

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD**

Thursday, 11<sup>th</sup> February 2021

The House met at 10.00 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

**PRAYERS****QUORUM**

**Hon. Deputy Speaker:** Hon. Members, we do not have the required quorum. I, therefore, order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order, Hon. Members! We now have the required quorum and therefore we will proceed to transact business.

**PAPERS LAID**

**Hon. Deputy Speaker:** Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2019 and the certificates therein:

- (i) National Government Constituencies Development Fund;
- (ii) Prison Industries Revolving Fund;
- (iii) The National Treasury - Treasury Main Clearance Fund;
- (iv) The National Treasury - Contingencies Fund;
- (v) The National Treasury - Provident Fund Account;
- (vi) The Kenya Local Loans Support Fund;
- (vii) The National Youth Service – Mechanical and Transport Fund;
- (viii) The State Department for Infrastructure - Mechanical and Transport Fund;
- (ix) The Street Families Rehabilitation Trust Fund; and,
- (x) The Women Enterprise Fund.

**Hon. Deputy Speaker:** Next Order!

## NOTICES OF MOTION

FORMULATION OF COMPREHENSIVE POLICY TO HARNESS  
DIASPORA RESOURCES FOR NATIONAL DEVELOPMENT

**Hon. Deputy Speaker:** Under this particular Order, we have Hon. Osotsi and Hon. Halima Mucheke. Can we start with Hon. Osotsi?

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that the existing Kenya Diaspora Policy provides for the mainstreaming of the Kenya Diaspora into national development process in line with the aspirations and goals of the Kenya Vision 2030; noting that formal remittances from the Kenyan Diaspora accounts for over 3 per cent of the country's Gross Domestic Product channelled by an estimated three million Kenyans; noting that contribution by the Kenyan Diaspora to the country's development goes much beyond personal remittances to include increased trade links, better access to foreign capital markets, skills and technology transfer, Diaspora investments funds, knowledge exchange among other enormous potential benefits; acknowledging that the Diaspora community continues to contribute immensely to national growth and the economy through increased household investments in education, entrepreneurship, health, finance and housing; concerned that Kenya ought to formulate practical and incentive-driven policy to harness existing and future Diaspora resources for socio-economic development; cognizant that Kenya has an obligation to counter the challenges hindering Diaspora contribution to national development; this House resolves that the Government, in conjunction with Diaspora representation and other key stakeholders, formulates a comprehensive, incentive-driven and affirmative action-based Diaspora Policy together with a corresponding implementation framework and organization structure to harness the ever increasing Diaspora resources for national development and that the said policy be presented to the National Assembly within one year for consideration.

**Hon. Deputy Speaker:** Very well. Let us have Hon. Halima.

## INSTITUTIONALISATION OF RAINWATER HARVESTING AND STORAGE

**Hon. (Ms.) Halima Mucheke** (Nominated, JP): Thank you, Hon. Deputy Speaker. I beg to give notice of the following Motion:

THAT, aware that Article 43(1)(d) of the Constitution provides for the right to clean and safe water in adequate quantities for every person; further aware that up to 30 per cent of Kenyans rely on unimproved water sources, such as ponds, shallow wells and rivers; whereas nearly 45 per cent of Kenyans lack access to basic sanitation solutions; noting that proper water management is vital for sustainable development in light of threats to water availability such as climate change, rapid population growth and industrialization; further noting that studies have indicated that the country's rainwater potential is more than 350 billion cubic meters, and that, if harvested, this water can support up to five times the country's population; concerned that only 9 out of 55 public water service providers in the country provide continuous water supply to connected areas; appreciating that over

time, rainwater harvesting has been proposed as a possible means to address the water crisis in the country; this House resolves that the Government institutionalises rainwater harvesting and storage in all buildings as a standard requirement and further that all road constructions incorporate storm water collection and storage for non-portable use.

Thank you.

**Hon. Deputy Speaker:** Very well. Today it seems the specially elected Members are active.

Next Order!

## QUESTIONS AND STATEMENTS

**Hon. Deputy Speaker:** Hon. Members, on this Order, we will start with Ordinary Questions, which we only have. We will start, again, with Hon. Osotsi.

### ORDINARY QUESTIONS

*Question No.001/2021*

#### DEGAZETEMENT OF SHIRU AND SHAVIRINGA SETTLEMENT SCHEMES IN KAKAMEGA FOREST

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Deputy Speaker. I rise to ask Question No.001/2021. I want to note that this Question lapsed in the last Session, but because of interest, particularly in Vihiga County, I have brought it back. The Question is directed to the Cabinet Secretary for Environment and Forestry:

- (i) When will the Government degazette the Shiru and Shaviringa Settlement Schemes in Kakamega Forest which were set aside in 1988 as part of the Government's compensation to residents of Mbale, Kegoye, Buganda, Vokoli, Mululu among other villages in Vihiga County for surrendering their ancestral land to pave way for setting up of Government facilities including the Vihiga District Headquarters, the Vihiga District Hospital, the Vihiga Police Headquarters and prison, amongst others in Vihiga County Headquarters?
- (ii) Is the Cabinet Secretary aware that some of the original landowners are yet to surrender the original title deeds to facilitate transfer of the land to Government, implying that some of the public facilities at Vihiga Headquarters are on private land?
- (iii) What steps has the Ministry taken to fast-track the demarcation and surveying of the 134.8 hectares of the settlement schemes boundaries, alteration of Kakamega Forest boundaries and issuance of title deeds to the intended beneficiaries considering that the absence of title deeds have denied settlement scheme residents essential services such as healthcare, roads and electricity?

Allow me to say one thing. As I read this Question, we have an old man who cannot be buried and it is now over three months. He is one of the people affected by this problem. So, I request the Cabinet Secretary for Environment and Natural Resources to provide answers to this House as soon as possible.

Thank you.

**Hon. Deputy Speaker:** That Question will be replied to before the Departmental Committee on Environment and Natural Resources. Let us now have the Member for Meru County, Hon. Bishop Kawira Mwangaza.

*Question No.002/2021*

STATUS REPORT ON SHORTAGE OF TEACHERS IN THE COUNTRY

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): Thank you, Hon. Deputy Speaker. I rise to ask Question No.002/2021. The Question is directed to the Teachers Service Commission:

- (i) Could the Commission provide a status report on the shortage of teachers in primary and secondary schools across the country and further provide a list of schools in Meru County affected by the shortage?
- (ii) What measures is the Commission putting in place to curb shortage of teachers in schools and ensure that learning is not interrupted by the said shortage?

Thank you.

**Hon. Deputy Speaker:** Member for Tinderet.

*Question No.004/2021*

DELAYED CONSTRUCTION OF KOPERE-METEITEI-TIMBOROA ROAD

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No.004/2021. The Question is directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain why the construction of the Kopere-Meteitei-Timboroa Road is way behind its scheduled completion time, and further state the timelines within which the bridges along the road will also be completed?
- (ii) What action has the Government taken against public officers who supervised and certified the substandard works done on the road, which have been exemplified by numerous potholes that have led to accidents?
- (iii) Could the Ministry consider blacklisting the firm which carried the construction of the said road and deny any contracts in future on account of poor workmanship of the road?

Thank you.

**Hon. Deputy Speaker:** Very well. Let us go to the last Question by Hon. Tindi Mwale.

*Question No.007/2021*

CAUSE OF ACCIDENTS ALONG BUTERE-SIGALAGALA ROAD

**Hon. Nicholas Mwale** (Butere, ANC): Thank you, Hon. Deputy Speaker. I rise to ask Question No.007/2021. The Question is directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

Could the Cabinet Secretary explain the cause of road accidents that have occurred along the Butere-Sigalagala Road, particularly at a spot near Shibanga Secondary School, in the recent past, and further state the measures being pursued to address the same?

Thank you.

**Hon. Deputy Speaker:** Hon. Members, we are through with the Questions. The second part of that Order Paper is statements. We will start with a request for a statement by the Member for Dagoreti South, Hon. John Kiarie, the scout.

## STATEMENTS

### ESTABLISHMENT OF PUBLIC PRIMARY SCHOOL IN NGANDO WARD

**Hon. John Kiarie** (Dagoretti South, JP): Thank you, Hon. Deputy Speaker. I wish to request for a Statement regarding establishment of a proposed primary school in Ngando Ward, Dagoretti South Constituency. This request expired in the last Session and I want to revive it.

Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research regarding the establishment of a public primary school in Ngando ward in Dagoretti South Constituency. Ngando Ward has got no single public sports amenity, public primary school, public dispensary or a public community center. Noting that the only public education institution in this ward is Lenana School which sits on 220 acres of land, the residents of Ngando ward, therefore, have over the years depended on private learning institutions some of which are of questionable education standards and unaffordable to the citizens.

Hon. Deputy Speaker, you may recall that on 23<sup>rd</sup> September 2019, classrooms in a private school by the name Precious Talents Academy collapsed, killing eight learners. Following this tragedy, the Government, through the Cabinet Secretary for Education, undertook to set up a public primary school within the Lenana School compound, in an arrangement that would see Dagoretti South Constituency Development Fund commit Ksh10 million and the Ministry of Education providing the rest of the money for the establishment of this school, which was to be ready for the January 2020 intake.

Despite making numerous attempts to address the matter with the Ministry of Education so as to obtain the requisite clearances for the construction of the new primary school, the Ministry is yet to offer any administrative support and the promised funds required for the establishment of the said school. It is on this account that I seek a statement from the Chairperson of the Departmental Committee on Education and Research on the following:

- (i) Could the Chairperson give a statement on the status of the proposed Lenana Primary School, indicating among other things, the commencement date for the construction?
- (ii) What plans does the Ministry have in place for construction of complete infrastructural development and provision of adequate human resource for the said proposed Lenana Primary School?
- (iii) Could the Ministry give firm indications as to when this proposed school will be completed and state the timelines for the first intake of learners?

I signed this request on 22<sup>nd</sup> January 2021.

Thank you very much, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Kiarie. I would like to receive an indication from the Departmental Committee on Education and Research on when they can answer to this Statement. I am saying this because today we have three requests for Statements and a handful of other things that we need to do as a House. I would encourage any Member who wants to seek clarifications to go to the Committee. That is why I would want the Chairperson to give us an indication so that Members can prepare. Is the Chair or Vice-Chair present? The Leader of the Majority Party, you can tell us something on that matter because you are the main link person. Will you ask the Committee to respond within the next two weeks?

