we do not conclude them in this Sitting, the world will come to a stop. Never! There is nothing completely. Therefore, by passing this Procedural Motion, we shall be setting a path that will make this House a conveyor belt and House for rubberstamping decisions engineered elsewhere.

Hon. Speaker, I still maintain that we can do our business up to the normal time. We will come back whenever we will be required to continue with the rest of the business. I am appealing to Members that, if we accede to this request and approve this Motion, we shall be contributing towards the erosion of the dignity and credibility of this august House. This is something in respect of which we will forever be unforgiven. I know the rush and I can say it. The rush is to ensure that by the time this House rises at midnight, we shall have sent home or to the tribunal the four IEBC Commissioners.

Hon. Speaker: Order, Hon. Wandayi!

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, that is the point I am raising.

Hon. Speaker: You are anticipating debate.

Hon. Opiyo Wandayi (Ugunja, ODM): Yes, and you must listen to me. The point here is that you are in a hurry to send the four IEBC Commissioners home.

Hon. Speaker: Order, Hon. Wandayi!

Hon. Opiyo Wandayi (Ugunja, ODM): Yes, against all the tenets of democracy and justice. This House cannot be party to draconian tendencies.

Hon. Speaker: Order, Hon. Wandayi!

Hon. Opiyo Wandayi (Ugunja, ODM): We cannot contribute towards returning this country to the dark old days of dictatorship and brinkmanship.

Hon. Speaker: Order, Hon. Wandayi. Switch him off. Order, Hon. Wandayi. I have withdrawn the microphone because when the Speaker is on his feet, however emotional or agitated or important the issue being raised may be, you must resume your seat. This is a House of rules. Order, Hon. Members!

Hon. Wandayi, you are a very senior Member of this House and you know that there are rules against anticipating debate. The issues you are raising are in Order No.33. When we reach there, you will say everything, including what you are saying. Hon. Wandayi, as for now, I advise you and all the senior Members in the House to be good examples to your new colleagues, so that they can understand the practice and we can proceed properly.

Hon. Chepkonga.

(Several Members shouted)

Hon. Speaker: Any Member who is shouting at another is out of order.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you very much, Hon. Speaker, for giving me this opportunity. I have stood on a point of order against the issues that my very good friend, Hon. Opiyo Wandayi, is raising. You know we have come a long way with him.

Hon. Speaker, one of the trainings for lawyers - this is what we should be telling him - is that you should not shout to put your point across. You should not raise the same issue every time. The Speaker has ears and eyes. He has heard and made a ruling. There is nothing to shout at one another for. Everybody has ears and eyes. We will listen and see you. All of us represent the people. No one represents nothing.

I support the Motion for extension of the sitting of the House. It has been said that we are in so much hurry. The Members saying so are the same ones asking why the NG-CDF has not been disbursed. We must approve this Motion fairly quickly so that we can have the substantive Principal Secretary in office to authorise the disbursement of these funds quickly. In fact, the Principal Secretaries who are there... Maybe, Hon. Wandayi is not aware that there is something called "holding over" in law. When holding over, you are not the substantive person. In fact, you are just keeping the place warm so that it does not get cold. You are not intended to make substantive decisions of any kind.

Hon. Speaker: Order, Chepkonga! You have made your point.

Hon. Members, I will now put the Question because this is a procedural matter.

(Loud consultations)

Hon. Members, for orderly conduct of the House, every time the Speaker is on his feet, the Member on the Floor should resume his seat. If you do not resume your seat, your microphone will be put off until the Speaker sits, and then it comes back to you. So, we avoid unhelpful altercations across the Floor. I want to plead with you to keep this House orderly. Those who are many will have their way and those who are few will have their say, all the time. So, we maintain our democracy, decorum and be a good example to those young children sitting in the gallery watching the famous Junet they have never seen. Unfortunately, when they come to the House, they see the Junet they did not expect. Yes, Junet, what do you want to say?

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Speaker. You are right that this is a Procedural Motion which is very important. It is doing something we normally do regularly. We are extending our sitting time from 7.00 p.m. until the conclusion of business, which can go up to midnight. That is why we need to talk a bit about it.

Hon. Speaker, we have been in this House for some time now and when illegalities are to be committed, we normally extend our sitting time, and this is known. Today is one of the darkest days in the history of our country when illegalities are going to be committed in darkness. People do not want to do things in daylight, but in darkness.

Hon. Member: The Building Bridges Initiative (BBI) was also an illegality done in darkness.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, assuming that illegalities were committed before, must we commit other illegalities now? You told us that freedom has come and you want to ruin the country.

Hon. Speaker: Order, Hon. Junet! Order, Hon. Members! The Building Bridges Initiative is dead and buried. It should not be resurrected here.

Hon. Members, I will now put the Question.

(Question put and agreed to)

Hon. Members: Division! Division!

Hon. Speaker: You do not have the requisite number. Let us go to the next Order. You do not have the numbers. Order, Hon. Members! Remain standing. How many Members are they, Clerk?

(Loud consultations)

Order, Hon. Members! You may take your seats. Those who are claiming a division have the requisite numbers. So, ring the Division Bell for five minutes.

(Applause)

(The Division Bell was rung)

Order, Hon. Members! Take your seats. Hon. Kawanjiku, take your seat. Clerk-at-the Table, prepare for the votes. I direct that we have a hybrid voting. Those who have their cards, log in; you will have electronic voting. Those who do not have cards or may malfunction will be given an opportunity to come to the Table and cast their votes. Log in everybody. Draw the Bar. Members at the Bar, take your seats. Do not take the nearest seat this time but where your card is.

If there are any Members without cards, they should come to the public servants' benches. Those who are voting "No" should stand on the left side and "Ayes" on the right side. Hon. Rindikiri, go to where the judges normally sit. Members on either side without their cards, go to the other side. The Noes will stand on this side and the Ayes this other side.

Hon. Members, please move quickly. Hon. Benjamin, move quickly. Members who are voting 'Nay' and have no cards, move to the left side in the public servants' bench and vice versa. Those with cards, remove them from your machines. Hon. Bidu, Hon. Raso and Hon. John Gitonga have not pulled out their cards. You can now log in. Is there any Member who does not know the procedure for voting? You have your procedures. No, you cannot vote. I will have to...

(Loud consultations)

Order! If your card is not working, join your colleagues here. You may now proceed to vote. Not yet? Sorry, the technicians say that you should first hold. Vote now.

(Voting in progress)

Hon. Members, do not get agitated. These are machines. They may function or malfunction. Remove your cards. Everybody, remove your cards. Have you all done so?

Hon. Members: Yes!

Hon. Speaker: There are still three Members who have not done so. Hon. John Gitonga of Manyatta, Hon. Caleb Luyai of Saboti and Hon. Wambugu Wainaina of Othaya, have you done so? Okay, now insert your cards and wait for 60 seconds. Do not insert your cards and vote. Insert your cards and wait. Log in, insert your cards and your PIN numbers. Clerk, can we vote now? Vote now.

(Voting in progress)

It is counting. Vote now. It is working. If it is not working, join them. Order, Hon. Members!

(Hon. T.J. Kajwang' stood in his place)

Order! Hon. Kajwang', please sit down. Order, Hon. Members. Take your seats, Hon. Members, electronic voting is over. Hon. Kajwang', I will address your issue. There are Members who did not have their cards. They will now come and vote. There will be a printout. If Kajwang' does not appear on the printout, I will give you an opportunity to vote. You have not been disenfranchised in any way. Just keep your cool. Relax. We will start with Members who diligently owned up to the fact that their cards were not working. They will come and vote. For those who are seated but their cards did not work, your names will not appear on the printout. I will give you an opportunity to vote. It is as simple as that.

Clerk, you have the rollcall. As a Member goes back to their seat, you tick them as having voted. Clerk, *fanya kazi haraka!*

(Voting in progress)

Hon. Members, two Members claimed not to have voted electronically. The records show that the claim by Hon. TJ Kajwang' is legitimate; he can come and vote. The claim by Hon. Jessica Mbalu is however, illegitimate; she had voted.

(Laughter)

Hon. Kajwang' you may come and vote.

(Hon. TJ Kajwang' spoke off record)

No, just vote.

(Voting in progress)

Hon. Members, it is in your Standing Orders that when voting is going on, every Member must be seated and silent. For the new Members who are walking up and down – I

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even see the older ones, as well - when voting is going on, you are supposed to be seated, and silent.

DIVISION

(Question put and the House divided)

(Question carried by 96 votes to 19)

AYES

- | | |
|------------------------------|---------------------------------------|
| 1. Hon. Abdisirat Khalif | 41. Hon. Kamande Mwafrika |
| 2. Hon. Abraham Kirwa | 42. Hon. Kangogo Bowen |
| 3. Hon. Adams Korir | 43. Hon. Kareke Mbiuki |
| 4. Hon. Alfah Miruka | 44. Hon. Kassait Kamket |
| 5. Hon. Ali Rasso | 45. Hon. Kibet Komingoi |
| 6. Hon. Amina Siyad | 46. Hon. Kiborek Reuben |
| 7. Hon. Ann Wamuratha | 47. Hon. Kilel Richard |
| 8. Hon. Bernard Kitur | 48. Hon. Kitilai Ntutu |
| 9. Hon. Clement Sloya | 49. Hon. Kuria Kimani |
| 10. Hon. Daniel Karitho | 50. Hon. Major (Rtd) Abdullahi Sheikh |
| 11. Hon. Daniel Nanok | |
| 12. Hon. David Gikaria | 51. Hon. Malulu Injendi |
| 13. Hon. Didmus Barasa | 52. Hon. Marianne Kitany |
| 14. Hon. Edwin Gichuki | 53. Hon. Michael Muchira |
| 15. Hon. Faith Gitau | 54. Hon. Michael Wainaina |
| 16. Hon. Francis Sigei | 55. Hon. Mpuru Aburi |
| 17. Hon. Gabriel Tongoyo | 56. Hon. Muchangi Karemba |
| 18. Hon. Geoffrey Wandeto | 57. Hon. Musa Sirma |
| 19. Hon. George Gachagua | 58. Hon. Mwangi Kiunjuri |
| 20. Hon. George Kariuki | 59. Hon. Mwengi Mutuse |
| 21. Hon. George Koimhuri | 60. Hon. Naomi Waqo |
| 22. Hon. George Murugara | 61. Hon. (Eng.) Nebart Muriuki |
| 23. Hon. GG Kagombe | 62. Hon. Nelson Koech |
| 24. Hon. Gideon Kimaiyo | 63. Hon. Njeri Maina |
| 25. Hon. Harrison Kombe | 64. Hon. Njuguna Wanjiku |
| 26. Hon. Innocent Obiri | 65. Hon. Onesmus Ngogoyo |
| 27. Hon. Jackson Lekumontare | 66. Hon. Paul Chebor |
| 28. Hon. James Gakuya | 67. Hon. Peter Lochakapong |
| 29. Hon. Joash Nyamoko | 68. Hon. Protus Akujah; |
| 30. Hon. Johana Kipyegon | 69. Hon. (Dr.) Robert Pukose |
| 31. Hon. (Eng.) John Kiragu | 70. Hon. Ruku GK |
| 32. Hon. John Makali | 71. Hon. Ruweida Mohamed |
| 33. Hon. John Paul Mwirigi | 72. Hon. Suleka Harun |
| 34. Hon. John Waithaka | 73. Hon. Wachira Karani |
| 35. Hon. Joseph Emathe | 74. Hon. Wakili Muriu |
| 36. Hon. Josses Lelmengit | 75. Hon. Yusuf Adan |
| 37. Hon. Julius M'anaiba | 76. Hon. Samwel Chepkonga |
| 38. Hon. Julius Melly | 77. Hon. Benjamin Lang'at |
| 39. Hon. Julius Rutto | 78. Hon. Joseph Makilap |
| 40. Hon. Kahangara Mburu | 79. Hon. Charles Kamuren |

- | | | | |
|-----|------------------------|-----|------------------------|
| 80. | Hon. Mugambi Rindikiri | 89. | Hon. Alice Ng'ang'a |
| 81. | Hon. Fabian Muli | 90. | Hon. Mejjadonk Gathiru |
| 82. | Hon. Antony Wainaina | 91. | Hon. Rahim Dawood |
| 83. | Hon. Kimani Ichung'wah | 92. | Hon. Rahab Mukami |
| 84. | Hon. Wanjiku Muhia | 93. | Hon. Silvanus Osoro |
| 85. | Hon. Hilary Kosgei | 94. | Hon. Daniel Wanyama |
| 86. | Hon. Joshua Mwalyo | 95. | Hon. Feisal Bader |
| 87. | Hon. Jayne Kihara | 96. | Hon. Joseph Hamisi |
| 88. | Hon. Joseph Wainaina | | |

NOES

- | | | | |
|-----|-------------------------|-----|--------------------------|
| 1. | Hon. Anthony Oluoch | 11. | Hon. Samuel Atandi |
| 2. | Hon. Caleb Hamisi | 12. | Hon. (Dr.) Ojiambo Oundo |
| 3. | Hon. Caroli Omondi | 13. | Hon. Yussuf Farah |
| 4. | Hon. Charles Ong'ondo | 14. | Hon. TJ Kajwang' |
| 5. | Hon. Hussein Weytan | 15. | Hon. Rozaa Buyu |
| 6. | Hon. Julius Sunkuli | 16. | Hon. Mohammed Adow |
| 7. | Hon. Kakuta Maimai | 17. | Hon. Yakub Adow |
| 8. | Hon. Mohamed Abdirahman | 18. | X |
| 9. | Hon. Parashina Sakimba | 19. | X |
| 10. | Hon. Patrick Simiyu | | |

ABSENTION

- Hon. (Dr.) Rachael Nyamai

Hon. Speaker: Hon. Members, the results of the Division are as follows:

AYES-96

NOES-19

ABSENTION- 1

The Ayes have it. You may now open the doors. You will be obligated to sit and transact your businesses until you finish what is on the Order Paper.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Wandayi, there is nothing out of order. We are on Order No. 9 and since there is no debate, we can have the Chairperson, Committee on Delegated Legislation, move his Motion.