**Hon. Amos Kimunya** (Kipipiri, JP): Indeed, I am aware that the Chair had a commitment this morning and she told me to make any undertaking. So, within two weeks the matter will be sorted out.

**Hon. Deputy Speaker:** Okay. Let us go to the next request by Hon. Olago Aluoch, Member for Kisumu West.

ILLEGAL ACQUISITION AND REALLOCATION  
OF LR.332/182 IN MASENO TOWNSHIP

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Deputy Speaker. Like the request by Hon. Kiarie, this request was made towards the tail-end of the Fourth Session and it lapsed. Therefore, I have revived it in the early part of this Session. It is a request for a Statement regarding illegal acquisition and reallocation of a parcel of land in Maseno Township in Kisumu County.

Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding the illegal acquisition and reallocation of a parcel of land, LR.332/182, in Maseno Township, belonging to the National Police Service (NPS). Since 2013 or thereabout, there has been illegal acquisition of the said piece of land. The said piece of land has been portioned and reallocated to private institutions and developers without a written approval from the NPS or the National Land Commission (NLC). New parcel numbers have been illegally created out of the said parcel of land and further reallocated to individuals, companies and other developers. It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Lands to address the following issues:

- (i) When was parcel No.LR332/182 in Maseno Township, Kisumu County, allocated to Administration Police for parade grounds?
- (ii) Under what circumstances was part of this parcel reallocated to private developers, what are the numbers of the new parcels created out of it and the identities of the persons or institutions to which the reallocation was done?
- (iii) What steps are being taken by the Ministry of Lands to ensure that ownership of the parcel of land reverts back to the NPS?
- (iv) What action is the Ministry taking to secure all parcels of land that have been allocated to the NPS to avoid any further irregular allocations and transfers in future anywhere else in the country?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** We will now go to the next request by Hon. Shakeel Shabbir. But before we do that, it is important that we get timelines. Do we have the Chairperson or Vice-Chair of the Departmental Committee on Lands? In their absence, we will task the Leader of the Majority Party with the responsibility of telling the Chair to respond within two weeks.

Let us go to the next request by Hon. Shakeel Shabbir.

#### DEMOLITION OF KIBOS MOSQUE IN KISUMU

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Deputy Speaker, thank you very much. I have a request for a Statement on the destruction of Kibos Mosque in Kisumu County.

Pursuant to Standing Order 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the recent demolition of Kibos Mosque in Kisumu East Constituency. On the night of Friday, 5<sup>th</sup> February 2021, the Government, through the Kenya Railways Corporation (KRC), destroyed an 83-year-old Musa Jamia Mosque in Kibos, Kisumu, in a stark affront to the sanctity of the holy places of worship for Muslims and other religions. Incidentally, the original mosque, in its corrugated iron sheet structure, was built by the East African Railways and Harbours in 1938 and has been regularly upgraded to the permanent structure that was demolished together with the homes of nearly 5,000 residents, mostly of the Nubian community.

The demolition led to the death of two children who were crushed in their houses by bulldozers since they were overcome by teargas that was thrown into the mosque and the houses before demolition. Their bodies were secretly removed by the authorities and their parents have been threatened into silence. Article 43(1) (d) of the Constitution gives every person the fundamental right to accessible and adequate housing. At the same time, Kenya is a signatory to the United Nations Convention on Evictions, which requires evictions to be done in a humane manner during daytime and with adequate notice.

It is on account of these demolitions, impunity and disregard for human and religious rights that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

1. What was the basis of the senseless demolition of the Kibos Mosque and people's houses in the middle of the night?
2. Why did evictions take place at night, which exposes the evictees to cold and other dangers?
3. Could the Cabinet Secretary for Interior and Coordination of National Government provide immediate and urgent assurances that no other forced evictions will take place anywhere in the country during the current raging epidemic and at night?
4. Could the Government provide assurance that any necessary eviction in future will involve adequate notice, assistance and resettlement of evictees in a humane and legally compliant approach?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you so much, Hon. Shakeel Shabbir. I really do not want to open this request to comments because we did not do so to the other requests. I can see there is quite a lot of interest in this matter. I would be happy to know when the Chair can respond to the request. The only person I would allow to make comments is Hon. Olago Aluoch for just one reason.

The other choice is to simply keep off this matter and resolve it at the Committee level. Hon. Olago Aluoch had asked the same. I am not good with geography of where this particular issue is, but we can have Hon. Olago because we stepped down yours and allowed Hon. Shabbir to proceed.

Let us hear something from you.

*(Loud consultations)*

Hon. Members, relax and let us have Hon. Olago on the Floor.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Deputy Speaker, as much as we are constrained for time, this matter has devastated many livelihoods in Muhoroni, Kisumu East, Kisumu West and the whole county at large.

I plead with you to let us debate it before it goes to the Committee. Let the nation hear what is going on in Kisumu County. This has also happened elsewhere in the country.

As soon as Hon. Shakeel submitted his request for a Statement and directed it to the Ministry of Interior and Coordination of National Government, I also submitted mine to the Ministry of Transport and Infrastructure, Housing, Urban Development and Public Works. It was recommended that after Hon. Shakeel addresses the House, I also do so. Give me a minute I go through mine which is slightly different, but it covers the same issue.

**Hon. Deputy Speaker:** Hon. Olago, you are a seasoned parliamentarian. I just picked what you think was not in the request by Hon. Shakeel, probably to save time for a Member or two. It is something I can see Members want to speak to.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): The terror that was unleashed on the people of Muhoroni and Kisumu East is the same that was done to the people of Kisumu West.

In Kisumu West, it was even worse because there was a new Kshs150 million market that the county had just started at Otongolo which the Kenya Railways Corporation demolished. This was nearly 600 meters outside the demarcated area. What I would like the Committee to deal with is to look at the land laws regime under which Kenya Railways Corporation is operating. Are they land laws that were enacted before Independence or after Independence?

In this particular case, Kenya Railways Corporation is going beyond its boundaries. If the Committee is serious, I would wish they come to the ground and see the damage that has been caused to the people living in Muhoroni, Kisumu West and Kisumu East.

**Hon. Deputy Speaker:** Let me hear from the Member for Muhoroni because you have said it is also in your constituency, but briefly. Members, be ready to go and deal with this matter when the response would be brought.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you, Hon. Deputy Speaker. I wish to state that 80 per cent of the areas that were affected are in Muhoroni Constituency. While I believe that we need Kenya Railways Corporation for economic growth I, really, detest the inhumane manner in which they unleashed terror on the citizenry. Any Government in place must be ready to protect the lives of its citizenry and their properties. I do not know which draconian rule Kenya Railways Corporation came up with. We all know the Nubian community came from South Sudan for the purpose of building the railway. Some came as *askaris* who were helping the colonial Government to contain the Nandi resistance that ensued. They have lived there for ages.

I found the Nubian living in Kibos when I was born. They have lived there for ages. I am much aware that the Nubian village is far away from the boundary of the railway line. Whatever informed these barbaric and satanic-driven notions by Kenya Railways Corporation to come and remove them... Some Nubian families were not wanted and were to be wiped out. It is very bad. I want a statement from the Government to show the seriousness, and what ill or mistake the Nubian family might have done.



I had a scheme for promoting education, but children cannot go to school now. Uniforms, books and food were destroyed and immediate arrangements have been made to keep these people alive as they look for better relocations and other adjudications.

Thank you.

**Hon. Deputy Speaker:** Hon. Amin Kassim, you have the Floor and, probably, that should be it.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Thank you, Hon. Deputy Speaker for allowing me an opportunity to comment on the atrocities.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, I hear Members asking, "Why?" From here, I am not able to see which side a Member is seated but most importantly, remember that because of COVID-19 issues, Members sit anywhere. So, really, it is not on purpose.

Hon. Kassim, you better have your mask on.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Hon. Deputy Speaker, it is important we dwell on this matter quite seriously. As far as demolition of that Kisumu Mosque is concerned, it is 83 years old. The Nubian community that settled in that region is marginalised for that matter. Those in Nairobi and other parts of the country settled there to support the construction of Kenya Railways Corporation. The fact that they were Muslims, they found it necessary to erect a place of worship. What informed destruction of a mosque which is literally 83 years old? I find it unconstitutional and it contravenes the freedom of worship which is enshrined in the Constitution. The Minister for Interior and Coordination of National Security, Dr. Matiang'i should literally ---

**Hon. Deputy Speaker:** We can leave at that. We will send it to the Departmental Committee on Transport, Public Works and Housing. The Committee Chair can tell us how quick he can respond to this because it is extremely urgent. The Chair was in, I saw him. Leader of the Majority Party, can we make it fast? Let us say two weeks maximum.

**Hon. Amos Kimunya** (Kipipiri, JP): Let us work on the two weeks.

**Hon. Deputy Speaker:** Let us also give it sufficient time so that we are able to get all the details.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Deputy Speaker. I oblige to your direction that the matter goes to Departmental Committee on Transport, Public Works and Housing. However, understanding the background of this matter, I was going to suggest that without varying your directive, this is a matter that should be handled appropriately by the two Committees; the Departmental Committee on Lands and the Departmental Committee on Transport, Public Works and Housing. The background information I have in addition to what we have heard here is that there have been a lot of information cutting across Muhoroni, Kisumu East and to a place called Kanyakwar in Kisumu West going upwards. So, in as much as we are going to deal with transport, the issue of where individual titles end and begin is critical. The Departmental Committee on Lands being enjoined in the resolution of this matter will be very good.

Otherwise, I oblige. This is not a matter for the Departmental Committee on Administration and National Security as initially presented.

**Hon. Deputy Speaker:** What is your point of order?

**Hon. Rahim Dawood** (North Imenti, JP): On a point of order, I think Hon. Shakeel has asked the Departmental Committee on Administration and National Security to look into it because

of the violations of human rights and of the mosque which was destroyed. You have directed that it goes to Departmental Committee on Transport, Public Works and Housing. However, Hon. Shakeel has asked for an answer from the Cabinet Secretary in charge of internal security. I want your direction on that one. Also, the mosque should be rebuilt.

**Hon. Deputy Speaker:** I am trying to look at that. Hon. Nominee 001, is it on the Committee that you would be happy to have?