MOTIONS

ADOPTION OF REPORT ON STATUTORY INSTRUMENTS (EXEMPTION FROM EXPIRY) REGULATIONS, 2022

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Statutory Instruments (Exemption from Expiry) Regulations, 2022, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of

sections 21(2) of the Statutory Instruments Act, 2013, approves the Statutory Instruments (Exemption from Expiry) Regulation 2022, published as Legal Notice No.214 of 2022.

Hon. Speaker, these are Regulations that were made prior to 2013, and the Statutory Instruments Act provides that all Regulations that were made either on or before 23rd January 2013 shall automatically expire on 23rd January 2023. There are many Regulations that were made on or before that date that are due to expire on 23rd January 2023. Among them are those listed in the committee Paper that has already been circulated. The *Gazette Notice* has already been published extending the said Regulations as required by Section 21(2) of the Statutory Instruments Act, 2013. Among those Regulations that are being extended... Members need to listen because it is going to affect them. I do not know why Members are talking. You will apply for mortgage and you will not get if you do not approve these Regulations.

The Regulations that are extended are those with regard to the Parliamentary Service Commission, and the Constituency Offices Regulations, 2005, which will affect them if they do not extend the timelines because they will not receive any money.

The other Regulations that are due to be extended is the Centre for Parliament Studies and Training Regulations; the Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund) that are also due to expire; the Public Finance Management (Parliamentary Car Loan (Staff) Scheme) Regulation that was made in 2013; and Parliamentary Service (Offices of Members of Parliament) Regulations that were made in 2013. If we do not extend these Regulations, Members of Parliament who occupy offices outside Parliament precincts will be thrown out. That is why I am telling them to listen very carefully, including Hon. Wandayi, who is my good friend. I can see him now listening keenly.

With those remarks – which I believe are straightforward – these are Regulations that have been published to be extended for a period of one year so that they can bring them before the Committee for consideration between now and 23rd January 2023.

I would like to request Hon. Komingoi to second.

Hon. Speaker: Yes, Member for Bureti.

An Hon. Member: On a point of order, Hon. Speaker.

Hon. Speaker: There is nothing out of order. Can you second? Give him the microphone. Give him the nearest microphone.

Hon. Kibet Komingoi (Bureti, UDA): Hon. Speaker, noting that this is only the exemption from expiry, I second this Motion so that the Regulations may be still in operation pending their submission to the Committee on Delegated Legislation. Thank you.

Hon. Speaker: Hon. Members, I now propose the Question.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Is that the mood of the House? Yes.

(Loud consultations)

I will now put the Question. Order Hon. Members!

(Question put and agreed to)

Next Order!

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Leader of Minority Party, what is itching you?

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I am not being...

(Hon. TJ Kajwang' spoke off record)

Hon. Speaker: Order Hon. Members. Hon. Kajwang', you are a senior lawyer and a senior Member of this House. Order Hon. Kajwang'. Order Hon. Kajwang'. Order Hon. Wandayi, sit down. Hon. Kajwang', if you are inviting an expulsion, I will not give it to you. I will not give it to you. Hon. Wandayi.

(Laughter)

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, thank you for giving me this chance. I want to be very brief. Following the vote we have taken under Order No.8, we are seeing intolerance creeping into this House. I want it to go on record that as the Minority side, we are not willing to be party to a process which aims at legitimising illegalities and illegitimacies. This House cannot under our watch be turned into a kangaroo institution and for that reason, Hon. Speaker, you cannot preside over a House like this. With all tremendous respect, therefore, I want to give you a chance to proceed with...

(Loud consultations)

Hon. Speaker: Order Hon. Wandayi! You are definitely prosecuting a matter that is not before the House. We have voted, and once you vote on a matter, it is spent. You cannot, under the guise of a Standing Order, launch a vicious and an unjustified assault on the House to which you are a Member and a leader. I urge you to exercise restraint. I urge you to be a good parliamentarian and whenever you want to say something, I will give you an opportunity. But to launch that kind of ferocious assault on the House is totally out of order. I want to urge you Members that whatever internal turmoil we may have, let us constrain it to ourselves and not bring it to the Floor.

Next Order.

Hon. TJ Kajwang' (Ruaraka, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: No further points of order. You are out of order. The next Order has been called; Order No.10.

ADOPTION OF REPORT ON STATUTORY INSTRUMENTS
(EXEMPTION FROM EXPIRY) REGULATIONS, 2022

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, the House adopts the Report of the Committee on Delegated Legislation on its consideration of the Statutory Instruments (Exemption from Expiry) Regulations, 2022, laid on the Table of the House on Thursday, 1st December 2022 and pursuant to the provisions of Section 21(2) of the Statutory Instruments Act 2013...

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

Hon. Speaker: Order Hon. Chepkonga. Hon. Junet, what is it that is out of order? I hope it is a legitimate point of order.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, we should not be bullied here. Some of the people who want to bully me found me here.

Hon. Speaker: Nobody will bully you. What is out of order?

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, what is out of order is that

...

(An Hon. Member spoke off record)

Look at that, Hon. Speaker. Is this the kind of a House we want to operate in?

Hon. Speaker: Order Hon. Members, Hon. Junet will be heard. What is out of order, Hon. Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I want to seek your indulgence. Even though we have voted on the matter as you said, which is very correct, we should be allowed to ventilate as a debating Chamber whatever we want to say. We feel gagged; we feel intimidated and we feel molested. For that reason, can we go?

(Hon. Junet Mohamed gestured to Hon. Members seated on the Minority side)

(Some Hon. Members withdrew from the Chamber)

Hon. Speaker: Order, Hon. Junet! Order Hon. Members! Hon. Junet, again you are totally out of order. The Motion that was moved by Hon. Chepkonga was very simple. Statutory Instruments are expiring, you should extend them so that they can go to the Committee and be validated, as simple as that. Your leader stands up and calls this House a kangaroo court; nothing completely related to the Motion that was before the House. Can you call that being denied a right to be heard? No, you cannot. Rules of relevance will apply on anything and everything that comes before this House. Go on Hon Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, with your indulgence...

(Loud consultations)

Can you listen first.

Hon. Speaker: There is nothing out of order. Order Hon. Members! Hon. Chepkonga will be heard.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Statutory Instruments (Exemption from Expiry) Regulations, 2022, laid on the Table of the House on Thursday, 1st December, 2022 and pursuant to the provisions of Section 21(2) of the Statutory Instruments Act 2013 as read together with the Revision of Laws Act (Cap.1), approves the Statutory Instruments (Exemption from Expiry) (No. 2), Regulations, 2022 published as Legal Notice No. 218 of 2022.

Hon. Speaker, this relates to Statutory Instruments that concern the Executive. With your very kind indulgence, since I was interrupted here while I was moving a Motion, would I be in order to request you to rule Members out of order? Standing Order 83, and we were all given Standing Orders and inducted, reads as follows:

“Any Member may raise a point of order at any time during the speech of another Member stating that the Member rises on a point of order and that Member shall be required to indicate the Standing Order ...”

Hon. Speaker: Hon. Chepkonga, I already ruled them out of order. Call your seconder.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I would like to point out that this notice affects about 1764 Regulations that have been made pursuant to 400 statutes that were passed by this House, so we are just regularising this just like we did for the ones of Parliament for a period of one year. I would like to request Hon. Mwirigi to second.

Hon. Speaker: Hon. Mwirigi.

Hon. John Paul Mwirigi (Igembe South, UDA): Hon. Speaker, I second.
(*Question proposed*)

(*Question put and agreed to*)

Hon. Speaker: Next Order.

ADOPTION OF REPORT ON ADJUSTMENT OF RATES OF
EXCISE DUTY FOR INFLATION REGULATIONS, 2022

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Adjustment of Rates of Excise Duty for Inflation Regulations, 2022, laid on the Table of the House on Thursday, 1st December, 2022, and pursuant to the provisions of Section 10(3) of the Excise Duty Act, 2015, approves the Adjustment of Rates of Excise Duty for Inflation Regulations, 2022 published as Legal Notice No. 176 of 2022.

An Hon. Member: On a point of order.

Hon. Speaker: Hon. Member, what is out of order? You are the Hon. Member for?

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Kajiado North.

Hon. Speaker: Kajiado North. Yes.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): There is a problem and I seek your indulgence. The air conditioner is making this place very uncomfortable.

Hon. Speaker: Is it too hot or too cold?

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Too cold.

Hon. Speaker: That is the work of the Clerk and the Serjeant-at-Arms. They will do that. Carry on.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Speaker. As I move, I just want to mention that there is no one who has any power to make any regulations as a force of law. So, these are regulations being made for the purpose of levying tax. It is purely procedural.

I, therefore, move and request Hon Komingoi to second.

Hon. Speaker: Hon. Member to second.

Hon. Kibet Komingoi (Bureti, UDA): Thank you, Hon. Speaker. I second the Motion.

(*Question proposed*)

Hon. Speaker: I will now put the Question there being no interest in debating the matter.

(*Question put and agreed to*)

Next Order.

ADOPTION OF REPORT ON ADJUSTMENT OF RATES OF EXCISE DUTY FOR
INFLATION REGULATIONS, 2022

Hon. Speaker: Chair, Committee on Delegated Legislation

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Adjustment of Rates of Export Levy for Inflation Regulations, 2022, laid on the Table of the House on Thursday, 1st December, 2022, and pursuant to the provisions of Section 15(4) of the Statutory Instruments Act, 2013, approves the Adjustment of Rates of Export Levy for Inflation Regulations, published as Legal Notice No. 177 of 2022.

Hon. Speaker, these Regulations were considered by the Committee. Members of the Kenya Revenue Authority appeared before us and we recommend that this House approves because it is a requirement of the law that this must be approved once the Cabinet Secretary has made the regulation in consultation with KRA.

I request Hon. Mwirigi to second

Hon. Speaker: Give Hon. Mwirigi the mic.

Hon. John Paul Mwirigi (Igembe South, UDA): Thank you, Hon. Speaker. I second.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Next Order

SPECIAL MOTIONS

APPROVAL OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Administration and Internal Affairs in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Julius Korir, State Department for Cabinet Affairs.
- (ii) Ms. Aurelia Rono, State Department for Parliamentary Affairs.
- (iii) Mr. Raymond Omollo, State Department for Interior and National Administration.
- (iv) Amb. (Prof.) Julius Bitok, State Department for Citizen Services.
- (v) Ms. Esther Ngero, State Department for Performance and Delivery Management.

Hon. Speaker, as a Committee we had an opportunity to look at the suitability of the said five nominees for the positions. We looked at their academic qualifications and Chapter Six of the Constitution on the issue of integrity. I want to confirm to this House that all the five nominees are best suited for the said positions. They are men and women who are up to the task and ready to serve this country.

Majority of them have worked in Government departments and State corporations. They have vast knowledge and experience of service. I have no doubt the said officers will give this country the needed service. I want to call upon this House to rise to the occasion and

approve the said nominees. As you all know their services are eagerly needed to have the Government moving. I beg to move and ask my Vice-Chair, Hon. Raso, to second me.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Tongoyo, when you finish moving you say ‘I beg to move’.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I beg to move.

Hon. Speaker: Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Speaker. The Committee was meant to look at their suitability and competence so, we were satisfied and beg the House to approve. I second.

Hon. Speaker: Hon. Members, I will now propose the Question. Order Hon. Members!

(Question proposed)

Hon. Members, there being no interest in debating the matter, I will now put the Question.

(Question put and agreed to)

Next Order!

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Speaker: Chairperson of the Departmental Committee on Agriculture and Livestock.

Hon. GG Kagombe (Gatundu South, UDA): Hon. Speaker, I rise to move the Motion that seeks to approve Mr. Phillip Kello Harsama and Mr. Harry Kimtai Kachuwai, CBS for appointment...

Hon. Speaker: Order! You say, ‘I beg to move the following Motion’ then read the Motion as drafted.

Hon. GG Kagombe (Gatundu South, UDA): Hon. Speaker, I rise to move the Motion:

THAT, taking into consideration the findings of the Departmental Committee on Agriculture and Livestock in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Phillip Kello Harsama – State Department for Crop Development.
- (ii) Mr. Harry Kimutai Kachuwai, CBS – State Department for Livestock Development.