**Hon. David ole Sankok** (Nominated, JP): Yes, Hon. Deputy Speaker. I also request that such a matter be dealt with by several ministries. There are two persons with disability who were tear-gassed in that particular area.

**Hon. Deputy Speaker:** With that I am sure introducing the Departmental Committee on Labour and Social Welfare...

**Hon. David ole Sankok** (Nominated, JP): That is what I am coming to. This is so that we can protect persons with disability because there is an orchestrated move to sacrifice them. We have lost several of them in the recent two weeks. So, Kenyans need this matter dealt with. I think the Ministry of Interior and Coordination of National Government, the Departmental Committee on Transport, Public Works and Housing and the Departmental Committee on Labour and Social Welfare can cooperate.

**Hon. Deputy Speaker:** Members are almost suggesting that this should be dealt with by the House. I thought the Statement will come to the House. The issue is that we are looking for the lead Committee.

Once we have it in place since Kenya Railways falls under the Departmental Committee on Transport, Public Works and Housing, the rest of the issues can be canvassed around this path. Whether they are issues to do with human rights, people living with disabilities or land like Hon. Kaluma has suggested, I think we can have a lead Committee that will have an opportunity to invite the others since they have the power to invite every other person. This should not be so much about the Committee.

**Hon. David ole Sankok** (Nominated, JP): Then it can go to the Departmental Committee on Transport, Public Works and Housing.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Olago, what is it?

**Hon. Olago Aluoch** (Kisumu West, FORD-K): On a point of order, Hon. Deputy Speaker. I differ with your ruling on this but I humbly request you to make an additional directive on this matter in view of the interest it has attracted. Also, on the fact that this is not just happening in Kisumu County; it has happened in other counties and will also happen in others as Kenya Railways revamps their system.

I humbly request you to make a further directive. That, instead of inviting other Committees, the Departmental Committee on Lands, Departmental Committee on Administration and National Security and Departmental Committee on Transport, Public Works and Housing is enjoined to look at this matter jointly.

**Hon. Deputy Speaker:** I am having a problem with that but let us have Hon. Pukose and then we close it.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. I want to add to what Hon. Olago Aluoch has said that you give further directions. Unfortunately, these evictions have happened even in Kitale where businessmen have woken up in the morning and found all their livelihoods destroyed. Yet, we know that Kenya Railways will not put the railway line immediately. It will take time. Why does the Government decide to destroy people's

livelihood in one night leaving them disadvantaged? I think it is important we have further directions. This is just a request through your office.

**Hon. Deputy Speaker:** With that last intervention by Hon. Pukose, no more. I am more convinced that we need one lead Committee and the rest can be enjoined by virtue of the Committee calling for information from other departments.

As you will realise, we are talking about a national dimension which can only be taken care of by the Departmental Committee on Transport, Public works and Housing. This is because in other areas probably there are no issues on human rights and the social aspect of it like disability is not affecting them.

The best thing is for us to have this Committee. If the Statement is brought and we are not satisfied we will make further orders to ensure Members get the information they want. Please, let us stop there and go to the next Order.

## BILL

### *Second Reading*

#### PUBLIC ORDER (AMENDMENT) BILL

**Hon. Simon King'ara** (Ruiru, JP): Thank you, Hon. Deputy Speaker. By the way, happy New Year to all Members. I stand to move the Public Order (Amendment) Bill, 2019. It has a few amendments which I will put across. The Public Order Act (Cap 56) is amended in Section 5 by inserting the following...

**Hon. Deputy Speaker:** Hon. King'ara, we would like you to move that it to be read a Second Time.

**Hon. Simon King'ara** (Ruiru, JP): Hon. Deputy Speaker, I stand to move the Public Order (Amendment) Bill, 2019.

**Hon. Deputy Speaker:** To be read a Second Time and then you proceed.

**Hon. Simon King'ara** (Ruiru, JP): To be read a Second Time. Thank you, Hon. Deputy Speaker for the guidance.

The Public Order Act (Cap 56) is amended in section 5 by inserting the following new sub-sections immediately after sub-section (11). Hon. Deputy Speaker, allow me to quote.

“(11A) a person who while at a public meeting or public procession causes grievous harm, damage to property or loss of earnings, shall be liable upon conviction to imprisonment for a term not exceeding six years or to a fine not exceeding one hundred thousand shillings, or both.”

Sub-section 11B seeks to amend and reads as follows:

(11B) Where a person is convicted of an offence under subsection (11A), the court may order over and above the sentence imposed, that the person or the organizer compensates the affected persons on such terms as the court may deem proper to grant”

The purpose of this Bill is to amend the same section to provide that people who go to demonstrations or picketing are liable. This is especially when opportunists take advantage and follow suit, maybe causing unnecessary harm even if they were not involved in the same demonstration.

**Hon. Deputy Speaker:** Order! Members must learn to keep social distance. Starting with Hon. Shakeel Shabbir and somebody else is also very close to the Leader of the Majority Party. Let us keep social distance at all times unless there are people who live within the same house.

Hon. Members, let us keep social distance and put on our masks. This is because I can see quite a number of people going very close to the Leader of the Majority Party and we need him for a long time. So, I will ensure I protect him. Unfortunately, I am unable to identify some Members because they are wearing masks but the Leader of the Majority Party must be protected.

**Hon. Simon King'ara** (Ruiru, JP): Thank you, Hon. Deputy Speaker, for that intervention. It is important for us to know we are in a COVID-19 era. You are very right that we need our lives and our fellow colleagues.

I want to put across that this Bill does not concern county government matters. So, it can be a document of this House. It is also good to note that this is a money Bill as per its purpose. This is because it will incur some expenses to the Exchequer.

I want to reflect back where we have come from, especially for freedom of expression and freedom of rights. I will be doing harm if I do not recognise the following leaders who have made us come this far because history is beautiful: I can recall Hon. Jaramogi Odinga, Hon. Martin Shikuku, Hon. Kiraitu Murungi, Hon. James Orengo, Hon. Kenneth Matiba, Hon. Paul Muite, Hon. Raila Odinga, Hon. (Dr.) Mukhisa Kituyi, not forgetting Hon. Prof. Wangari Maathai on environment. Hon. Muturi Kigano, I have remembered you. It is only that you are not in this record.

Remember these people fought for the rights of this country. It is mentioned that the Kenya Constitution is in the league of South Africa, as it fought to remove apartheid.

Hon. Deputy Speaker, there are some few areas where we need to strengthen, especially recognising Article 27(3) to (4) of the Constitution, which talks of equity and freedom of demonstration and picketing where women, youths and people with disability are supposed to be given an opportunity to survive or to conduct their business as healthy people are demonstrating. Some people just ignore it.

Article 37 of the Constitution grants every person the right, peaceably and unarmed, to assemble, demonstrate, picket and present petitions to public authorities. This means that when you want to picket or demonstrate, you should give room for others. While picketing and demonstrating you should not affect other people. I recognise Section 6 of the Public Order Act where regulations are put on where people should demonstrate or picket and leave others to continue with their business.

One would ask: Why did you come with this Bill? I reflected back and tried to do a survey of the effect of uncontrolled demonstrations and picketing in our country. I went to some few institutions which I will quote here, once I am given that opportunity. One is the Kenya Private Sector Alliance (KEPSA). This is on record. During the demonstrations which were there in 2017, the Kenya Government lost Ksh700 billion in that very short time. It means that there were some people who waited for the demonstrations so that they can do their evil deeds. If there were some controls, I think that opportunity would not have come their way. In the same report by KEPSA in conjunction with Trade and Investment Framework Agreement (TIFA) in 2016 when the election was nullified by the Independent Electoral and Boundaries Commission (IEBC), the loss was - this quote is also on record through KEPSA - Ksh7,400 every day per individual in the micro finance sector. The small-scale enterprises lost Kshs21,000 every day according to the same report. The large-scale sector lost about Kshs138,000 every day. This is documented. The small hawker in the Central Business District around big towns like Nairobi, Kisumu, Mombasa and Thika lost about Kshs3,000 every day. You know how many hawkers we have around.

If you look at the banks, when there are riots, people do not go to banks. According to the same report, the banks lost between Ksh30,000 to Ksh90,000 in a single day. The big restaurants here in town have also given their numbers which stand at Ksh150,000 per day during that demonstration.

What was worse is the Nairobi Securities Exchange (NSE). When people stayed at home, especially the foreign investors gave what I call “wait and see”, the entrepreneurs in this country lost Ksh50 billion that single day. So, you can see if we continue allowing demos to take place, we will ruin our country. We have come from far and we will be going back to where we were if order is not set. I might not be very straight on it, but since we have a lot of brains around here, they can chip in and come up with modalities of how people can demonstrate and picket and also do other things as they consider the lives and survival of those who are not involved in the demos.

One would ask: Is it doable? I quote Britain and Uganda where they have set areas for demonstrations and picketing. They have also set laws of doing the same. So, it is done elsewhere in the world. At the same time, Fiji had the same problem sometimes around 2016. They came up with a law where they provided stiff penalties or punishment to those who breached the rule, but they were not stopped from demonstrating at will, if they followed the same route. The list is long.

If you look at other regions like Zambia, which is not far from us, they have come up with a law which protects demonstrators and also protects its citizens and they are able to demonstrate and also allow other things to take course. This is universal because Article 3 of the International Convention on Civil and Political Rights (ICCPR) states that the State has the responsibility to ensure any person whose rights are violated shall have an effective remedy notwithstanding that violence has been committed by a person acting in the office or out of the office.

This one reminds us that we are in the Commonwealth whereby we are supposed to follow suit and go according to the agreement which has been set by the international standards which Kenya belongs. If you look at this Parliament where I belong, our Speaker, through an Act which was put by us, specified areas in the precincts of Parliament where we cannot picket or demonstrate. We are given areas where we should demonstrate or picket as house business continues. If the House of rules and order can do that, why not the nation which we stand for? The list is long. Many things have happened. People have lost their lives and property, as others are trying to fight for their rights. The same Constitution gives each and every Kenyan the right to picket or demonstrate as others things proceed.

Hon. Deputy Speaker, you can imagine how many lives are lost when we block roads and ambulances want to use them. Somebody is sick in that ambulance and the road is closed. You cannot access the hospital. Sometimes people block the hospital. You are sick out there. The medication is just around but because of somebody’s rights of demonstrating, you lose your life. I think all lives are equal and they should be treated equally. For that matter, I wish that this House and Hon. Members can support this Bill including other inputs which they deem necessary to have us live in harmony in this country.

Without much ado, I wish that Hon. Sankok seconds this amendment Bill.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Deputy Speaker. I rise to second this particular Motion. I know Members are wondering why I am the one to second. Whenever there are demonstrations and picketing, those who suffer most are persons with disability. Persons with disability may not run faster than all of us during demonstrations; some of them are visually impaired and may not be able to see where the demonstrations are emanating from. Some are deaf; they will not hear gunshots, screams and wails. So, those who suffer most are persons with disability.

As a House, we have to speak the truth and the truth will set us free. Every citizen in this country has a right and where your right stops is where mine begins. Therefore, this Bill is just trying to bring order in the public so that as you fight for your rights, you do not infringe into other people's rights. Through the demonstrations of 2007, 2013 and 2017, we lost cumulatively Ksh1 trillion directly or indirectly. It always follows that demonstrations are always violent when they are against IEBC or when we reject the outcome of the election.

Hon. Deputy Speaker, doctors have been demonstrating and no property has been destroyed. Nurses have been on the streets and teachers too, yet there has not been any destruction of property or loss of lives. Whenever we have political demonstration especially when we reject the outcome of elections, there are problems. We did an election, a political transition in 2002, but because we accepted the outcome of the elections, we did not have demonstrations or any problems. There was smooth transition of power from the late President Moi to former President Kibaki. In 2007, 2013 and 2017, we lost cumulatively about Kshs1 trillion. We have to ask ourselves as a House who is the common denominator in those elections where we are losing a lot of money. We have to be genuine as a House. The truth will always set us free. That is the truth. Where your right stops is where mine begins. You cannot infringe on my rights purporting to be fighting for your rights. Your rights are not more important than mine. We all have rights.

Remember the issue of the International Criminal Court (ICC) cases. In those cases, we knew who the competitors were and who the price was to be given to. However, we ended up having suspects that were not even competitors in the elections. They did not benefit directly from that election because we misused our rights to demonstrate and picket. That is why I support this Bill so that we can bring public order when we reject the results of elections or when we accept results of elections. We may say that my rights are more important than the rights of the rest of the people. Remember the policemen who would try to protect the lives of those demonstrating and the lives of those who were not demonstrating. We sometimes end up killing them. Policemen are also human beings with human feelings. As you picket there must be public order. There must be some order. This Bill is trying to address that so that we have order in our demonstrations. Sometimes when a policeman is seen misbehaving in public probably beating a citizen, we go to the social media and make it so big. We cannot dig deeper to find out what caused the policemen to fight with the common citizens. Sometimes it is the citizens that are wrong. If I am a uniformed policeman and you throw a stone on my head, do you expect me to be silent? Of course, I will use any tool that I have, including the gun, because I am also a human with human feelings.

Hon. Deputy Speaker, we must bring order. Anybody organising demonstrations should bear the burden. We cannot have people being direct beneficiaries of such demonstrations yet they do not bear the burden. In 2007, we know those who got the ultimate price of the *nusu mkate* and *nusu mkeka* kind of government arrangement. They were not the suspects in the ICC. They were not arraigned in any court in this country. We knew they were only two in this country; namely, Mwai Kibaki and Raila Odinga. However, none of them was arraigned in court. Uhuru Kenyatta was not a beneficiary. Ruto was not a beneficiary, neither was Ali or Sang. They ended up being the victims and suspects arraigned in foreign land yet the direct beneficiaries, specifically the person who rejected the elections, who said there is no peace if he is not given whatever he wanted; the person who said he had won and was not the IEBC, were not taken to court. That is the person who caused violence. We cannot continue losing money in the name of massaging the ego of one individual in this country. We have to call a spade a spade and say that there must be public order. I foresee that in 2022 there may be some orchestrated violence because I know some people will start saying that they have been shortchanged and misused.

In the interest of time, I second.

**Hon. Deputy Speaker:** Before I allow for your points of order, allow me to propose the Question, then I can allow you the opportunity.

*(Question proposed)*

*(Loud consultations)*

Order, Hon. Members. If you really want me to put the Question, there are always ways and means of you asking for that to be done. Before we do that, I will give the first shot to the Leader of the Minority Party, but before I give him the chance, let me hear what the point of order is, then the Leader of the Minority Party will take the Floor and it will proceed in that order.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Deputy Speaker. This House has ruled time and again that the constitutionality of any Motion or any amendment or any Bill can be raised at any time and if the Speaker deems that that Motion or Bill is unconstitutional, it need not to occupy any more time of this august House. It is clear to me that this proposed amendment is unconstitutional on six fronts. I will be very brief. First of all, Article 37 of the Constitution gives the right to demonstrate to picket or to petition. A right we did not have before. If you want to limit that right, you must comply with Article 24, the limitation of rights. Under Article 24, you must demonstrate, you the mover, that that limitation is reasonable and justifiable in an open and democratic society. The Mover and the Secunder have not even attempted to demonstrate that it is reasonable or justifiable at all. On that alone, it should not proceed any further.

Secondly, by the Movers own admission that this is a money Bill, I thought and I expected that it would be demonstrated that as a money Bill, it has been considered by the Treasury as required by law, and by the Budget and Appropriations Committee. That demonstration has not been made.

Thirdly, the amendment purports that this amendment does not concern counties. Any amendment that that seeks to limit the right to demonstrate, petition or picket is an amendment that concerns counties because the Constitution allows you to petition any government including a county government, the county assembly and the governor. I hope my time is not running out because I am addressing you, Hon. Deputy Speaker. I am seeking to persuade you that this unconstitutional.

This definitely concerns counties and even to proceed on the assumption that it does not, is in itself unconstitutional.

Fourthly, this is a very fundamental point. This amendment is legally contradictory. Section 11 that it purports to amend is a section that talks about an unlawful assembly under Section 10. But then this amendment proceeds as if that assembly is lawful. If you read the amendment, it proceeds as if you are actually attending a lawful assembly. You cannot introduce amendment that addresses a lawful assembly to a section that has declared it unlawful. If the clerks should allow me to persuade you, I would be greatly honoured.

Five, is another very fundamental point and perhaps you will be able to review them later. The amendment seeks to introduce civil matters in a criminal context in two respects. It seeks to give the court discretion to deal with what is called “laws of earnings.” Laws of earnings is dealt with by a civil court. It also seeks to give the court discretion to award compensation. Compensation is never for the criminal court, it is for the civil court. The worst thing is that it now

says “over and above the sentence” and gives the court an unlimited jurisdiction. That does not happen even in the civil courts. Certainly not in the criminal courts. These amendments are such that in my respectful opinion, ought to be declared unlawful and they should be killed now without detaining the House.

I thank you.

*(Applause)*

**Hon. Deputy Speaker:** The Senior Counsel is bringing in some extremely weighty issues. I am sure he understands that even when you take those weighty issues anywhere, whether it is Parliament or even in court, some thought has to be put to it. So, you have really put in very weighty issues, which I had no prior information as you are aware. As we proceed and look at how weighty those issues can be able to influence our position, whether we are going to quickly dispense with this or otherwise, we must progress and think about it. Allow me a few more minutes as I take a few more Members starting with the Leader of the Minority.

I am just looking at it this way: that even if we were to continue debating this as I look at what kind of decision I am going to make, we eventually will have lost not so much other than the time, if there is going to be a verdict that is going to be supportive of what you have asked. I do not think we will completely lose everything other than time. So, we can allow Members to debate as we look at all these issues. Of course, somewhere along the line, I will also ask a few more Members to discuss this matter.

I am giving opportunity to the Leader of the Minority Party in line with what we passed yesterday - that he takes precedence immediately after the Leader of the Majority Party. We will see whether there are other issues that are being raised. I do not know whether the Leader of the Minority Party wants to rise in line with what Hon. (Dr.) Otiende Amollo is stating or he just wants to contribute.

Proceed.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. I want to make my contribution to the Public Order (Amendment) Bill (National Assembly Bill No.14 of 2019). As you consider the weighty issues that the Member for Rarieda has raised, which I think have a lot of merit because looking at this Bill, I was also asking myself fundamental questions about Article 24 of the Constitution, which allows for limitation of our human rights. Kenya is considered a country that has a robust Human Rights Chapter in our Constitution comparable to very few countries in the world. So, when we set to limit the rights that we created in the same Constitution, there is an orderly manner within which we must operate.

Hon. Deputy Speaker, as we consider that looking at the text of this amendment, I urge this House to quickly defeat this Bill - to reject it in total and return it back to the sender. We need to be very careful, and this has been said a number of times. When you are passing any legislation think about tomorrow and about the future generations. Do not think about the circumstances at the moment. The circumstances might be favourable now but they may not be favourable in future. You can even see some recent examples of the same. I urge my friend, Hon. Simon King'ara, that this should not have been the Bill that he would have sponsored in this House. These are the reasons: First, there are certain ambiguities in your proposed amendments. When you talk about laws of earnings, who is going to calculate, tabulate and arrive at the figures or is it going to be allowed for any individual to claim loss of earnings? Again, right now, as I stand here, there are enough laws in place to deal with grievous harm that any individual would cause to any other person, even if it is not in a public rally. Even in your bedroom, when you cause grievous bodily

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harm, there are already enough laws in place to deal with you. When you destroy property, we already have enough laws in place to deal with you. So, I do not see any additional benefit that this proposed amendment is bringing.

Further, when you talk of imprisonment of six years and when it comes to fine it is a Kshs100,000 - the lawyers here would correct me - I think there is a mismatch. An imprisonment of six years cannot be equated to a fine of Kshs100,000. You should have thought of a different amount or a different sentence level.

Hon. Deputy Speaker, I also want to talk about the proposed amendment under Clause 11B. Where a person is convicted of an offense, the court may throw an order, over and above the sentence imposed, that, the person or organiser compensates the affected person. If today I organise a legal procession, and the term here is “legal”; or I call for a public rally which is lawful and some criminals infiltrate, whose responsibility is it to deal with criminals? It is not the organiser? That is why we pay the police. It is the responsibility of the Government to ensure and maintain law and order in any public gathering, whether it is organised by the Government itself, a Member of Parliament, and a member of the opposition or any other person. I ask my friend that these amendments do not help this country. These are amendments that take this country back and I think you should reconsider it.