These people appeared before the Committee and demonstrated knowledge in their respective State departments. Therefore, I beg to move the Motion and ask Hon. Justice Kemei to second.

Hon. Speaker: Give Hon. Kemei the microphone.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Speaker. As a Member of the Committee, the nominees presented themselves before us and proved their suitability. Therefore, I rise to second the Motion.

Thank you.

Hon. Speaker: Hon. Members, I will now propose the Question.

(Question proposed)

Hon. Members, there being no interest in debating the matter, I will now put the Question

(Question put and agreed to)

Chairperson of the Departmental Committee on Blue Economy and Irrigation.

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Blue Economy and Irrigation in its Report on Vetting of Nominees for the Appointment of Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to Article 155(3) (b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Ms. Betsy Muthoni Njagi, State Department for Blue Economy and Fisheries.
- (ii) Mr. Gitonga Mugambi, State Department for Irrigation.
- (iii) Dr. Paul Ronoh, State Department for Water and Sanitation.

Hon. Speaker, the three nominees appeared before the Departmental Committee on Blue Economy and Irrigation and demonstrated their skills. These are officers who have worked in various sectors in Government. Madam Betsy is currently a Chief Officer in Tharaka-Nithi County. She has been there for a while. She has transformed her department.

Mr. Gitonga Mugambi, who is currently the Chief Executive Officer of National Irrigation Authority, is a long-serving officer in the Department. He has been placed in the State Department for Irrigation. The Committee found out that he has a lot of experience in the irrigation sector.

Dr. Paul Rono is currently the acting CEO of Information and Communication Technology (ICT) Authority. The three officers appeared before us. There was no memorandum against them. We looked at their documents from Ethics and Anti-Corruption Commission (EACC) and compliance from KRA. All of them were in order.

With those many remarks, I beg to move the Special Motion and ask Hon. Muthama to second.

Hon. Speaker: Hon. Muthama. Give him the microphone.

Hon. Stanley Muthama (Lamu West, JP): Thank you, Hon. Speaker. The nominees appeared before us. We checked each and every requirement and their vast experience. When we checked whether they are able to undertake the expected responsibilities, we discovered they are very okay.

So, I second the Special Motion. Thank you, Hon. Speaker.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: There being no interest in debating the Motion, I now put the Question.

(Question put and agreed to)

Next Order.

APPROVAL OF NOMINEES FOR APPOINTMENT
AS PRINCIPAL SECRETARIES

Hon. Speaker: Give Hon. Kiarie the microphone. He is on your left.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Communication, Information and Innovation in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Prof. Edward Kisiangani, State Department for Broadcasting and Telecommunication.
- (ii) Eng. John Kipchumba Tanui, State Department for ICT and Digital Economy.

Having gone through the prerequisite steps that are required, the two nominees appeared before the Committee yesterday. During the vetting process, we certified that all preliminary procedures were followed. Secondly, these two nominees satisfied the Committee that they are fit to hold office as Principal Secretaries on the basis of their qualifications, background, training, education and understanding in the sector's specific areas on the mandate that they shall be undertaking.

Hon. Speaker, with these few remarks, I beg to move the Special Motion. I request Hon. Vice-Chairperson of the Committee, Hon. Alfa Miruka, to second.

Hon. Alfah Miruka (Bomachoge Chache, UDA): Hon. Speaker, as the Chair has stated clearly, we keenly looked at the documents of the two nominees. I second the Special Motion without any objection.

Thank you.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: There being no interest in debating the Motion, I now put the Question.

(Question put and agreed to)

Next Order.

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Nelson Koech (Belgut, UDA): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table

of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Patrick Mariru, State Department for Defence.
- (ii) Dr. Korir Sing'oei, State Department for Foreign Affairs.
- (iii) Ms. Roseline Njogu, State Department for Diaspora.
- (iv) Mr. Abdi Dubat, State Department for East African Community Affairs.

I ask the House to approve the appointment of the four nominees. They all demonstrated knowledge of their specific fields. They ticked all the boxes.

Hon. Patrick Mariru, the nominee for the State Department for Defence was on the Speaker's Panel in the last Parliament. He is an extremely qualified lawyer. He demonstrated a lot of eagerness and zeal to serve in the State Department for Defence. He ticked all the boxes. In the collective wisdom of the Committee, we felt that he is suitable to serve in that position.

Even before Abraham Sing'oei was nominated as the Principal Secretary in the State Department for Foreign Affairs, he had already worked with the former Deputy President in almost the same position even though there was no such office. The Committee found him suitable. He ticked all the boxes.

The same applies to Madam Roseline Catherine Njogu. She is a very accomplished scholar who is still doing her PhD.

In short, all the nominees demonstrated their abilities, education and suitability. In its wisdom, the Committee requests that this House considers that Report and approves all the nominees.

I beg to move and request Hon. Sloya to second.

Hon. Speaker: Give Hon. Sloya the microphone.

Hon. Clement Sloya (Sabatia, UDA): Thank you, Hon. Speaker. Considering the importance of the four departments, that is, Defence, Foreign Affairs, Diaspora and East African Community Affairs, and also considering that we took these four nominees through the procedures that are required for them to be approved by this House, I hereby second the Motion.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: There being no interest in debate, I now put the Question.

(Question put and agreed to)

Next Order! Yes, Hon. Melly.

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Julius Melly (Tinderet, UDA): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Education and Research in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b)

of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Dr. Belio Kipsang, State Department for Basic Education.
- (ii) Ms. Esther Thaara Muoria, State Department for Technical and Vocational Education and Training.
- (iii) Ms. Beatrice Inyangala, State Department for Higher Education and Research.

The Departmental Committee on Education and Research sat and had several meetings. It found that the three officers, who have held senior positions in Government and in the private sector, were qualified in terms of knowledge, understanding and even in the way they presented themselves. The Committee carefully looked into the three officers.

Dr. Belio Kipsang has worked as a Principal Secretary in the education sector and also in the Northern Corridor and ASAL areas. He demonstrated a lot of knowledge, especially on issues of basic education and the education sector at large.

Ms. Thaara Muoria is a seasoned professional having worked at the university at a senior position as a researcher. She has also worked as an Academic Registrar at the Jomo Kenyatta University of Agriculture and Technology (JKUAT). She has worked in various sectors of Government and demonstrated a lot of knowledge in technical education and training. Therefore, she qualifies to be in that position.

Ms. Beatrice Inyangala is a seasoned university don. She is a lecturer of great repute. She has written many books on university pedagogy and teaching.

Members looked at the papers of the three nominees, especially on matters of education as well as their constitutional qualifications. We found that the three officers were very qualified and suitable to serve as Principal Secretaries in the various sectors. They all demonstrated knowledge and understanding of the sectors that they will have a mandate over.

I beg to move and ask Hon. Malulu Injendi, the Vice-Chairperson of the Committee, to second.

Hon. Speaker: Hon. Injendi. Give Hon. Malulu Injendi the microphone.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Speaker.

The three nominees appeared before the Departmental Committee on Education and Research yesterday, and all the 12 members who were present found them suitable to serve in the Ministry of Education in their respective departments.

As a Vice-Chairperson, I second. Thank you Hon. Speaker.

(Question proposed)

(Question put and agreed to)

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Speaker: Chairperson, Departmental Committee on Energy. Give the Member the Microphone.

Hon. Vincent Musau (Mwala, UDA): Hon. Deputy Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Energy in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022 and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Alex Wachira, State Department for Energy.
- (ii) Mr. Mohamed Liban, State Department for Petroleum.

Hon. Speaker, we spent time with the two nominees, and the Departmental Committee on Energy was unanimous in its decision that the duo did not only meet the academic credentials, professional experience and integrity, but also demonstrated that they have the ability and commitment to drive Kenya towards affordable and available energy.

The two also demonstrated the ability to learn fast. We took them through specific questions concerning the sector and they demonstrated a lot of competence.

With those few remarks, I beg to move and request one of my Members, Hon. Mwafrika to second.

Thank you, Hon. Speaker.

Hon. Speaker: Give, Hon. Mwafrika the microphone.

Hon. Kamande Mwafrika (Roysambu, UDA): Thank you, Hon. Speaker.

As a Member of the Departmental Committee on Energy, I wish to confirm that the Committee sat and found the two nominees suitable for their respective positions which they have been nominated to.

I second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: There being no other interest in debating the Motion, I go ahead to put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Speaker. I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Environment Forestry and Mining in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Festus Ng'eno, State Department for Environment.
- (ii) Mr. Ephantus Kimotho, State Department for Forestry.
- (iii) Mr. Elijah Mwangi, State Department for Mining.

Hon. Speaker, I want to thank the Committee for having sat for very many hours deliberating on the requirements as stipulated in the Constitution and the relevant Acts.

Mr. Ng'eno promised that the matter of the environment is a great concern for this country with the climate change and he has promised that he is going to take action so that we may see to it that the environment and the National Environment Management Authority (NEMA) which has always been blamed for not working, is functional. This will ensure that environmental issues can be handled properly.

Mr. Ephantus Kimotho not only promised to increase the forest cover, but he also promised that in as much as we are planting trees, we also need to take care of tree seedlings

after planting, and also to take care of the fires that have been destroying our forests, especially during the dry season.

Mr. Elijah Mwangi, the young nominee for the State Department for Mining, similar to the other nominees, told us that this country is rich in minerals. He promised that in the next three or four years, this country and the mining department will increase the Exchequer to this Government.

Most importantly, we told these nominees that they need to respect Members of Parliament. We approve them on the Floor of this House but after that, we do not see eye to eye with each other. Sometimes, when Members of Parliament go to their offices to represent their constituents, those Principal Secretaries have no time for them. They promised that Members' problems, for instance, Questions like the one that was brought here early this week will be handled in the first 10 days, not 100 days.

So, Hon. Speaker, I beg to move and call upon a young parliamentarian and the Member for Kajiado North, Hon. Onesmus, to second.

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

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

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Hon. Deputy Speaker, I rise to second the Motion as moved by the Chairperson, Hon. Gikaria.

As the Chair has mentioned, we vetted the individuals and, as you are aware, in vetting, we check on suitability. Mr. Festus Ng'eno is an environmental scientist by profession, having served in the County Government of Nakuru.

Mr Ephantus Kimotho is an experienced gentleman who has worked in the private sector and Mr Elijah Mwangi has also worked in the private sector. We found them suitable and as a Committee, we decided to give them a chance to serve this country. We saw a lot of capacity and tenacity in them to face the challenges ahead of them with regard to environment, which is a global concern.

With those few remarks, I beg to second.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Kuria Kimani (Molo, UDA): Hon. Deputy Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Dr. Chris Kiptoo – State Department for National Treasury.

(ii) Mr. James Muhati – State Department for Economic Planning.

Hon. Deputy Speaker, Dr. Chris Kiptoo demonstrated to be a great economist having risen from an economist at the National Cereals and Produce Board (NCPB). He is an accomplished scholar with a PhD in International Micro-Economics Finance. He is a career civil servant who has dedicated all his life on matters of this country.

Mr. James Muhati is the current CEO of Huduma Centre. Again, he is an accomplished educated gentleman who really demonstrated an understanding of the role. Throughout his career, he has demonstrated virtues of hard work and dedication to service.

After long hours of sitting and vetting, the Departmental Committee on Finance and National Planning highly recommends these two gentlemen for appointment as Principal Secretaries in the two State Departments of the National Treasury and Economic Planning.

I beg to move and ask my Vice-Chairperson, Amb. Benjamin Lang'at, to second. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Assist him with a microphone.

Hon. Benjamin Lang'at (Ainamoi, UDA): Hon. Deputy Speaker, I rise to second this Motion.

I will only make one statement about this process. In vetting these nominees, we were guided by the Public Appointments (Parliamentary Approval) Act No. 33 of 2011. That Act requires that we conduct four tests on the nominees. One is the procedural test, which both nominees passed. Two, is the compliance test and they both passed. Three, is the integrity test. We did not receive any negative memorandum against any of them and so they both passed. Finally, is the suitability test. The nominees presented themselves before us and the Committee was unanimous on their suitability.

I, therefore, second the Motion and ask the House to approve the two nominees so that they can go and lead the economy.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. (Dr.) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Health in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries –

- (i) Eng. Peter Tum – State Department for Medical Services.
- (ii) Dr. Josephine Mburu – State Department for Health Standards and Professional Management.

Hon. Deputy Speaker, the nominee, Eng. Peter Tum, who is a biomedical engineer has worked in the Public Service since 1990 to date. He now serves as a Principal Secretary in the Ministry of Labour. He has served in various capacities as Director at the Kenya Medical Training College (KMTC), and Principal Secretary in the Ministry of Health for one year and

now in the Ministry of Labour. This long stint in the public service has given him vast knowledge and understanding of the public sector. He demonstrated that he understands the job requirements.

The nominee for the State Department for Health Standards and Professional Management, Dr. Josephine Mburu, has worked in the Ministry of Health for the last 34 years from the year 1988 to date. She rose through the ranks having started as a lab technician to her current position as a lecturer at KMTC. Her vast knowledge and experience in the operations and management of the affairs of the Ministry of Health were acquired during her long service in the Ministry and she demonstrated that she has the capacity. I thank the members of the Committee on Health for the long hours they spent in approval hearing of these two nominees. I call upon the House to approve these nominees and ask Hon. Kipng'ok Reuben Kiborek, Member for Mogotio, to second.

Hon. Kiborek Reuben (Mogotio, UDA): Hon. Deputy Speaker, I rise to second the Motion as moved by the Chairperson, Hon. Pukose. The two nominees came before the Committee and we saw them fit for the position. They deserve the positions because they are experienced Kenyans who rose up the ladder in the Ministry. We can name them 'bottom up' because they have come from KMTC level to being doctors. They are experienced and qualified in matters health. I second the Motion.

Thank you.

(Applause)

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Deputy Speaker. I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Housing, Urban Planning and Public Works in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022 and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Charles Hinga – State Department for Housing and Urban Development.
- (ii) Mr. Joel Arumonyang – State Department for Public Works.

The two gentlemen came before the Committee and we vetted them for suitability, capacity and capability of serving in those two particular positions. Mr. Hinga had served before as a Principal Secretary for Housing and Urban Development. He came in with a lot of experience on matters that concern housing and also transport, especially the Nairobi Metropolitan Area (NaMATA), which he introduced to that particular department.

We looked into the issues of EACC, Directorate of Criminal Investigations (DCI) reports and all the matters that were necessary. We found that this gentleman passed that examination.

Mr. Arumonyang is a young man. He has been serving as the Cabinet Secretary of West Pokot County. At some point, he also served as a member in the County Executive Committee (CEC). He also worked as a lecturer. His capacity to work in that particular office is good. I, therefore, wish to request this House to approve the two gentlemen, and I call upon my deputy, Hon. Rindikiri, to second. Thank you.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Deputy Speaker. I rise to second the Motion and plead with the Hon. Members to approve the nominees, Mr. Hinga and Mr. Arumonyang. This is a key department in the Ministry of Housing, Urban Development and Public Works. It is one of the key pillars of the hustler' Government. We found that they have the capacity and the ability to manage the affairs of the two departments. I, therefore, second.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEE
FOR APPOINTMENT AS PRINCIPAL SECRETARY

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the Vetting of a Nominee for Appointment as Principal Secretary, laid on the Table of the House on Thursday, 1st December 2022 and, pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of Ms. Mary Muthoni Muriuki as Principal Secretary, State Department for Correctional Services.

Hon. Deputy Speaker, the Committee retreated yesterday and did exhaustive vetting. We have produced a Report which is available to all Members who wish to see the nature and character of the person by the name Ms. Mary Muthoni Muriuki, whom we vetted. We were satisfied in all aspects that she is suited to be the Principal Secretary for Correctional Services.

Her knowledge of the subject matter was extensive and when we sought clarification, her answers to questions were excellent. As a result, we asked her one final thing: What her vision was for the Correctional Services Department? She told us that while the department requires reforming, she is set out to transform it for its betterment. We also observed her motherly love for persons in correctional services and this endeared the Committee.

With those remarks, I urge the House to approve. I beg to move and request a Member of the Committee, Hon. Jane Maina of Kirinyaga County, to second.

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Deputy Speaker, I rise to second the Motion approving Ms. Mary Muthoni as a Principal Secretary for Correctional Services. On behalf of the people of Kirinyaga, I thank the President for this well-deserved appointment. Ms. Muthoni is an exceptional lady with a heart to serve. We look forward to her service and transformative leadership.

Thank you, Hon. Deputy Speaker. I beg to second.

Hon. Deputy Speaker: I will now propose the Question.

(Question proposed)

Hon. Members: Put the Question.

Hon. Deputy Speaker: I will now put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Deputy Speaker: Kindly assist the Hon. Member with the microphone. You can move to the one on your right.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Deputy Speaker. I rise to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Labour in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Geoffrey Kaituko – State Department for Labour and Skills Development.
- (ii) Mr. Amos Gathecha – State Department for Public Service.

Hon. Deputy Speaker, the Committee met and I wish to confirm to the House that Mr. Geoffrey Kaituko is a man who is well educated, has served the County Government of Turkana as the Speaker and worked in the Office of the then Deputy President, William Samoei Ruto. He has a lot of experience. We believe he will get things done at the State Department of Labour and Skills Development. He has also written a book called *Getting Things Done*. I believe this is the person who will get things done. As you will realise, we have many issues to do with immigrant workers in Saudi Arabia and other places. We believe he will get things done.

We also sat and listened to Mr. Amos Gathecha who has a lot of experience in public service amounting to 32 years. He has risen from the position of District Commissioner to become the Principal Assistant Secretary. He is well educated and conversant with the issues in Government. We believe this is the right man for the job.

Hon. Deputy Speaker, I ask the House to approve these names. I move and ask Hon. Dika to second.

Hon. Amina Dika (Tana River County, KANU): Thank you very much, Hon. Deputy Speaker. I rise to second the approval of Mr. Geoffrey Kaituko and Mr. Amos Gathecha. Both nominees were very experienced and knowledgeable.

Thank you very much, Hon. Deputy Speaker. I second.

Hon. Deputy Speaker: Hon. Members, I now wish to propose the Question.

(Question proposed)

Hon. Members: Put the Question.

Hon. Deputy Speaker: I will now put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEE
FOR APPOINTMENT AS PRINCIPAL SECRETARY

Hon. Deputy Speaker: Does he have the microphone? I think you will have to move a little to your left.

Hon. Joash Nyamoko (North Mugirango, UDA): Hon. Deputy Speaker, I rise to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Lands in its Report on the Vetting of a Nominee for Appointment as Principal Secretary, laid on the Table of the House on Thursday, 1st December 2022 and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of Hon. Nixon Korir as Principal Secretary, State Department for Lands and Physical Planning.

Hon. Deputy Speaker, the nominee appeared before the Committee on Wednesday 30th November 2022 for vetting. The Committee examined his suitability based on the criteria set out in Section 2 of the Public Appointments (Parliamentary Approval) Act. In addition, the Committee examined his academic credentials, professional training, relevant experience and knowledge of the sector issues on leadership and personal integrity.

Hon. Deputy Speaker, Nixon Korir is a Kenyan citizen and does not hold dual citizenship. He holds a Bachelor of Laws degree from the University of Nairobi.

During the approval hearings, Hon. Nixon Korir demonstrated a good understanding of the plans and policies of the State Department for Lands and Physical Planning. The Committee, therefore, recommends that the National Assembly approves the nomination of Hon. Nixon Korir for appointment as a Principal Secretary in the State Department for Lands and Physical Planning.

Hon. Deputy Speaker, I beg to move the Special Motion and request Vice-Chairperson, Hon. Jayne Kihara, to second.

Hon. Jayne Kihara (Naivasha, UDA): Thank you, Hon. Deputy Speaker. Hon. Korir appeared before the Committee. First and foremost, we did not have any negative or positive memorandum about him. You know that he is our colleague. He is the immediate former Member for Lang'ata. He seems to have done a lot of research on land matters from the way he answered his questions. He also has a wealth of exposure in leadership, much as he is young and willing to learn more.

In view of the above, the Committee was convinced that he is equal to the task. I wish to second that *Generali* Nixon Korir is appointed as Principal Secretary, State Department for Lands and Physical Planning.

(Question proposed)

Hon. Members: Put the Question.

Hon. Deputy Speaker: Thank you, Members.

(Question put and agreed to)

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Peter Lochakapong (Sigor, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Regional Development in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of the following persons as Principal Secretaries –

- (i) Ms. Teresia Mbaika Malokwe – State Department for Devolution.
- (ii) Mr. Idris Salim Dokota – State Department for ASALs and Regional Development.

Hon. Temporary Speaker, the nominees appeared before the Committee on Wednesday, 30th November 2022. It examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act No.33 of 2011. In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues, and on leadership and integrity. It paid due regard to the procedure used to arrive at the nominee. This involves checking any constitutional or statutory requirements relating to the office in question and suitability of the nominee for the appointment proposed. It also involves examining whether the nominee's abilities, experience and qualities meet the needs of the State Department.

Hon. Deputy Speaker, having held approval hearings of the nominees regarding their suitability, the Committee observed that due process was followed in the recruitment process as provided for under Article 155(3)(b) of the Constitution and the Public Appointments (Parliamentary Approval) Act No.33 of 2011. The nominees have the required academic credentials, the relevant experience and knowledge of sector issues, leadership skills and integrity.

The Committee, therefore, recommends that the House approves the nomination of:

- (i) Mr. Idris Salim Dokota for appointment as Principal Secretary, State Department for ASALs and Regional Development.
- (ii) Ms. Teresia Mbaika Malokwe for appointment as Principal Secretary, State Department for Devolution.

Hon. Deputy Speaker, I beg to move the Special Motion and call upon Hon. Chererot Joseph Kimutai, Member for Kipkelion East, to second. Thank you.

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

[The Temporary Speaker (Hon. (Dr.) Rachael Nyamai) took the Chair]

Hon. Joseph Chererot (Kipkelion East, UDA): Thank you, Hon. Temporary Speaker. I rise to support what the Chairperson has presented. Mr. Idris Salim Dokota and Ms. Teresia Mbaika Malokwe appeared before our Committee for vetting. The two are equal to the task. Therefore, I second the Special Motion.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you, Hon. Member.

(Question proposed)

Hon. Members: Put the Question.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Very well.

(Question put and agreed to)

Next Order.

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Alice Ng'ang'a (Thika Town, UDA): Hon. Temporary Speaker, I beg to move the following Motion Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries-

- (i) Ms. Veronica Mueni Nduva – State Department for Gender and Affirmative Action.
- (ii) Mr. Joseph Mogosi Motari – State Department for Social Protection and Senior Citizens Affairs.
- (iii) Mr. Ismail Madey – State Department for Youth Affairs.

Hon. Temporary Speaker, the Committee sat down yesterday and approved these three nominees. They are all qualified, suitable, capable and able to do their work. We based our approval on their academic credentials and professional training. We also checked their experience and integrity levels. They are all qualified.

Ms. Veronica hails from Ukambani, specifically from Machakos and Makueni counties. She told us that when she was a young girl, Nyiva Mwendwa was a Member of Parliament. Her grandfather encouraged her to work hard so that she would one day ascend to higher levels. You could see her passion, drive and commitment when she was talking to the Committee. When we were campaigning for the new Constitution in 2010, Madam Veronica crisscrossed this country doing civic education and encouraging people to vote for whatever side they deemed right.

Mr. Joseph Mogosi Motari hails from Kuria. He explained to us yesterday that given this position, he will streamline cash transfers. As Members of the National Assembly, we know that there are many problems with cash transfers. Most of the beneficiaries are over 70 years old and they wait for many months before they receive their cash. At that age, the money they receive is for medication and so, it does not help at all if you delay the transfer of their money. He promised us yesterday that if he is given the position, he will streamline that Department.

Mr. Madey Ismael hails from Mandera County. He is a young gentleman and a hustler who proved to us that you can start from a very humble background and make it in life. He has a lot of experience in terms of the projects he wants to do with the National Youth Service (NYS). As a House, we know that the NYS has high levels of corruption. He promised us that given this opportunity, he will streamline the Department and make it a good place where youth will thrive and be accommodated to become better citizens. They will also be equipped with skills to develop this country.

(Loud consultations)

I am moving the Motion. Give me an opportunity to finish.

Hon. Temporary Speaker, I beg to move and request this House to adopt the Report. I also request my very able Vice-Chairperson, the Member of Parliament for Kipkelion West, to second the Motion.

Hon. Hilary Kosgei (Kipkelion West, UDA): Hon. Temporary Speaker, I beg to second the Motion. As summarised by the Chairperson, the three nominees were prepared when

they came to the interview. One would have been forgiven to think that they have been running their State departments for the last five years. The Committee unanimously felt that it was enough to give them an opportunity to serve Kenya.

Without wasting much time, I beg to second the Motion.

(Question proposed)

Hon. Member: Put the Question!

(Question put and agreed to)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Next Order.

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Sports and Culture of the National Assembly in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022 and, pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Jonathan Mueke - State Department for Sports and Arts.
- (ii) Ms. Ummi Mohamed Bashir - State Department for Culture and Heritage.

Hon. Temporary Speaker, Mr. Jonathan Mwangangi Mueke was the first Deputy Governor of Nairobi County from 2013 to 2017. He has worked in the private sector for the most part of his career. He is professionally affiliated with five professional bodies. As the Deputy Governor, he served in different capacities. During his tenure in Nairobi County, he was the sports ambassador of the Governors' Cup Football League which aimed at promoting various sports and games. He also helped in the enactment of various county laws such as the one on liquor licensing. He played very important roles while he was the Deputy Governor. As we interacted with him, we realised that he has a lot of passion for sports and many good ideas that will transform that Department.

Ms. Ummi Mohammed Bashir is the immediate former Vice-Chairperson of the National Elections Board in the United Democratic Alliance (UDA) Party, a position she held since January 2022 prior to her resignation in October 2022. She is a founder and partner of Ummi Bashir and Company Advocate from 2019 to date.