My friend, Hon. David ole Sankok, has seconded this Bill. How I wish Hon. David ole Sankok participates in an election and runs for an office. You would then feel the pain if you have won an election and it is stolen. You have never participated in any election and lost. Please, try one first before you make judgements. The idea that when people want to gain mileage politically...

**Hon. Deputy Speaker:** Now that you have mentioned Hon. David ole Sankok, what is actually out of order? I am just hearing what the Leader of the Minority Party has said - that, you have not run for a political office.

**Hon. David ole Sankok** (Nominated, JP): He is out of order. He is misleading the House. He was at the University of Nairobi (UoN) when I was elected the chairman of the Students Organisation National Union (SONU), the University of Nairobi. I have run for several offices. It is not a must that it is only Parliament that is the office that can be ran for. I was even the president of SONU. I was a president. I was not a Member of Parliament. So, I was above all of you. Hon. John Mbadi was actually at UoN when I ran and he knew I won squarely. Those who I ran against accepted the results of the election and we moved on.

**Hon. Deputy Speaker:** Okay. Let us have the Leader of the Minority Party proceeding.

**Hon. John Mbadi** (Suba South, ODM): Hon. Deputy Speaker, Hon. David ole Sankok is my friend. Yes, he was SONU chairman when I had left the university as a student, but I was working in the university. I remember we actually handpicked him to be the SONU chair. He actually did not win. Anyway, let me proceed.

I just want to urge that...

**Hon. Deputy Speaker:** Leader of the Minority Party, are you suggesting that Hon. David ole Sankok is handpicked everywhere?

*(Laughter)*

**Hon. John Mbadi** (Suba South, ODM): No. Actually, Hon. Deputy Speaker, that is a story for another day. Hon. Babu Owino can help me in clarifying or explaining how elections of SONU used to be conducted. So, I do not want to dwell on that. There was a way we used to conduct SONU elections.

The last comment I wanted to make, my advice to my very good friend, is that when you are addressing Parliament, you are not addressing a political rally. Let us try to distinguish. There is a difference. Talking about Hon. Raila Odinga should not be the fashion. It should not be fashionable to talk about him in order to earn nomination in the next Parliament. I see a tendency of people who want to get nominated again through political parties that are forming. They are trying to use Hon. Raila Odinga's name to endear themselves to the possible decision makers when it comes to nomination. I see it in the Senate. I see my friend whom I love so much. I like Sankok so much. Please, just respect Raila Odinga. He may not be to your liking, but he is older than you. He is more senior in terms of politics. That is the only caution I want to give my friend. Otherwise, he is doing very well. I oppose the Bill.

**Hon. Deputy Speaker:** Hon. Members, as we progress, I encourage you to read the Committee Report. In fact, I would have been very happy to have the Committee Chair in the House to speak to this. If you look at what the Committee considered, it probably agrees with quite a number of issues that you are raising.

Let me give an opportunity to Hon. Johana Ng'eno.

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Thank you, Hon. Deputy Speaker for this opportunity to oppose the Bill. No one in his sane mind can pass such a law in this century. I am even wondering about the people who actually proposed this amendment. We are in the 21<sup>st</sup> Century. Some of us believe that...

**Hon. Deputy Speaker:** Hon. Owino, what is your point of order?

**Hon. Martin Owino** (Ndhiwa, ODM): Hon. Deputy Speaker, I just want to remind Members that this thing called COVID-19 is still with us. The best time to put on a mask is when you are projecting. Could Hon. Ngeno please put his mask on?

**Hon. Deputy Speaker:** That is an extremely valid concern. I noticed that Members remove their masks when they are speaking. I am quite far from the rest of the Membership but you can see that I am still using my mask. It is always good and especially for those Members who speak very aggressively like Hon. Ngeno and Hon. Sankok. Please, have your masks on so that you can protect other Members from the particles of your anger.

**Hon. Kipyegon Ngeno** (Emurua Dikirr, KANU): Hon. Deputy Speaker, I am practising social distancing.

This Bill is doomed. This amendment is doomed and must fall by all means. We cannot be a House that creates laws to benefit some individuals who are not in this House or who are privileged to have powers to protect themselves. One thing I know is that Article 37 of the Constitution of this country which was put in place in 2010 anticipated a situation where we would allow people to picket, conduct peaceful demonstrations and have sit-ins. It even allows people to stay away from their jobs or places of work. The framers of that part of the Constitution knew very well that at some point, there will be hooligans, detractors or opponents who might in one way or another organise for those peaceful demonstrations to be disrupted or to cause mayhem. That is why we have the Penal Code. The Penal Code anticipates a situation where anybody who causes grievous harm or harms anybody will be brought before a court of law and charged through the Penal Code. Introducing another Penal Code in the form of an amendment does not and will never assist anyone.

Each one of us has the freedom of speech, movement, association and all those rights that are in Article 37 of the Constitution. As my colleague has said, this amendment Bill must be sent back to the sender. The sender of this amendment Bill is anticipating a situation where people will be demonstrating. People demonstrating does not mean that they are happy. They are actualising

their grievances, either against the Government, an NGO or even ourselves as Members of Parliament. We should allow those people who are demonstrating against us to have their freedom.

It is the responsibility of the police and the security apparatus of this country to ensure that when there is a peaceful demonstration, there is peace and order. If there is damage, the police themselves should be answerable. That is why we pay them salaries. I say this with a lot of pain because I have experienced several situations such as these. I know many Members who do not understand what I mean will try to use this law against other people thinking that because they are now in Government, the sufferers are those who are not in Government. My friend, you are in Government today but tomorrow you may not. This law will be used against me today and tomorrow it will be used against you. It will be the Members who will come to rescue you.

Recently, I organised a peaceful demonstration in my constituency. Some goons organised to disrupt that particular demonstration by throwing stones at the police who were actually protecting us. It ended up with the police throwing teargas and disrupting the whole event. Who would incur the damages that were caused? Is it me, the organiser?

Recently, I also organised to issue bursaries to my constituents. The police came and demanded that I should have a license to issue bursaries. This law was not there. What will happen if this law is put in place? The police will have leeway to disrupt meetings under the guise that if one organises this event or even gives out bursaries, one might cause harm to other people or some people can organise to come and disrupt that meeting and eventually, it may be used against you.

I do not think this law is necessary. We have enough laws in this country. People must know the right to demonstrate is not given by any human. It is given by the Constitution. It is not a privilege to demonstrate. It is not something that we ask the Government to give us. It is a right that is in the Constitution. Anybody who tries to muzzle that right that we are given by the Constitution must be told that he is creating an unlawful environment.

Thoreau, an American author, wrote about civil disobedience. What was the reason? We believe that the American Constitution is very progressive and the best in the world. Thoreau said that civil disobedience means disobeying the laws that you know are in place but which are against humans. Why? Because at some point, governments can create laws that will restrict or infringe on the rights of its people and people have a right to demonstrate against those laws.

As my colleagues said, some members of this republic were taken to the International Criminal Court. We have never known whether they were the actual perpetrators or not. Somebody might have fixed them or maybe they were guilty. Suppose you use such a law to infringe on other people's rights like we are doing today? My friend stated that some people were taken to the ICC against their wishes and against the law. Suppose they were fixed. What would have happened? We are also talking about this law. Suppose somebody wants to fix us in a demonstration? We should not let such laws to pass on our watch. I wish to tell my friends to oppose this law. Remember, we also had in this House the security laws which many of us fought. I was not among those who fought in the Chamber. I stood against the introduction of that particular law in this House. Today, that law, during whose passage Members of Parliament threw water on themselves and defended vehemently, has come back to haunt them. Let us not go back there.

I oppose this law and urge fellow Members to oppose it. Withdraw it. *Tupa hii sheria. Haina sababu yoyote.*

**Hon. Deputy Speaker:** Let us have Hon. Murugara. Let us be brief so that I give an opportunity to this side again. Hon. Members, as we look at the implications of what Hon. (Dr.) Otiende has asked and the mood of the House, let us proceed.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Deputy Speaker. I support Hon. Otiende. I request that if it is necessary, you make a ruling that this law should not have found a place in this House. The reason I say so is that...

**Hon. Deputy Speaker:** As you speak Hon. Murugara, let me just make it clear to the Members that seated from where I am and looking at what is happening, if things proceed this way, then I do not need to make any ruling as Hon. Otiende requested. If the matter is dealt with one way or the other, if it is dealt with in the other way, there is harm. If it is dealt with differently, then it will be pointless for us to waste a lot of time thinking through something that you have made up your mind.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Deputy Speaker. You are right. We will give you a decision that will be in conformity with what we are asking you to rule on. This proposed law is bad. It should not have been brought here in the first instance. It is illegal because it contravenes the principles of legality on which all the laws are based when they are being made or passed by this House. It is unconstitutional because it contravenes sections or Articles of the Constitution, especially in trying to restrict or abrogate the fundamental rights and freedoms as enshrined in our Constitution. If you wish to reduce, limit or abrogate the constitutional rights, then you will have to amend the Constitution. You should not do so through a proposed amendment to an Act of Parliament.

The other problem we have is proposed Section 11(a) as duplicity which means that we are creating offences which already exist and terming them to be new. One of the offences is grievous bodily harm which is stated here. It is an offence under the Penal Code. Therefore, it cannot be introduced through this Bill. The next one is damage to property which is called malicious damage to property. This is again found in the Penal Code. It cannot be introduced here. The third one is not known in law because it is a civil matter. Loss of earnings which has to be pleaded and quantified through the Civil Procedure Act and Civil Procedure Rules cannot be introduced here.

Section 11(b) of the Bill talks about restitution which is found in the Penal Code and the Criminal Procedure Code. We have provisions where if a court convicts a person and finds it fit to make an order for restitution, then it would be done. Why do we introduce it here? This law is illegal because it introduces strict liability in criminal law. An organiser of an event....

**Hon. Christopher Omulele** (Luanda, ODM): On a point of Order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it Hon. Omulele? Use the microphone which is in front of you.

**Hon. Christopher Omulele** (Luanda, ODM): Thank you, Hon. Deputy Speaker. I have listened to all the contributions to this law. Taking into account Standing Order No.95, will I be in order to ask that the Mover be called upon to reply, so that we can save time?