The nominee is pursuing a PhD in International Relations and Foreign Policy from United States International University - Africa (USIU). She holds a Master of Arts in Armed Conflicts and Peace Studies and Bachelor of Laws Degree and *Sharia*. She is a member of Law Society of Kenya and a Chief Executive Officer of Women Alliance where she champions women's rights. When we interacted with Ummi, we realised that she has a lot of knowledge on culture and she has many good ideas on how we can cultivate them and keep our good heritage.

The Committee conducted approvals hearings for the nominees on Wednesday, 30th November 2022. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, Public Appointments (Parliamentary Approval) Act and the

Standing Orders. Having considered the suitability capacity and integrity of the nominees, and pursuant to section 8(2) of the Public Appointments (Parliamentary Approval) Act, the Committee recommends that the National Assembly approves the appointment of:

1. Mr. Jonathan Mwangi Mueke to the position of Principal Secretary, State Department for Sports and Arts
2. Ms. Umami Mohammed Bashir to the position of Principal Secretary, State Department for Culture and Heritage

Hon. Temporary Speaker, I beg to move and request Hon. Faith, Member for Nyandarua County, to second.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Faith.

Hon. Faith Gitau (Nyandarua County, UDA): Thank you, Hon. Temporary Speaker.

I rise to second this Motion. Mr. Jonathan Mueke and Ms. Umami Mohammed Bashir have what it takes to turn around the State Department of Sports and Culture, thus giving it a new face.

I second. Thank you.

The Temporary Speaker (Dr.) Rachael Nyamai): Thank you very much, Hon. Faith.

(Question proposed)

Hon. Members, you may make your way in and take the nearest seat.

(Several Hon. Members entered the Chamber)

(Question put and agreed to)

Next Order.

APPROVAL OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Kareke Mbiuki (Maara, UDA): Hon. Temporary Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the finding of the Departmental Committee on Tourism and Wildlife in its Report on the Vetting of Nominees for the Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022 and, pursuant to the provisions of Article 15(3)(b) of the Constitution, the House approves the appointment of the following persons as Principal Secretaries:

1. Mr. John Ololtuaa - State Department for Tourism.
2. Ms. Sylvia Museiya Kihoro - State Department for Wildlife.

Hon. Temporary Speaker, the nominees appeared before the Committee on Wednesday, 30th November 2022, for the approval hearing where the Committee examined their suitability based on the criteria set out by the Public Appointments (Parliamentary Approval) Act, 2011.

The nominees were vetted on their academic credentials, relevant experience, knowledge of the sectors as well as leadership and integrity. Both nominees during the approval hearings demonstrated that they had good understanding of the plans and the policies of both State Departments of Wildlife and Tourism and how they would fit into the Government policies as required by Section 47(2)(v) of the Public Service Commission Act, 2017.

Hon. Temporary Speaker, according to the information and record presented to the Committee, both nominees have never been implicated on any issues that may lead to lack of integrity on their part and, therefore, meet the requirements of Chapter 6 of the Constitution.

Both nominees demonstrated sound knowledge of policies and programmes, as far as the projects within the State Department of Wildlife and Tourism are concerned, having practical experience in management of the sectors specifically, ranches and conservation in Kenya.

Madam Sylvia specifically, demonstrated an in depth understanding of the rights of indigenous people as well as nature conservation at the international level. As we move forward, you will realise that there would be a lot of human conflict within the sector and they assured us that they are going to find ways to ensure it is minimal.

Having considered the suitability, capacity and integrity of nominees and pursuant to Article of 155(3)(b) of the Constitution and Section 82 of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011, the Committee recommends that the National Assembly approves the appointment of:

1. Mr. John Ololtuaa- State Department for Tourism.
2. Ms. Sylvia Museiya Kihoro- State Department for Wildlife.

With those few remarks, I beg to move and request Hon. Kwanjiku John Njuguna to second.

Thank you, Hon. Temporary Speaker.

[The Temporary Speaker (Hon. (Dr.) Rachael Nyamai) left the Chair]

[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kwanjiku John Njuguna. Is Hon. Wanjiku John Njuguna in the House?

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): You do not have to repeat things that are on the Report. We have other businesses to transact. Say: "As per the Report of the Committee."

(Laughter)

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker.

The two nominees appeared before the Committee and they proved beyond reasonable doubt that they are capable of handling the Ministry and the State Corporation.

I second.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Speaker (Hon. Peter Kaluma): Is it the mood of the House that I put the Question?

(Question put and agreed to)

Mover!

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. James Gakuya (Embakasi North, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

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THAT, taking into consideration the findings of the Departmental Committee on Trade, Industry and Co-operatives in the Report of the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Alfred K'ombundo - State Department for Trade.
- (ii) Mr. Abubakar Hassan - State Department for Investment Promotion.
- (iii) Mr. Juma Mukwana - State Department for Industry.
- (iv) Mr. Patrick Kiburi Kilemi - State Department for Co-operatives.
- (v) Ms. Susan Mangeni - State Department for Micro, Small and Medium Enterprises Department.

Hon. Temporary Speaker, the Committee sat and verified all the required constitutional and Standing Orders requirements as stipulated. The process took place as required by the law. The five nominees participated in the vetting and presented themselves well in the interview. We looked at their integrity, suitability and the ability to work and all the nominees passed the test.

In the end, the Committee unanimously agreed that the five nominees passed the test.

I beg to move the Motion and ask the Member for Aldai, Hon. Kitany, to second the Motion.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, I beg to second the Motion.

The nominees Mr. Alfred K'ombundo, Mr. Abubakar Hassan, Mr. Juma Mukwana, Mr. Patrick Kilemi, and Ms. Susan Mangeni all met the required expectations. Ms. Susan Mangeni is geared to help us build the hustlers' fund. With her, we will be able to move it from where it is now to a bigger thing and same to the rest.

I second this Motion. Thank you.

*[The Temporary Speaker
(Hon. Peter Kaluma) left the Chair]*

*[The Temporary Speaker
(Hon. Farah Maalim) took the Chair]*

(Question proposed)

Hon. Members: Put the Question.

The Temporary Speaker (Hon. Farah Maalim): Fair enough, is that the mood of the House?

(Question put and agreed)

APPROVAL OF NOMINEES
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Transport and Infrastructure in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House

on Thursday, 1st December, 2022, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Mr. Joseph Mungai Mbugua – State Department for Roads.
- (ii) Mr. Mohammed Daghar – State Department for Transport.
- (iii) Mr. Shadrack Mwadime – State Department for Shipping and Maritime Affairs.

Hon. Speaker, the three nominees appeared before the Departmental Committee on Transport and Infrastructure and they were found fit to hold the offices as Principal Secretaries in their respective departments. The Committee unanimously agreed that the three are able to handle the responsibilities that come with three key departments in Transport and Infrastructure Ministry.

Thank you, Hon. Speaker. I beg to move and ask Hon. Mwangi Kiunjuri to second.

Hon. Mwangi Kiunjuri (Laikipia East, TSP): Thank you, Hon. Speaker. I want to confirm that I participated in the vetting and it was a unanimous decision. The three nominees are highly qualified. I beg to second.

(Hon. Silvanus Osoro walked along the gangways)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Osoro!

(Question proposed)

The Leader of the Majority Party, proceed please.

Hon Kimani Ichung’wah (Kikuyu, UDA): Hon. Speaker, I beg your indulgence because this is the last Motion in the approval process for Principal Secretaries. Members are aware this process has been very rigorous for many people who had spent a lot of time in committees. I can hear Hon. Pukose from behind me say many Members had to travel from Juba, abandon East African Legislative Assembly sports to come and complete the vetting process.

(Hon. John Kiarie consulted loudly)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Kiarie! Proceed.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you Hon. Temporary Speaker, for the protection. As Members are aware, the delay is because earlier on Hon. Opiyo Wandayi said these Principal Secretaries were only vetted yesterday. As Hon. Members are aware, 22 Principal Secretaries were vetted way before the Petition was filed before the High Court. After the striking out of the Petition filed by the Law Society of Kenya (LSK) by the High Court yesterday is when we made progress and Committees sat the whole day to consider the vetting process and table their reports.

It is important to mention that yesterday, LSK submitted a further memorandum to Parliament. It raised issues on the nomination of the 51 persons for appointment as Principal Secretaries and Committees of this House have completed the vetting and approval exercise in the Plenary. It stated that they did not meet certain constitutional requirements of regional balance, persons with disabilities, gender balance and the youth.

[The Temporary Speaker (Hon. Farah Maalim) left the Chair]

[The Speaker (Hon. Moses Wetang’ula) resumed the Chair]

Hon. Speaker, it is important to note that the vetting hearings and approval process conducted by Committees and this House are both guided by the Constitution and the Public Appointments (Parliamentary Approval) Act of 2011. Indeed, Article 27(8) of the Constitution speaks on the question of gender balance. Article 232 of the Constitution speaks to the issue of regional balance. Article 54 (2) of the Constitution speaks to the issue of persons living with disabilities. Article 55 of the Constitution speaks to the issues of representation of the youth, their access to employment and participation in political, social and economic spheres as citizens of this country.

Allow me to note that each Committee did the required when carrying out the vetting and approval hearings of the 51 persons nominated by the President for appointment as Principal Secretaries. They made reference and were guided by the provisions that I have enumerated in the Constitution and the Public Appointments (Parliamentary Approvals) Act of 2011. More critical is the provision of Section 7 of the Public Appointments (Parliamentary Approvals) Act of 2011 which defines the issues for consideration by a committee in conducting the approval hearings.

Section 7(a) of this Act requires that each committee and this House examines the procedure that was used to arrive at the 51 nominees. This can only be answered by going back and checking how the 51 nominees were interviewed, shortlisted and brought to this House. To this end, I note that all the Committees that vetted the Principal Secretaries have tabled their reports in this House and they have made reference to the Report of the Public Service Commission in terms of Article 155 (3)(a) of the Constitution.

After a quick perusal of that Report, Members and the country will observe that it went to great lengths to list in detail the names of the 51 nominees nominated as Principal Secretaries. It has also listed their gender, county of origin, age and whether the persons nominated are people living with or without disabilities. Therefore, it is worth noting that Section 47(3) of the Public Service Commission Act of 2017 also obligated the PSC in making recommendations for persons to be nominated by the President for appointment as Principal Secretaries to pay attention to inclusiveness in terms of gender, Kenya's diverse communities, persons living disabilities and the youth.

Hon. Speaker, from the Report of the Public Service Commission which, as I indicated, all the Committees of this House referred to as evidence in their reports, it is clear that the process of shortlisting and interviewing 51 persons adhered to the provisions of the Constitution and, among other things, gender, merits, youth, persons living with disabilities and ethnic and regional diversity of our country.

Therefore, allow me to conclude by saying that the memorandum by the Law Society of Kenya that was brought to the House was, indeed, forwarded to all the Departmental Committees that were conducting the vetting hearings. To this end, I am very glad because the Reports of the Committees have analysed all the ensuing constitutional issues relating to gender, youth and persons living with disabilities, ethnic and regional diversity. Therefore, all the Committees found that the nominees complied with those constitutional and statutory requirements of our Constitution.

Let me also take this opportunity, in a special way, to thank all the Chairpersons and Members of our Committees who took a lot of their time to participate in the vetting process and ensure that this process was completed successfully in record time. I also thank them for availing themselves and sacrificing to be here until late for this approval. I also congratulate all the nominees on their approval today as Principal Secretaries. I inform them that they will take office when they are sworn in as accounting officers in the Ministries of Government. They must be accountable to Kenyans and this House.

The Principal Secretary is nominated, approved and then sworn in. They must exercise their duties in the offices, bearing in mind that they are now public officers who must serve in line with the Constitution, our statutes and paying due diligence to the prudent management and use of public funds. I congratulate them. I note that a number of my classmates have been approved. Ms. Veronica Nduva was my classmate at the University of Nairobi. My other classmate is the Principal Secretary nominee, State Department for Housing and Urban Development, Mr. Charles Hinga. The other one is the Regional Manager of Kenya Rural Roads Authority (KeRRA) in Kiambu County who is now the Principal Secretary nominee for State Department for Roads. I congratulate them.

With those remarks, Hon. Speaker, I beg to submit and support.

(Question put and agreed to)

Hon. Speaker: Next Order.

MOTION

CONSIDERATION OF REPORT ON PETITIONS PURSUANT TO STANDING ORDER NO.230

Hon. Speaker: Departmental Committee on Justice and Legal Affairs.

Hon. George Murugara (Tharaka, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House considers and adopts the Report of the Departmental Committee on Justice and Legal Affairs on Petitions by the Republican Liberty Party, Rev. Dennis Ndwiga Nthumbi, Mr. Geoffrey Langat and Mr. Owuor Steve Gerry seeking the removal of four specified commissioners of the Independent Electoral and Boundaries Commission, laid on the Table of the House on Thursday, 1st December 2022, and pursuant to the provisions of Article 251(3) of the Constitution:

1. FINDS:

- (a) THAT, the Petition by the Republican Liberty Party discloses serious violations of the Constitution or other laws as a ground for removal of Ms. Juliana Whonge Cherera, Ms. Irene Cherop Masit, Mr. Francis Mathenge Wanderi and Mr. Justus Abonyo Nyang'aya as Commissioners of the Independent Electoral and Boundaries Commission.
- (b) THAT, the Petition by Rev. Dennis Ndwiga Nthumbi discloses serious violations of the Constitution or other laws, gross misconduct and incompetence as grounds for removal of Ms. Juliana Whonge Cherera, Ms. Irene Cherop Masit, Mr Francis Mathenge Wanderi and Mr Justus Abonyo Nyang'aya as Commissioners of the Independent Electoral and Boundaries Commission.
- (c) THAT, the Petition by Geoffrey Langat discloses serious violations of the Constitution or other laws, gross misconduct, and incompetence as grounds for removal of Ms. Juliana Whonge Cherera, Ms. Irene Cherop Masit, Mr. Francis Mathenge Wanderi and Mr. Justus Abonyo Nyang'aya as Commissioners of the Independent Electoral and Boundaries Commission.

- (d) THAT, the Petition by Owuor Steve Gerry discloses serious violations of the Constitution or other laws, gross misconduct, and incompetence as grounds for removal of Ms. Juliana Whonge Cherera, Ms. Irene Cherop Masit, Mr. Francis Mathenge Wanderi and Mr. Justus Abonyo Nyang'aya as Commissioners of the Independent Electoral and Boundaries Commission.
2. RESOLVES:
- (i) THAT, the petitions herein together with the materials in support thereof be sent to His Excellency the President pursuant to Article 251(3) of the Constitution;
- (ii) THAT, His Excellency the President appoints a tribunal to deal with the matter in accordance with Article 251(5) of the Constitution; and,
- (iii) THAT, His Excellency the President suspends the commissioners herein pending the determination by the tribunal.

Hon. Speaker, the House will recall that four petitioners came to the National Assembly with petitions that those four commissioners be removed from the IEBC. You referred the petitions to the Departmental Committee on Justice and Legal Affairs. In spite of the fact that we had 14 days, we did the best we could. Thank you very much for granting us a three-day extension.

I will start by thanking those Members of the Committee who sat throughout the assigned period for hearings. I thank the secretariat for the good work done. I report to this House this afternoon that we have two volumes of the Report which we have tendered to the House for consideration. Every Member can obtain those volumes and read them for themselves. In my estimation, in spite of all the hurdles that were thrown in its way, the Committee did a fantastic job. We were able to sit, hear and make recommendations.

There were many issues that were raised and all of them are addressed in this Report, including our jurisdiction, what role we had to play and whether there was anyone else mandated to do this work. Eventually, we found that we were the right Committee to deal with it and that is why we listened to everyone and came up with the Report. All the petitioners appeared before us. They were heard and everything they said is in the Report.

We also afforded adequate opportunity to the respondents - the four commissioners. I am pleased to report to the House that they were represented by counsels who made representations which we took into consideration while drawing the Report that we have brought to the House. We have a true record of what took place. Members of this Hon. House should read and know what was said and what we did.

Having listened to the petitioners, we came up with a decision as to whether any of the petitions made disclosures and I am happy to report to the House that after agonising for a couple of days away from Parliament, we were able to establish that each of those petitions disclosed a ground upon which each of the four Commissioners can be removed from office. We therefore, came to a conclusion – and made recommendations that the entire two volumes of the Report, including all the materials – that the petitions, responses and the letters that were written be forwarded to His Excellency the President so that he can appoint a tribunal to deal with these four Commissioners who actually, deserve to be removed from office on grounds of gross misconduct, violation of the law and everything else they did which was untoward. I do not wish to go into the evidence that was adduced before the Committee because it would take time. It is on record and I would adopt it as it is. Let everyone read and acquaint themselves with the Report so that we are able to debate soberly. This is a Report of the Committee which this House can either adopt or reject.

I urge you to adopt it because the issues raised by these petitioners were not frivolous. These are issues which on the face of it, established a *prima facie* case. It is on that ground that we have made this recommendation with the last one being, while the investigation is going on, these four Commissioners should not remain in office, but be suspended so that they get investigated and everything else done in accordance with our Constitution, the law – and I confirm – we also followed the Standing Orders.

With those few remarks, I beg to move that we consider and adopt this Report. I request my able Vice-Chairman, Mr. Eckomas Mwengi Mutuse to second the adoption.

Thank you, Hon. Speaker.

(Applause)

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Speaker.

I also thank the Chairman for his able presentation. I confirm that the Report tabled before the House – and as presented by the Chair – is a true reflection of the deliberations of the Committee.

I second.

(Question proposed)

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Speaker. I beg Members’ indulgence on this matter because this follows a petition by members of the public. Even as I rise to support, in a very special manner, allow me to thank the Departmental Committee on Justice and Legal Affairs for the good work that they put in.

Hon. Speaker, I also want to thank you because on 15th November 2022, you conveyed the four petitions for the removal of the four IEBC Commissioners by the Republican Liberty Party, Rev. Dennis Ndwiga Nthumbi, Geoffrey Lang’at and Owuor Steve Gerry. I thank you because you guided the Committee on how it would conduct its hearings. Now that we all followed the proceedings of the Committee, they adhered to your guidelines and the hearings were quite orderly.

Many Kenyans have asked why these hearings were televised. Some argue that all that the Committee needed to do was to look at the petitions quietly. However, you guided that the Commissioners who were being petitioned against be afforded the right to appear in person or through legal representation and the right to even cross-examine the petitioners under oath, over all the matters they had raised in their petitions.

Indeed, through the Chairperson of the Committee, I am privy to proceedings of the Committee and all the four Commissioners were afforded the opportunity to appear either in person or through counsel. However, they chose not to appear. A number of them sent their counsels to represent them.

Hon. Speaker and Hon. Members, you will remember the contention on the jurisdiction of the Committee on this matter. The ruling by the Chairperson, Hon. Murugara, was that indeed the Committee had jurisdiction to hear the petitions. I wish to confirm to the House and to the nation that this Committee has the mandate to hear and determine all the four petitions pursuant to Article 251 (3) of the Constitution and Standing Order 230 (4) as the Chairperson of the Committee directed.

Remember that Commissioner Irene Masit did not make any appearance as advised by her legal counsel, who wrote to the Committee through the Clerk of the National Assembly, vide a letter dated 28th November 2022, informing the Committee of her withdrawal from the proceedings. The other Commissioners made an appearance.

Besides fighting on the question of jurisdiction when they appeared before the Committee, which was in full view of cameras, their counsel withdrew from the proceedings of the Committee. Subsequently, they also submitted to the jurisdiction of the same Committee when they sought again to appear and cross-examine the petitioners but with a lot of delaying tactics.

I must commend all the members of the Departmental Committee on Justice and Legal Affairs Committee who conducted themselves with a lot of decorum. There was one sitting that looked like a law school class. I think the legal counsel had anticipated to find accountants like me in the JLAC. To their surprise, they found seasoned and senior lawyers like *Wakili* Muriu, *wakili* Osoro, *wakili* Njeri, Hon. Member for Kirinyaga and others including Hon. Mutuse and the Chairperson himself, Sir George. The members of this Committee burnt the midnight oil to even have this Report ready. We must commend them.

The other thing worth noting is that, in the history of this country, we have IEBC that have been fought left, right and centre. In fact, there are people who say that the most dangerous job to take up in this country is one of being a Commissioner of the IEBC. Indeed, it is because of what the political class of this country has subjected Commissioners of IEBC to.

It is worth noting that this is the first time in the history of all IEBCs that we have set up in this country, that we are seeing due process being followed in the removal or otherwise of commissioners. Members will recall of Chesoni, Kivuitu and Isaak Hassan who were removed through street demonstrations and riots around town to force them out of office. We must commend this Committee and the country. Our democracy now has become of age. We are removing people from offices in line with our statutes and the Constitution. I must commend this House. We must be proud that as the 13th Assembly, we are presiding over a process that follows due process. We have not had to get anybody to the streets despite the violation of our Constitution and statutes, these Commissioners engaged in during the electioneering process.

The fateful day in Bomas of Kenya is equivalent to 6th January 2021 when there was an attempted takeover of the Capital in the United States of America (USA). We model our democracy along the operations of other well grown democracies like that of the USA. We must not, as a country, ever allow something like what happened in Bomas of Kenya on that day to ever happen again.

These Commissioners were going to burn this country. It is sad. It is rather poetic justice or ironical that the people who agitated for the removal of Commissioners through riots and street demonstrations are today speaking about street demonstrations to protect Commissioners who have violated our Constitution, abused the people of Kenya and attempted to stage a coup against the sovereign will of the people of Kenya that was exercised in democratic, free and fair elections.

Hon. Speaker, I have no fear of contradiction to state that these Commissioners are indeed people who should be in the category of criminals because they wanted to burn our country. They were prodded by people who made them believe they had power over the people of Kenya, whose sovereign authority is given to them by Article 104 of the Constitution.

Hon. Speaker, it is poetic justice that the same people who prodded these Commissioners to line up and address a Press conference at Serena Hotel, afforded them luxurious rooms and apartments paid for by the State. This is because some people believed they were above the Constitution and law unto themselves. Today, the same people have been prodding these Commissioners to stay put.

Hon. Speaker, I want to speak to these Commissioners. They know what they did was criminal, against our Constitution and the will of the people. They intended to overturn their will which they exercised through the ballot. They know it is criminal and the right thing would

have been to resign before getting the country where we are and this House to consider such a Petition.

I want to speak to them because I know they are listening to me. Commissioners Masit, Cherera of the 'Chereramatics', Nyang'aya and Wanderi, it is time to pack and leave. You need not take this country through another painful process. Kenyans want to move forward from the 9th August 2022 election and the consequent actions of your misbehaviour at the Bomas of Kenya.

Hon. Speaker, the actions of these Commissioners would easily have turned this country into a banana republic. I must commend the millions of people who voted for the Azimio candidates - Raila Odinga and his running mate Martha Karua. They resisted and desisted from being incited to go to the streets by these Commissioners and those prodding them. We must thank and commend Kenyans. This is because for the first time in the history of our Republic since the advent of multi-partyism, they saw they can go into election, vote for the candidate of their choice, commend those who win and congratulate those who lose and the country moves on peacefully. We must commend the people of Kenya.

Therefore, these Commissioners must equally pay. I want to ask this House to support the recommendations of the Departmental Committee on Justice and Legal Affairs that these Commissioners be subjected to a tribunal. I would advise them not to allow themselves to get to the tribunal. It will be a painful process for this country to take them through a tribunal. We do not want to relive this.

Hon. Speaker, you and I were at the Bomas of Kenya. You know the tension that gripped this country out of the actions of Commissioners who were irresponsible and insensitive to millions of Kenyans, who woke up very early to vote for candidates of their choice. I want to repeat, the right thing would be not to get to a position where the Committee is recommending to His Excellency the President to appoint a tribunal. To deal with this matter in accordance with Article 251(5) of our Constitution, I would encourage them to give our country peace.

They wanted to destroy Kenyans who chose to live peacefully after voting and went home to wait patiently for the results. For Commissioners who were appointed to office not so long ago, to have the temerity to do what they did, was a very sad day for our country.

Hon. Speaker, you remember in the 12th Parliament when the process of appointing Commissioners came to this Floor, we indicated that we had not followed due process. There is an existing court order that had only allowed Commissioner Irene Masit to sit in office until they conducted the elections because she was not in office rightfully. There is a court judgement on that. This is the same Commissioner who did not even submit herself to due process, and she knows she ought not to be in the office in the first place.

Hon. Speaker, let me not even get into details of the misbehaviour of these Commissioners. I urge this House to rise to the occasion and approve this Report as recommended by the Departmental Committee on Justice and Legal Affairs. This will be a lesson to whoever else will ever be appointed to a constitutional Commission, or to serve in any public office. You are there in trust of Kenyans. You will never be at the behest or calling of anybody who makes you to imagine that he holds powers that are beyond the Constitution. These Commissioners were made to believe that there was a deep state and system that would fix the election. The people who fix any election in this country are the voters who wake up early to go and vote for the leaders of their choice.

Hon. Speaker, I wish to submit and encourage Kenyans to continue voting knowing that every vote will count. If action is taken against these Commissioners, there is no other person who will ever attempt to overturn the sovereign will of the people exercised on the ballot.

With those remarks, I beg to support the Motion and urge Members to do so. I also ask the President to waste no time in dealing with people who are criminals. They wanted to burn our country. He should set up the tribunal. If they are willing, they can also save us from that cost of setting up a tribunal. They can save the country from the pain of going back to what happened at Bomas of Kenya on that fateful day by simply resigning.

Hon. Speaker, I submit.

(Applause)

Hon. David Gikaria (Nakuru Town East, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Who has a point of order? Yes, Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Speaker, I know this is a very important Motion. I rise on a point of order. I do not know whether the Leader of the Majority Party was seconding the Motion, so that I can ask you to limit the time for others. Give them five minutes. This is a very critical issue. I live in Nakuru County. I remember what happened in 2007 because of mistakes of a few individuals.

Hon. Speaker: What is the point of order?

Hon. David Gikaria (Nakuru Town East, UDA): I am just asking whether we can contribute for five minutes instead of 10 minutes.

Thank you, Hon. Speaker.

Hon. Members: Three minutes!