**Hon. Deputy Speaker:** What Hon. Omulele has said makes sense, especially when all Members are contributing in one way. What I will do to test whether we need to move the direction of Standing Order No.95 is to ask Hon. Murugara to wind up and then I will ask Hon. Kaluma to contribute because I had given him an opportunity. If the discussion heads in the same direction, then we will go to your direction quickly and finalise this matter. Please, you do not need to use more than 30 seconds to summarise what you have said.

**Hon. Christopher Omulele** (Luanda, ODM): I am absolutely obliged. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Omulele.

**Hon. George Gitonga** (Tharaka, DP): The other element of illegality is the introduction of strict criminal liability in this Bill. An organiser of an event which is lawful is being penalised where he has not been charged, tried or convicted. That is what it is doing here. The person who

is convicted is the one who commits the offences. If I organise a lawful assembly or procession but something goes haywire, then who would be punished? That is called strict criminal liability which is an illegality in our country.

This is a bad law which should never have come to this House. It should be rejected. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I would not have given Hon. Kaluma an opportunity to contribute but I had already mentioned him. Please, you can summarise so that we, as a House, can decide whether we want the Mover to be called upon to reply.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Deputy Speaker. I sit in the Departmental Committee on Administration and National Security which considered this Bill to help Parliament resolve it better. If the Members would care to look at the Report which you have referred us to, the Committee tacitly recommends a rejection of this Bill.

Without belabouring what my colleagues have said, fundamental human rights are not gifts to any human being. We say that they are inalienable, intrinsic and inherent. They accrue to a human being because he is human. That is the reason we have a right to demonstrate or picket under the Constitution. It is also the same reason Article 24 of our Constitution prescribes the very limited circumstances under which you can limit those rights. Let me agree with the speakers, including Hon. Otiende Amollo, Hon. Johana Ng'eno and Hon. Murugara, that those limitations to restrictions on human rights which are stipulated under Article 24 of the Constitution have not been met by this provision.

Without being repetitive, may I confirm agreement with the Committee which is largely not before you? With your permission, they are sitting to discuss another Bill away from the plenary with the Public Service Commission. That is why the Chair and the Vice-Chair are not here. I chair the sub-committee which deals with legislations in that Committee. I was allowed to remain behind to address this issue in this Bill.

There are a few issues. If you look at Clause 11(a), causing grievous bodily harm offence is in the Penal Code. It applies in whatever circumstances. If you do something that causes another person grievous bodily harm in a public or private place, there is already a lawful prescription under the Penal Code on how you should be dealt with upon conviction. The offence of loss of property or damage to property is called malicious damage to property under the Penal Code. The punishment for it is clearly spelt out. It does not matter whether you are doing it while you are picketing. If you damage the property of another person maliciously, when the burden of proof is met and you are convicted, the punishment is clearly spelt out.

Loss of earnings worries the Committee Members and me. Imagine that you call for a demonstration in Nairobi, you are not making it definite who may avail himself this claim of loss of earning. The entire Nairobi, including people who are just idling, may go to court to say that because they were unable to go to the office which you have no proof of, they suffered loss of earnings. You can imagine the burden you will impose upon the court and even the person you seek to punish.

If you look at Clause 11(b) of this proposed Bill, there is a jurisdiction which is being granted to the criminal courts which is only vested in civil courts. It says that upon conviction, the court may, in addition to whatever criminal orders, order compensation. Hon. Deputy Speaker, you are an older and better lawyer than me. When does a criminal court sit as a civil court to determine quantum of damage and compensation? You know the rigours of it. It is for this reason that even when you have offences which are committed in the process of an election in an election petition, the election court refers the matter to the Director of Public Prosecutions (DPP) for further

investigations, so that you may be tried elsewhere. According to the Committee, this Bill is also bad in Clause 11(b) because it vests jurisdiction over several matters in a criminal court which the law vests in civil courts. We find that a problem.

Hon. Deputy Speaker, there are very many things that Hon. Murugara has said that reiterate what the Committee is saying. We have a person convicted in 11(a), in 11(b), and you are talking about the organiser. How do you deal with it? As Hon. Ng'eno rightfully told us, you may be infiltrated. I know this must have been thought of when a group of politicians were resisting. However, remember the politicians who were crying that they were peaceful and were required by the regulations to behave orderly. They had people to shepherd their team, but people came from nowhere, infiltrated and engaged in crime. I agree with Hon. Johana Ng'eno that matters of breaches of the law is the reason why you notify the police that you will be engaging in demonstrations. Let them do their work. They should identify the criminals among demonstrators and deal with them.

Hon. Simon King'ara is my very good friend, but my brother, let me remind you of what Hon. Ng'eno said here. When we physically fought in this House over the security Bill, we were telling them to think about the future. Tomorrow, the law might not be thinking about you. Let me also remind you what Hon. Murugara has always reminded me: 'The bad man's principle' in legal drafting. When you draft a law, more so, a law with penal consequences, imagine you are the one the law is going to deal with, then think through it. This is a law for rejection if it is not withdrawn.

Without reiterating much, our Committee recorded everything and it is very rare that a Committee rejects a proposal. I urge the Members to join us in rejecting it as fast as possible.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Hon. Members.

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

**Hon. Deputy Speaker:** Now, let me dispense what Hon. Omulele raised then I can hear what your point of order is. But what is your point of order anyway? If it is a point of order, please, it better be a point of order.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Deputy Speaker, I want to inform the Hon. Member that what he is saying is factual, in the sense that considering the revelations of the former Governor of Nairobi, Hon. Sonko, some of the people who were harassing us in town were from the system. People must be allowed to demonstrate. Demonstrations must continue.

**Hon. Deputy Speaker:** What is the point of order?

*(Laughter)*

Anyway, Hon. Members, let me dispense with Hon. Omulele's request.

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

Hon. King'ara, you have the task of convincing Members in brief. Sometimes it is better to be brief. There are two things that I would advise Members. In future, when you want to convince the rest of the membership, you have to be very brief and very particular on what will help you second the Motion. I am not saying anything.

*(Laughter)*

**Hon. Simon King'ara** (Ruiru, JP): Thank you, Hon. Deputy Speaker. It is very normal for human beings not to disown their children. This is my child and I cannot disown it. I go by the verdicts of the rules and regulations of this House.

What I had in mind, actually, I did not mention anywhere that there should not be no demonstrations and picketing. I even quoted the laws of the commonwealth nations. I do not want to say Members ignored that. However, my thinking was that there should be limitations. For example, you cannot demonstrate at the military barracks or hospitals. Those are what I picked. You cannot even block an ambulance when someone is dying because of your rights. Those were the parameters I used which may not have been understood.

I still feel that as much as we want to picket and demonstrate, there should be limitations. I am a first timer and I have not experienced those things. Even if I came to this Parliament the other day, I have seen politicians demonstrate, I have seen sufferings and loss of lives and I picked it from that. There were no ill feelings about this. I picked it from experience and observation.

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

**Hon. Deputy Speaker:** Thank you very much. We should encourage Members that you are free to bring any amendment because that is your work. There should be no issue.

*(Question put and negated)*

*[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]*

#### THE LABOUR RELATIONS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kimani Ichung'wah, Member for Kikuyu, you have the Floor. Hon. Ichung'wah is not in the House. I will take the discretion to defer this business to such other time that it may be set on the Order Paper.

I direct that we move to the next order of business.

*(Bill deferred)*

#### THE CROPS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Tandaza Kassim.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Deputy Speaker. I stand to move the Bill. The Crops (Amendment) Bill (National Assembly Bill No. 25 of 2019) seeks to amend the First Schedule of the Crops Act No.16 of 2013 and to include *Bixa Orellana* as one of the scheduled crops. *Bixa Orellana* belongs to the family *Bixaceae* commonly known as 'Achiote', 'lipstick tree', 'Mrangi' at the Kenyan Coast and annato is a shrub of the tree from three to nine metres and active in tropical areas of America, but widely cultivated in Africa and in all warm regions of the world.

The Bill was published on 5<sup>th</sup> April, 2019 and was read for the first time in the National Assembly on 26<sup>th</sup> June, 2019. Following the First Reading in the National Assembly, it stood committed pursuant to Standing Order 127(1) to the Departmental Committee on Agriculture and Livestock for facilitation of public participation.

Achiote known at the Coast as ‘Mrangi’ because of its bright red fruits, is a crop largely grown at the Coast, but whose potential has been underutilised. The fruit is harvested for its seed which contain bixin used for colouring of cheese, fish, salad oil, margarine and cosmetics like lipsticks.

Hon. Temporary Deputy Speaker, the Achiote tree was introduced in the Coast region in the 1970s. The crop is disease-and-pest free and is drought resistant. The crop is also believed to ward off destructive wildlife like elephants, thus farmers plant it in their farms and homesteads to act as a buffer crop.

There is only one manufacturing plant for this crop, Kenya Bixa, which is an agro-based company in Tiwi, Ukunda in Kwale County, whose business is to promote the growth of Bixa tree as a commercial crop in the Coast region. It produces, buys, stores and processes Bixa seeds into natural food colours and has been marketing the same since 1979.

Hon. Temporary Deputy Speaker, agricultural experts say that the crop matures fully within four to five years and has an economic life of 20 years, but can be harvested even after one year in the farm. Achiote crop is the world’s second most important natural colorant. It makes about 70 per cent of all world natural dyes.

In Kenya, Bixa Orellana has been one of the four major cash crops in Kwale and one of the seven major cash crops in Lamu. However, farmers find it hard to get financial support because it is an industrial crop that cannot be consumed directly. Also, there are difficulties in getting a steady market and incentives.

Section 7 of the Crops Act provides for scheduled crops specified in the First Schedule of the Act and further provides that the Cabinet Secretary for Agriculture may by notice in the Gazette Notice declare any crop a scheduled crop for the purposes of this Act.

A scheduled crop benefits in a number of ways under Section 8 of the Act which includes marketing and distribution of scheduled crops, provision of sufficient and regular transportation of scheduled crops, promotion and advice on strategies for value addition prior to the exports of the crops from Kenya, recommend general industry agreements between farmers and processors of scheduled crops and prescription for the minimum period in which farmers are to be paid for crops delivered and penalties for delayed payment.

The Bill seeks to amend the First Schedule to the Crops Act to include Achiote as one of the scheduled crops. In order to fully realise the economic benefits of this important crop, there is need to make it a scheduled crop. This will be a major boost to the Coast of Kenya specifically and to the country at large.