Hon. David Gikaria (Nakuru Town East, UDA): Three minutes are too little. We will only mention the names of the four Commissioners. Let us contribute for at least five minutes.

(Several Members spoke off record)

Hon. Speaker: Order, Hon. Members. It is now 6.58 p.m. I will allow you to debate this Motion depending on availability of those who want to speak up to 7.58 p.m. That is one hour. After that, I will call upon the Mover to reply and then put the Question.

To that extent, I will allow debate to take five minutes per speaker. Hon. Deputy Speaker, contribute for five minutes. If you can spend less, the better. Avoid unhelpful repetitions.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Speaker, thank you for giving me the opportunity to add my voice to support this Report of the Departmental Committee on Justice and Legal Affairs.

As we proceed to debate this particular Report, we should make it clear not only to those in the House but also Kenyans at large that this Parliament is acting pursuant to Article 251 of the Constitution. It says that a member of a commission (other than an *ex officio* member) or the holder of an independent office, may be removed from office only for some reasons which are set out. You can see that these particular petitions that came before the Departmental Committee on Justice and Legal Affairs met that threshold.

Hon. Speaker, it is important that we know that the job of the Departmental Committee on Justice and Legal Affairs was to establish a *prima facie* case that warrants further interrogation by a tribunal. They were not supposed to go into too many details. The rest of the details will be interrogated before a tribunal. As Kenyans, we look forward to that tribunal and hope that it will have an opportunity to investigate this matter because it is important for us to know exactly what happened on 15th August and the days preceding it.

We know that these Commissioners were not only in violation of the Constitution, but they were part of a larger conspiracy as seen in the Report of the Departmental Committee on Justice and Legal Affairs. That conspiracy involved the eventual killing of two Indian

nationals who were working for the IEBC. They were part of a bigger conspiracy where they organised violence at the Bomas of Kenya Tallying Centre. They were also part of a conspiracy to allow attacks on various agents of the Kenya Kwanza side. They were also part of a conspiracy to try and commit something akin to treason by attempting to change the results of the elections.

Looking at this Report, it is clear that for the first time in the history of electoral management in Kenya, the Commissioners themselves became petitioners in favour of one candidate against a Commission where they are serving Commissioners. If that is not a contravention and violation of the Constitution of Kenya, I do not know what would be.

Hon. Speaker, I, therefore, support the recommendations made by the Departmental Committee on Justice and Legal Affairs in relation to the four named Commissioners for gross violation of the Constitution that warrants removal from office through an establishment of a tribunal.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Deputy Speaker. Members should be that disciplined. You did not exhaust your five minutes. Let us have the Member for Mandera.

Hon. Yusuf Adan (Mandera West, UDM): Thank you so much, Hon. Speaker, for giving me this opportunity. I support the Report by my former colleagues in the Departmental Committee on Justice and Legal Affairs on this very critical and important issue for the country.

Hon. Speaker, these four Commissioners were given the mandate to oversee the elections. They oversaw voters' registration. They employed election officials whom they were very satisfied with. They followed all the processes. At the end of the voting when they realised that things were not going the way they wanted and that the Kenyan citizens decided whatever they did – and, that was not in tandem with their ideology – they then started to bring the problems like they did. It is like a hen eating its own eggs; a hen that has laid eggs; incubated, and when it is about to hatch, goes back, and eats its own eggs and chicks.

Whatever these Commissioners did was an attempt to burn this country completely. It is only by the grace God that we got help, otherwise, what happened at Bomas and Serena was pre-planned because they already knew the results because they were the ones who tallied, and they were responsible. Because of their selfish wishes, and because of the way they were initially employed... I was a Member of the then Justice and Legal Affairs Committee that vetted the said Commissioners. During the vetting process, there were a lot of queries and malpractices. The JLAC, in its Report had indicated that some of the Commissioners who got appointed that time were not up to standard.

It is unfortunate that they still want to defend whatever they did – for trying to burn this country instead of honourably resigning, shaming themselves and walking away to hide from the public.

With those few remarks, I stand to support the Motion.

Thank you very much.

Hon. Speaker: Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker. It is very important for us as a House to send a very clear message to every person who holds an office of high calling. Every commissioner with an office of authority, must be able to discharge his or her duties with integrity, commitment and passion as expected by Kenyans.

These four Commissioners were about to burn this country. This country has taken the efforts of our forefathers to be where it is today. It has taken the energy and commitment of many Kenyans to have the kind of institutions which we have; and we cannot afford to destroy our democracy because of people who want to subvert the will of the people of Kenya.

Hon. Speaker, as Members of this House, it is good for us to send a very clear signal by sending these four Commissioners home with immediate effect.

I support the recommendations of the Committee.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. I will give the Member for Molo.

(Hon. (Dr) Robert Pukose spoke off record)

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Speaker. The Report before this House is purely based on the velocity of the petition presented before the Justice and Legal Affairs Committee and, therefore, it is only fair to say that JLAC took an impartial role – a *quasi-judicial* role.

The respondents waived their fair administrative action rights and, therefore, would have no cause to receive reprieve in any other avenue.

Kenya holds one of the most expensive elections in the world; not just in terms of the cost but most importantly, in terms of the opportunity cost of our good business and economic activities before, during and after elections. We need to put this to an end. When Kenyans go to vote, they need to go back to their businesses; we need not scare away investors because it is an electioneering period.

With those few remarks, I support this Motion.

Hon. Speaker: Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Thank you very much Hon. Speaker for this giving me this opportunity. I rise to support the Report that has been presented by the Departmental Committee on Justice and Legal Affairs.

Hon. Speaker, it is important that it goes on record that the Committee was not there to judge the four Commissioners. In fact, we should be here thanking some patriotic Kenyans who presented petitions to this House. According to our Constitution, we are mandated to look into and resolve any matter of interest in this country. This is a matter of great interest. Why is it of great interest? Because what happened in Bomas can only be defined as sacrilege. These are people who are actually candidates for a charge of treason. What was intended to happen at Bomas was tallying of votes, however, some four individuals took it upon themselves to appropriate to themselves powers that they did not have. They wanted the results unpacked and they wanted to vote on a vote. After millions of Kenyans had gone to the ballot and voted, four Kenyans wanted to vote on the vote that Kenyans had voted on. The Report from the Committee is damning. We wish it would have been the final stage because what we are about to go into is an expense that a country like ours does not need to go into. These are people who if they were honourable enough, would have just decided to quit their positions immediately after the announcement of the elections.

So, Hon. Speaker, without taking much more time, I want to add my voice to those who are here saying that we should support the Report of the Committee and the President should set up a tribunal pronto and this decision made so that we can move on as a country.

Thank you very much Hon. Speaker.

Hon. Speaker: Hon. Member for Ainabkoi.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you Hon. Speaker. I rise to support; I do not know why Hon. Pukose...

Hon. Speaker: If you speak like Hon. KJ and the Deputy Speaker, many people will speak.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you Hon. Speaker, I will be very brief. I would like to congratulate the Chairman of the Departmental Committee on Justice and Legal Affairs. As you know I am the former Chairperson, Chairperson emeritus. He has done

a wonderful job; he has done a job that is without comparison and I want to thank and appreciate them.

I get very surprised because these Commissioners were appointed pursuant to Article 250 of the Constitution. They sit in office pursuant to Article 250 of the Constitution. Article 251 of the Constitution is invoked by Kenyans as required by the Constitution. Article 3 of the Constitution, because they sent lawyers, we are also going to be lawyers here, provides that every Kenyan must defend and uphold this Constitution. I get very surprised when they are invited to come, they are given fair administrative action, as required by Article 47 of the Constitution, which it says, and I would like to read for them for free, maybe they have been paying lawyers to come and do some wrong things. I quote:

“Every person has the right to a fair administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.”

Hon. Speaker, what the Committee did was to complete this thing in a very expeditious manner as provided by the Constitution. I was very surprised when somebody asked why the work was being expedited, when the Constitution in Article 47 says so. They should read it. They just need to acquaint themselves with the provisions of the Constitution. As it has already been said, this Committee even went to great lengths of making an attempt to entertain evidence from those people. In fact, they just needed, as the Deputy Speaker has said, to consider those petitions on *prima facie* or on the face of it. I must thank them. They went into the depth, did the work of a tribunal and even the tribunal will have very little work to do. They have already been guided and they will just complete their work in the most expeditious way.

With those remarks Hon. Speaker, I support.

Hon. Speaker: Woman Member for Kiambu.

Hon. Ann Wamuratha (Kiambu, UDA): Thank you, Hon. Speaker for giving me this opportunity to make my contribution on this matter. What surprises me on this issue is the fact that two of these Commissioners are women who are supposed to represent mothers. They are supposed to understand the implications they were about to bring to the country and what it would have done to families, particularly mothers and children.

These people need to speak to themselves and not to be given an opportunity to say anything to anyone. The noble thing to do is to resign and walk away. The pain, the loss and the struggle they would have caused this country would have been enormous. I am equally disappointed when I see other people from the other party trying to support them. Common sense would question how the arrangement was done. These people sat and had a conspiracy of hurting this country.

The hotel they went to do their presentations in is a private premise. They must have booked and paid. They must have planned with the media house they used to make the announcement. We can therefore say it was a combination of people who were trying to be goons to destroy this country. These people should not subject this country to more pain and discussion. They should not provoke us to continue talking about them. The noble thing they need to do to command respect from the people of this country is to apologise to the people of this country, the families they would have hurt and everybody that they inconvenienced.

With those few remarks, I would like to say that these people had better start packing today. We have no time to waste with them. Thank you.

Hon. Speaker: Hon. Makali. Hon. Gikaria, what is out of order?

Hon. David Gikaria (Nakuru Town East, UDA): You know when I asked for five minutes, I thought I would be getting contrary views from Members like myself. I can see we are in concurrence and everybody is saying they should go. I am therefore standing under Standing Order 95 to request you to ask the Mover to reply so that we can decide. Thank you, Hon. Speaker.

Hon. Speaker: Is that the mood of the House?

Hon. Members: Yes.

Hon. Speaker: Since I had called Hon. Makali, let him speak then I put the Question.

Hon John Makali (Kanduyi, FORD-K): Thank you, Hon. Speaker for giving me this opportunity to contribute to this Motion. I must say that we need to allay the impression out there that the Commissioners were never given an opportunity to give their evidence. The Committee which I sat in, gave the Commissioners a chance to come and defend themselves before it. They never appeared. They instead sent very renown lawyers to appear before that particular Committee. In addition, they never filed responses in respect of the petitions that had been filed against them by the four parties. Technically the petitions stood unrebated.

When the proceedings were going on, the petitioners clearly demonstrated respective areas where the Constitution was breached by the four Commissioners. All Kenyans will remember the screens that we watched on 15th August. These people were almost carrying out a coup on the will of the Kenyan people.

We looked at the petitions as they were, assaults were made on the Committee regarding its jurisdiction. We withstood a lot of abuse. The Committee was even called a *kangaroo court*. Those petitions that were presented met the threshold to enable this National Assembly to send them to the President for the appointment of a tribunal. We cannot wait until the last minute. The mistake we have been making is reconstituting the Commission too close to the elections. This is the rightful time to fix IEBC issues so that we can have credible and fair elections in future.

Hon. Speaker, I support.

Hon. Speaker: Order, Hon. Members! Having resolved that we stop the debate, I will call upon the Mover to reply before we put the Question. Those who are anxious to push the Chair to put the Question like Hon. Gikaria should push the Chair to call upon the Mover to reply but not to put the Question.

(Laughter)

Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much.

Hon. Speaker: Hon. Members who are trying to leave, remember there is an important Bill ahead of you after this Motion. You better persevere and deal with all the business. You already resolved that you would sit until you exhaust every business of the House.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. Allow me, in the form of reply, to thank each and every Member who has sat here for these long hours, and those few who have spoken and supported this Report.

Allow me also to thank and name Members of the Committee. They are:

1. Hon. Eckomas Mwangi Mutuse— Vice - Chairperson
2. Hon. Onyiego Silvanus Osoro
3. Hon. Muchira Michael Mwangi
4. Hon. Muriu Wakili Edward
5. Hon. Maina Njeri Jane
6. Hon. Gichohi Kaguchia

We also had Mr. Ronald Walala who is an advocate. He did a fantastic job of producing this very nice Report. Now that the House is in the mood of approving it, let me thank you. Let us move on, so that we deal with these four Commissioners as is provided for by the Constitution and the other laws.

Thank you very much. I beg to reply.

Hon. Speaker: Hon. Members, we can put the Question properly now.

(Question put and agreed to)

Next Order!

BILL

Second Reading

THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION (AMENDMENT) BILL
(National Assembly Bill No. 42 of 2022)

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 42 of 2022) be now read a Second Time.

Hon. Speaker, the principal object of this very short two-clause Bill is to amend the Independent Electoral and Boundaries Commission (IEBC) Act in the First Schedule, which provides for the membership of the selection panel for purposes of appointment of the Chairperson or members of the IEBC.

With the passage of the Motion in Order No. 33, Members know that if and when these documents are transmitted to His Excellency the President, the four Commissioners will stand suspended until the tribunal finishes its work. Therefore, bearing in mind that the terms of the other three Commissioners who preside over the Commission - the Chairman and two others - come to an end in early January, we will be in a very precarious situation without a Commission or Commissioners.

A selection panel that comprised of seven members was set up. However, these proposed amendments to the Act were necessitated by a declaration in our courts through Constitutional Petition E364 of 2020 by Okiya Omtatah vs the Attorney-General and five others on the unconstitutionality of some of the provisions of the current Act. The High Court held that this unconstitutionality was due to the extent of the nomination by the Parliamentary Service Commission of four out of seven members of the selection panel. The court was of the view that such dominance by the PSC failed to portray the selection panel as fair and independent.

We have tried to cure that issue that was raised by the High Court in this amendment Bill. Clause 2 of the Bill now proposes that instead of four persons being nominated by the PSC, we will have one man and one woman being nominated by the PSC to conform with the issue of gender parity. We will also have one person nominated by the Public Service Commission. One other person will be nominated by the Political Parties Liaison Committee (PPLC).

It is important to inform Members and the country on the need to have a person nominated by the PPLC. In the last Parliament when the selection panel was set up, only two political parties – the Orange Democratic Movement (ODM) Party and one wing of the Jubilee Party – nominated the panel that moved on to nominate the four Commissioners whose mandate you have decided on today. It tells you how precarious the process of nomination of Commissioners and the panel that interviews them is. We followed a process where only ODM and its leader, the then leader of the minority faction of Jubilee, former President Uhuru Kenyatta, and the then leadership of the House nominated the selection panel. It is only the two of them and the then leadership of the House that nominated Members who would sit in the

then selection panel that led to the appointment of the four Commissioners that have been petitioned against.

Hon. Speaker, what we have done other than allowing the Parliamentary Service Commission now or a few political parties, it would have been very easy to get the leadership of Azimio la Umoja-One Kenya Alliance and Kenya Kwanza Alliance to nominate people to sit in this panel, but we have now expanded this to a situation where all political parties that are registered, and have a unit under the Office of Registrar of Political Parties under the Liaison Committee, participate in the selection of the members of the panel that will then interview Commissioners. For this reason, we are getting one person who will be nominated by the Political Parties Liaison Committee that sits in the Office of the Registrar of Political Parties to ensure that even non-parliamentary political parties or parties that do not even have a Member of County Assembly(MCA) but have registered their political parties with the Office of the Registrar of Political Parties have a stake and a say as to who sits in this panel that will do the work of identifying and interviewing the Commissioners who will take over from the current Commission.

Hon. Speaker, there is one person nominated by the Law Society of Kenya, and two persons who will be nominated by the Inter-Religious Council of Kenya. These provisions, will then, cure the unconstitutionality that was found in the Bill or the Act as it existed by the High Court in the Petition filed by Hon. Okiya Omtatah versus the Attorney-General and five others. I, therefore, want to beg that Members support this amendment. It is a very short Bill, but will go a long way in helping the country to move forward to ensure that there is no vacuum in the IEBC office. The country will then be able to move forward, and have a panel which will help in identifying other Commissioners to succeed the current ones.

With that, I beg to move and request Hon. Wakili Muriu, a Member of the Justice and Legal Affairs Committee to second.

I thank you, Hon. Speaker.

Hon. Wakili Muriu (Gatanga, UDA): Thank you, Hon. Speaker.

I want to support this Bill but before I do, allow me to take this opportunity to thank the Members of JLAC for making sure that for the first time in the history, this country gets an opportunity to discipline our Commissioners in our electoral system. In the past, IEBC officials were removed from office through demonstrations but today, this House has demonstrated that this country has come of age. We are able to use our justice system and everyone has been given an opportunity to ventilate their issues, and we have removed them. I want to commend this House for a job well done.

Secondly, allow me to thank the four patriotic Kenyans who took up Article 3 of the Constitution, and decided to risk and defend the Constitution. I also want to thank the Republican Party, Mr. Dennis Ndwiga Nthumbi, Mr. Geoffrey Langat and Mr. Steve Gerry. These are patriotic Kenyans; I wish all Kenyans can do the same and take such opportunities whenever they arise; to stand and defend the Constitution. Today, we have put our foot down to say the time of impunity and lawlessness is over. This is a country which is going to be ruled by the rule of law and not the rule of the jungle.

Hon. Speaker: Order, Hon. Wakili. You are actually debating a Motion that we have just passed. Can you wind up your argument?

Hon. Wakili Muriu (Gatanga, UDA): I take this opportunity to second this Bill.

I thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Order, Hon. Members. You should understand that the distinguished Wakili is a first-timer and he is on a learning curve.

(Question proposed)

As usual, the screen has been full since I sat here. I do not know whether it is about this.

Hon. Members: Put the Question.

Hon. Speaker: No, I will call upon the Mover to reply. Does anyone want to contribute? Hon. Johana Ng'eno.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Speaker. I do not want to belabour on this issue because if fate will meet these Commissioners who have just been discussed here, this country will be having very many by-elections and if we do not have them, we are going to have a problem. I support the fact that we will be selecting the team that will be working on the panel that will be looking at the nominations of those Commissioners.

I support and thank you.

Hon. Speaker: Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker. I stand to support. I was looking at the initial appointment of the Commissioners and it was a collusion between the Leader of the Majority Party and the Leader of the Minority Party of the former Parliament. In their list, they ended up appointing Members from one side of the coalition to the panel that appointed Commissioners. That was very unfair. So, the amendment has done a correction to that, which will make the process competitive. Our Constitution requires that the process has to be competitive.

With those few remarks, I support the amendment.

Hon. Speaker: Hon. Benjamin Lang'at. Give him the microphone. I will give one more Member then I will call the Mover to reply.

Hon. Benjamin Lang'at (Ainamoi, UDA): Thank you, Hon. Speaker. I wish to support the amendment because it attempts to improve the process. As it has been said, the process was not followed properly in the previous Parliament. We are seeking to correct that mistake in this Parliament. It is said that garbage in, garbage out. We have seen what happened when the process was not fair. Hence, we are trying to improve the process by making it fair and by getting as many participants as possible.

I support because we want IEBC so that we see an election that is fair and acceptable to all Kenyans. I strongly support.

Hon. Speaker: Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Speaker. I rise to support this Bill. It is very important that we send a signal out there. We saw the selection panel of the four famous 'comedians' and we expect that this panel will not be made of comedians because the outcome will be...

Hon. Speaker: Yes, Hon. KJ, the Member for Dagoretti South. Give the Member for Dagoretti South the microphone.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I need your guidance. I need to know if the Hon. Member is in order to refer to these very infamous Kenyans as comedians knowing very well that comedy is a very respected enterprise and a form of art. I wish to hear some guidance from you as to whether this Member is in order.

Secondly, I believe that Hon. Murwithania needed to say that these people are infamous because they are not famous for anything. Comedy is a very respectable enterprise. It is a respectable talent based hustle. So, it would be sacrilegious of the Member of Parliament to refer to the actions of people who are treasonable as comedians. Comedians are honourable, they are not treasonable.

Hon. Speaker: Hon. K.J, comedians have many meanings. The respectable comedians who entertain everybody and the reckless behaviour that turns into comedy. So, Rindikiri is perfectly right in using that word in the manner that he used.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you Hon. Speaker for defending me. Hon. K.J forgot that I am a student of literature. We are running away from the preserve of party leaders to form committees of selecting very serious officers or commissioners.

In the last Parliament which I had a privilege of serving in, we saw the attempt to break the Constitution as party leaders were forcing fellow Members to select people the way they wanted. For the first time in the history of this country, Parliament is taking its responsibility of legislating and overseeing the functions of every office in this country.

I was referring to it as a house of comedy because we saw people acting like comedians. They were not acting like they were in a serious office. So, I am in order to refer to them as comedians. Therefore, I support that we get a team of serious people from all political parties to select serious people who are not going to act like comedians at the IEBC. Thank you.

Hon. David Gikaria (Nakuru Town East, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Gikaria, what is out of order?

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Speaker. I rise on Standing Order 95 to request you to ask the Mover to reply. We are just doing the same thing.

Hon. Speaker: In any case Hon. Gikaria, I had directed that I will give two more Members to speak then call the Mover to reply. The two, Hon. Rindikiri and Hon. Johana Ng'eno, have already spoken. Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you Hon. Speaker. I beg to reply. I want to thank the many Members that have contributed for appreciating the need to have a panel that is balanced, that represents all shades of opinion, those who have been nominated by the Parliamentary Service Commission, Public Service Commission, those that will represent all the political parties through the Political Parties Liaison Committee, our religious interests through the religious council and also the legal fraternity through Law Society of Kenya. The Public Service Commission is very important because it will have the marking scheme of what a good public officer should be.

I beg to reply.

(Question put and agreed to)

Hon. Speaker: Hon. Members, the next Order is Committee of the whole House. So, you can be upstanding.

Order, Hon. Members! Take your seats for her to read out the Bill.

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

Thank you. Next Order! Hon. Members, now you can be upstanding for the Speaker to retreat.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairlady (Hon. Gladys Boss) in the Chair]

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
(AMENDMENT) BILL
(National Assembly Bill No.49 of 2022)

Hon. Chairman: Hon. Members, you may be seated. We are sitting as a Committee of the whole House to consider the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No.49 of 2022)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Members, I now call upon the Mover to report.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairperson, I beg to move that the Committee do report to the House its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No.49 of 2022) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION (AMENDMENT) BILL

Hon. Speaker: Order, Hon. Members! Chairperson of the Committee of the whole House, the Deputy Speaker.

Hon. Deputy Speaker: Hon. Speaker, I beg to report that a Committee of the whole House has considered the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 49 of 2022) and approved the same without amendments.

Thank you, Hon. Speaker. I beg to report.

Hon. Speaker: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Njeri to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Speaker, in the interest of time, I hereby second.

(Applause)

Hon. Speaker: Thank you, Hon. Members.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

Hon. Speaker: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 42 of 2022) be now read a Third Time.

I also request Hon. Makilap to second.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Speaker. I rise to second faithfully.

(Laughter)

Hon. Speaker: Is there any seconding without faith?

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

Hon. Speaker: Hon. Ichung'wah, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker for your indulgence. I want to take this opportunity to profoundly thank all these Members who sat from 9.30 in the morning up to now close to 8.00 p.m. to consider all the matters that were before us. They are very important issues for the country.

(Applause)

I even encourage those who thought that walking out is also part of legislation, next time, it is better to participate in legislation-making by sitting and articulating their issues. You are better at articulating those issues on the Floor of Parliament than in the streets and walking out of Parliament where you should represent your people.

Some Members who are seated here came back from Juba last night to be here today. I know some who flew back from Doha to be here. Indeed, this is the true act of patriotism and sacrifice for the sake of the country and the people whom we represent.

With those very few remarks, allow me once again to wish all these Members a Merry Christmas and a Happy New Year. As I indicated during the Statement on behalf of the House Business Committee, upon approval, we are likely to have a Special Sitting next week, either on Wednesday or Thursday or both days for approval of the Commissioners of the Commission on Revenue Allocation. I beg that we all avail ourselves, including those who walked away. The Special Sitting is for everybody.

Thank you very much, Members, for your sacrifice and time.

(Applause)

Hon. Speaker: Hon. Members, on behalf of the Parliamentary Service Commission and the Office of the Speaker, allow me to send a message of goodwill to all Members of the House and Kenyans. We have come to the end of our First Session in the 13th Parliament during which you have done momentous work. You took Oath of Office in accordance with the Constitution. You elected the Speaker and the Deputy Speaker. You had a very fruitful induction at the Safari Park Hotel. You have done tremendous work in the passage of several matters that have come before the House. You debated the intended amendment of the Constitution on the National Government Constituencies Development Fund. You have now just finished an amendment of the Independent Electoral and Boundaries Commission Act.

Above all, you have taken correctional measures in relation to the IEBC. You vetted and approved the appointment of the Cabinet. You vetted and approved the appointment of the Inspector-General of Police. You vetted and approved the appointment of Principal Secretaries under the new Constitution. It is a now time for us to go home and interact with our employers – our voters.

I hope you have opportunity to go out there and preach peace and love to Kenyans. Let us hope that as we go through Christmas, the stress that our country has experienced in terms of lack of food and water in certain parts of the country that has affected many Kenyans is something that we must empathise with as leaders. We should support the Government as it quickly responds to the stress calls from all parts of the country that are in that situation.

As the Leader of the Majority Party said, we may at some point be called upon to come for a Special Sitting, but the First Session of the 13th Parliament officially comes to an end today. Have a very hearty and Merry Christmas for those who adhere to the Christian faith. To our Muslim colleagues, join your Christian brothers and sisters to make merry in the same way that they normally join you for *Eid* and any other Muslim festivals.

ADJOURNMENT

Hon. Speaker: Hon. Members, it is now time to adjourn the House. I now call upon you to be upstanding. It is now 8.02 p.m. We have been sitting from 9.30 a.m. in the morning. Thank you for your industriousness today.

Hon. Members, the time being 8.02 p.m., the House now stands adjourned until Tuesday, 14th February 2023 at 2.30 p.m., unless we call for any other Special Sitting.

The House rose at 8.02 p.m.

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