Hon. Temporary Deputy Speaker, I, therefore call Hon. Owen Baya to second. Thank you.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you very much Hon. Temporary Deputy Speaker. First, I congratulate Hon. Kassim Tandaza for introducing this very important Bill. At the outset, I second the Bill with pleasure.

This is part of economic empowerment of the people of Kenya in general and Coast in particular. The Mrangi is popular at the Coast and is called bixa. It is a plant that has been there for many years. Bixa had a factory for many years. One of the factories that employed many people in this country was the Bixa Factory in Kwale alongside the cashew nut factory in Kilifi and many other factories which collapsed during the privatisation era in this country. Actually many factories



in this country collapsed during that time. But the Coast region was hard hit because of the collapse of the bixa and cashew nut factories.

Thanks to this new thinking by Hon. Tandaza today. We would like to have bixa become a scheduled crop. One of the reasons bixa was not considered by Government is that it is not a scheduled crop. But we now have an opportunity. I would like to rally this House to use the opportunity to pass this Bill so that bixa, one of the highest earners in Kwale and in the Coast region, can benefit the people. Bixa is grown in Kwale and in Kilifi counties, especially in areas of Malindi. It is a big crop, actually the sixth biggest crop in Lamu and many other parts of the Coast. So this is actually opening a new economic front for the Coast region to reap big benefits from agriculture.

The benefits of a scheduled crop include financing. Bixa fetches almost a dollar per kilogramme in the international market. That is very rare. Many crops we have at the Coast do not get to that. A kilogramme of bixa fetches a dollar. The international market for bixa is very high because it provides natural dye and natural food colouring. China today relies on the bixa plant for its food colouring and dyes. But the market in Kenya for bixa has not been developed because there has not been deliberate Government funding for the bixa crop. So, today, there are many farmers who would like to have 10, 20 or 50 acres of land under bixa, but they cannot do that because they cannot get financing because the crop is not scheduled. The opportunity we have today is to empower many farmers who would make a lot of money from bixa. There are very many farmers, from the stories that are told, who if they had an opportunity to grow bixa in large scale, and are financed, would get a lot of money. They would not be begging for school fees and bursaries or going hungry. The young people would also not be staying at home jobless because they would be working in the bixa plantations.

Another important thing is that when a crop is not scheduled, it does not benefit from Government marketing. Today, there are many people who come to this country to look for this crop especially from Asia and China. They have only discovered it is here because the Government has not deliberately been marketing it. A scheduled crop benefits from marketing by the Government. So, if we vote in this Parliament to put this crop as a scheduled crop, then bixa will benefit from Government marketing, transportation and distribution. This will help this country to gain more foreign exchange and help in the growth of the GDP at the Coast and the country will benefit from it.

Hon. Temporary Deputy Speaker, it is very important that today, as we continue with this debate, Members of this House look at this as part of the economic transformation through agriculture. One of the pillars of the Big Four Agenda is manufacturing. We can only manufacture and do value addition if we can produce crops that can go into manufacturing and value addition. But we cannot do that if some of the very important crops have not been developed to the level that a country can market them.

I would like to urge Members here to support this Bill so that it is passed as law.

The other important thing is that while many crops which we have invested heavily in require a lot of fertiliser, the bixa tree does not require that. A lot of other crops require intensive labour, but the bixa tree does not require that. You plant it and for the next 20 years, you harvest bixa from the one tree. Within four years, it matures and you will have over 16 years of harvest which makes it one of the crops that can help grow the economy because it requires less labour, less fertiliser and less pesticides. I am sure there are other areas which have experimented with cashew nuts in this country and have seen that it can grow there. They can also take bixa and grow

it. I would like to inform my friend, Hon. Murugara over there, that this tree can replace muguka and miraa, which harm our people. With bixa, you can still make the same amount of money.

I would like to add that the coastal crops have suffered in this country. Cashew nuts and coconut have suffered because there was no deliberate investment in crops at the Coast. So, today the factory in Kilifi is closed and farmers are cutting down the trees. There is no investment in research or investment in capital in the crops from the Coast. Families which used to do well because of these crops are no longer benefiting from them and have slid back to poverty. It is important that we do not just focus on certain regions. This Parliament talks about coffee, tea and sugar, but it never looks at the crops at the Coast. There are no deliberate programmes. I ask this House to be the one that has, for once, looked at the Coast region and said: “Yes, we can help farmers at the Coast.”

As I wind up, I want to call upon the Government and the Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Co-operatives, who has been very busy marketing Bills through public participations for crops from other regions to, for once, take up this. We will not just pass this Bill in this Parliament and an Act is put there, and I have seen many Acts which have been put on the shelves. I would like him to apply the same robustness and vigour that he is using in promoting coffee to the crops that are grown at the Coast region like Bixa. I intend to move an amendment to this Bill as we move on so that we can also put cashewnuts and coconut in the First Schedule, so that they can get funding. This will enable us to help the people at the Coast region to get out of the poverty cycle that they are in.

Hon. Temporary Deputy Speaker, as I finish, I would like to say the following: Bixa has been documented as the world most important natural colorant that makes about 70 per cent of the world’s natural dye. That means that the market for Bixa is so huge out there. The only problem is production. The Government can spur its production by investing money in the farmers. The county governments too can invest money in the farmers to make Bixa one of the greatest exports from this country. However, as it is today, that has not been done.

As I second this Bill, I want to urge this House that we support the initiative by Hon. Tandaza so that we can fast-track this Bill and pass it. I want to see the CS, Ministry of Agriculture, Livestock, Fisheries and Co-operatives, just like I have seen him doing for coffee and tea, to also come and do the same for Bixa and other coastal crops.

I second and thank you, Hon. Temporary Deputy Speaker.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Before I give an opportunity to Hon. Atandi who is the first on my list, I just want to congratulate Hon. Tandaza for this particular business.

*(Applause)*

You have made a decent pitch and the Speaker is sufficiently impressed by the work that you have done here. The same goes for Hon. Owen Baya who has done a decent job of seconding this. This is the business that our people sent us here to do. So, Hon. Tandaza and Hon. Owen, well done!

Hon. Atandi, you have an opportunity to speak to this.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to make a contribution on this very important Bill by Hon. Tandaza. I know very little about some of those crops in the Coast region, other than cashewnut and coconut. Now, with the eloquent submission by my brother, Hon. Owen Baya, I have something to say.

It is important for the Government to identify which cash crops prosper in each and every region in this country. This is because each and every part of this country has some potential especially in the area of cash crops. So, my colleague here has identified that cash crop as something that this country really needs to focus on, and it is a critical source of foreign exchange. You realise that this country is in a deficient situation in the area of foreign exchange, and each and every time Kenya is losing on that space. Therefore, it is very important for this House to take advantage of this proposal so that the Government of Kenya can use this opportunity to be able to increase our space in that area. So, I would like to support this.

Hon. Temporary Deputy Speaker, the coastal region, especially Kilifi and Kwale counties, are some of the areas that are marginalised. They hardly have any serious cash crops as compared to other areas like Central region. So, it is really important that this House takes this matter very seriously and urge the CS, Ministry of Agriculture, Livestock, Fisheries and Co-operatives, to ensure that once this Bill is passed, its implementation takes off immediately so that we are able, as a House and an economy, to benefit from this.

Hon. Owen Baya has done justice to this Bill by explaining the benefits of Bixa. It is a cash crop that will not be sold in Kenya, but outside this country. It is a cash crop that will help in improving the economy of the region. I need to be told whether it is something that can also grow in my region so that, as I support it, I know that farmers from my region can also benefit.

Lastly, Hon. Baya, you are a very good man, and I like the way you have made your point here. I wish you would have said that it is something that can benefit “hustlers”. You are not even talking about “hustlers” and yet, you are a man who is advancing the politics of “hustlers”. I wish you could have said that it will benefit the “hustlers” of the coastal region. I have never heard “hustlers” talking about farming. They only talk about wheelbarrows and *mikokoteni*. I wish this is something that was going to be in the politics of “hustlers”.

Anyway, in the Manifesto of the Orange Democratic Movement (ODM) Party, which you are about to run away from, you should know that ODM is a party that has a very big space on agriculture and cash crop development for the coastal region. Therefore, I want to urge you to come back to the party.

I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. (Dr.) Robert Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. I support the amendment by Hon. Tandaza of putting Achiote into the scheduled crops. Achiote belongs to the family of *Bixaceae* and in the order of *Malvales*. As much as the crop takes a long period of four years for it to mature, it has a lot of benefits. We have all been going to the Coast region and, occasionally, we see the colourings of the food. We never knew that, that was from Achiote. Today, that is a very important learning that all of us have acquired. I have also gone through it to read the benefits of that food colouring. It is carotenoid, meaning that it adds Vitamin A into whatever we are eating, and it has beneficial effects among them being what we call anti-oxidants.

In the human body, we normally have what we call free radicals. These are some harmful chemicals that are released and they require some bit of clearing. So, this Achiote assists in clearing those chemicals and it prevents our bodies from getting cancer as well as bringing in other benefits.

So, putting this in the scheduled crops is an addition to the health benefits for which Kenyans will also be able to get. With that carotenoid, it also assists in improving eyesight, and many other benefits that come with it. So, I am convinced that this is a crop that requires to be put on the scheduled crops and it should get the Government's support. It is going to be beneficial not just to the people of the Coast region in terms of exports, but also to the locals in various parts of our country. What it requires a lot is for the people in the Coast region to market it in the upper Kenya so that people within those other areas can understand it. This is because you guys seem to be having a very valuable crop that you are eating alone down there. You need to also bring it to the rest of the country so that it is open. That will be beneficial economically to the people of the Coast region.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken, *Daktari*. We shall have Hon. Dawood Rahim, Member of North Imenti.

**Hon. Rahim Dawood** (North Imenti, JP): Thank you, Hon. Temporary Deputy Speaker. First, I want to congratulate *Mhe. Tandaza* for bringing a Bill that will put *Bixa Orellana* into the crops schedule. A couple of years back, as Meru legislators, we got *Miraa* put into the crops schedule. I would just want to correct my friend, *Mhe. Owen Baya* that cashewnut is already part of the First Schedule. Even though it is in Part III, it is part of the First Schedule because it is a crop which does not need breeding. So, it is part of the First Schedule.

I want to say to *Mhe. Tandaza* that the Government of Kenya is working on a programme to do value-addition to all products. We have done the Tea Bill. We are going to do the Coffee Bill, and there is no stopping. Like *Mhe. Owen Baya* has said, the Government has not looked at some things. It is for the Coast people and their legislators to bring it to the Floor of the House and lobby so that we can get more. Where *Bixa Orellana* is grown is where my father was born. He was born in Lamu within the defunct Coast Province. That is where we come from. It is the backbone of the economy there. We, as legislators, need to assist each other so that we uplift the standards of living of our people. I do not think there is any reason for the Government, once this is passed as a scheduled crop, not to assist in the development of that crop tomorrow, if the budget provisions permit. The Government will assist, just like what has been done with the *Miraa* crop. Right now, there are many problems because of the markets and all that, but the Government is doing what it can for now.

I believe, with the capabilities of Hon. Munya, who is the CS for the Ministry of Agriculture, Livestock, Fisheries and Co-operatives, we can move mountains. It is because he is a CS who believes in action. We have seen it in the tea sector. We are seeing it in the coffee sector and, hopefully, we are going to see it even in the sugar-cane sector. So, *Mheshimiwa*, I join you and say that we will all support this Bill. *Bixa Orellana* should be one of the cash crops.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Dawood, just hold on for a second. Hon. Tonui, what is out of order?

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker. I was only wondering if the Hon. Member is becoming the spokesperson of the CS or something like that or he is contributing. By the way, he talked like he is the spokesperson of the CS.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Tonui, Hon. Dawood is quite within his rights to feel that the CS has for the time being done a decent job. He is within his rights to proclaim that he has done a good job.

**Hon. Rahim Dawood** (North Imenti, JP): Hon. Temporary Deputy Speaker, I say that because the Secunder of the Motion mentioned that CS Munya should go to the Coast to look at the coastal plants and crops. That is why I said within the short time CS Munya has been in office – and he is my former Governor – he has done an excellent job in agriculture. So, there is no point of not saying he has done a good job.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You are very well within your rights Hon. Dawood, to be impressed by the work that has been done by Hon. Munya.

Next on my list is Hon. Oundo, Member of Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving this opportunity. Let me also take this opportunity to congratulate my colleague for bringing this amendment to the House. I came to learn of *Bixa Orellana* through the Kenya Bixa Limited in my other life before I came to Parliament.

Indeed, the principle behind this amendment is essentially to elevate the *Bixa Orellana* product or plant to the same level as other cash crops that have been stated in the First Schedule of the Crops Act. Agriculture is the backbone of this country. Cash crops are the backbone of rural Kenya. A rural county without a stable cash crop struggles to meet the economic and financial needs of most households. For that reason, I want to support the Bill and support my colleagues from the Coast region that continue to pursue what brings out the best interest to the people in that area. At no single time should we be blinded by petty politics to abandon what is good for our people. For us the people of Busia, we are happy that cotton and sugar-cane, which are the major crops in our region, are scheduled crops. Yes, there have been ups and downs. There has been inadequate support, but the little support we have received has taken us somewhere. That is why it is important to divorce politics from development issues. We must always look for ways and means of empowering our people. We empower people through such kind of initiatives.

With those few remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Well spoken, Dr. Oundo. Next on my list is Hon. Maanzo Kitonga, Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this very important Bill. One of the advantages that have been alluded to by Hon. Tandaza is that it is a solution to one of the biggest problems in the coastal area and many other parts of Kenya - the problem of elephants or animals. From his contribution when he was moving, he alluded to the fact that elephants are repelled by that plant. When you do not want your farm to be invaded by elephants, you plant the crop around it and the moment elephants get near there, they do not even want to eat the fruit. They leave and they do not invade that farm.

So, I want to really support and say this is a very important crop. As soon as we pass this Motion, because Members are really happy with the work that has been done by the hon. Member, we wish that it gets expedited as fast as possible. The good CS Munya, as requested, should visit the Coast region and schedule it immediately. It should immediately be put in the Budget that we are now making for 2021/2022. That is so that the crop can be promoted.

One of the biggest advantages I have learned from Hon. Tandaza Sawa is that the plant is used for colouring in the manufacturing of lipsticks. Although it is being done in some parts of the

eastern world, a lipstick is used in almost every minute in the world. If we promote that plant so that it is planted in the Coast and in many other parts of Kenya with similar climatic conditions like *Ukambani*, we are going to have a cash crop that will sell fast. We have learned even from the medical experts - the doctors in the House - that it is an oxidant. It helps the body to fight poisonous substances because of Vitamin A and other elements which make it very useful.

This is a very useful plant and further experiments should ensure that this plant is used in the manufacture of drugs such as Vitamin A, especially during this COVID-19 period. Looking at how the economies will grow post-COVID, this is an important thing that the country should focus on. We should promote that plant. I am happy that it has been brought to the House and since this is a live broadcast, many Kenyans have learnt about this useful plant. I am sure that many farmers have learnt about its uses. Many people and Kenyans like the food delicacies of the Coast. I have today learnt that the red celery in fish and most foods at the Coast are useful for one's health. This plant must be promoted in public rallies by Members of Parliament from that region. As it has been requested, the Cabinet Secretary must visit the Coast as soon as this Bill becomes law and I am sure it is going to be expedited. It is a very useful crop and, as a country, we are looking for value addition and it is funded by the World Bank and other partners. This crop must be promoted. The ActionAid, United States Agency for International Development (USAID) and World Bank like promoting agricultural-based economies owing to the fact that Kenya's main activity is agriculture. We must promote that plant and ensure that the coastal people are able to grow it massively knowing that there is market and support from the Government and the MPs.

Thank you, Hon. Temporary Deputy Speaker. I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wanjira Wangari, Member for Gilgil.

**Hon. (Ms.) Martha Wangari** (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to support and congratulate Hon. Tandaza, whom I have known for quite some time. We were some of the founders of United Democratic Forum (UDF) Party in 2012, before he moved to the African National Congress (ANC) and myself to Jubilee. I want to congratulate him for bringing this Bill. Given the morning that we have had in terms of the business of the House, this is a sigh of relief. I want to support because the benefits of that tree or shrub are unknown. This tree originates from South America and Brazil is one of its biggest producers and consumers. Brazil imports the very same *Bixa Orellana*. Some of the countries in Africa that export that tree are Cote d'Ivoire and Angola. As a country, we have set the pace in Africa and I believe we can do better given that most of the climatic conditions in the Coast are replicated in the other parts of the country. In Gilgil, we have semi-arid areas and I hope that once this is done, we will get seeds from Kwale, where Tandaza comes from, and introduce them in Gilgil and other areas that have that kind of climatic conditions.

Hon. Temporary Deputy Speaker, the importance of scheduling a crop would be the attention it would be given, proper market and the sensitization that it will receive. Most of us did not know about that crop until Hon. Tandaza brought it. We will be able to get a lot of sensitization and give it the attention that it deserves.

Valentine's Day is this week and as I was reading about its benefits, I learnt that the seeds of that tree are used in making lipstick. The bright colour and pigmentation that is orange and reddish will make a very good lipstick. Red is the colour of love. I hope that by next year during the Valentine's Day, we will be able to buy lipstick made from the natural growing *Bixa Orellana* tree at the Coast.

I support Hon. Tandaza and hope the House supports this Bill. It should be a scheduled crop and given the attention that it deserves so as to be broadcast to the world. We will then join other people not just for selling and exporting, but as consumers because we have a ready market for whatever is in the *Bixa Orellana* tree.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Kwa kusema ukweli, Mhe. Tandaza Sawa ametandaza habari za mrangi huu kweli kweli.

**An Hon. Member:** Ako sawa.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Ako sawa. Ningependa sasa kumpa nafasi Mhe. Melly Kibiwott kutoka Eneo Bunge la Tinderet.

**An Hon. Member:** Ameondoka.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Mhe Amisi.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I want to support this Bill. My card has a problem. I think it is still on recess. Thank you for recognising me without my card.

I would like to support this Bill by *Mheshimiwa* Tandaza. At this point and time that we are talking about support to our natural resources and potential as a country, some of the things that we need to look at are crops that are going to benefit our agricultural industry. Bixa is an industrial crop. This Bill has come at the right time to address crops that would have otherwise become extinct. This legislation will help to put focus not only on this crop, but also on other crops that might be extinct and our future generations will fail to see them. So, we need to focus more on other crops. Kenya is an agricultural country and the whole world knows us as an agricultural nation. Our economy is based on agriculture. The more we focus on those crops, the more potential we will have as a nation on the agriculture sector. Apart from becoming an economic crop, there are many benefits that my colleagues have elaborated that emanate from growing that crop like its flowers and its bright and red fruits that are used in occasions like during Valentine. This is a crop that has been recognised in other countries that have favourable climatic conditions for it and they are benefiting from its farming.

Therefore, as a nation, we should be at the forefront in promoting the crop because of the advantage we have of having it in our coastal areas. We should not be left behind. We should make sure that the Bill is passed and farmers in the coastal region are given the necessary support that they need. We should identify other areas that can support that crop. Because of lack of laws and support from the Government, those areas have not been able to support that industrial crop.

With those few remarks, I support the Bill and hope it will be passed to enable the people of the coastal region to profit from that crop.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Amisi, you need to liaise with the security people so that your card is restored. I allowed you because it is fairly early in the Session. Hon. Members, if you can remember, the Speaker ruled that when you do not have your card, you will not be able to speak. So, Hon. Amisi, I have allowed you only for today. Members, please, understand that you need to recalibrate your cards so that you have access to speaking in the House.

The next one on my list is Tonui Kiprotich, the Member for Bomet Central.

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Bill. I want to support this Bill from the outset and commend Hon. Tandaza for coming up with it. I also thank Hon. Baya for a

very detailed explanation of the Bill. I was not sure what bixa was but, from his explanation, I think I have an idea of the crop and its importance.

Anything touching on agriculture is very important because it will create employment and ensure that there is diversification of sources of income in the coastal region, so that it does not rely only on tourism. If we can encourage the growing of that crop so that there is another source of income, I believe that is highly welcome, especially so that the people we call “hustlers” and the people whom we fight for can be taken care of and have another opportunity to earn a decent living. So, the growing of that crop must be encouraged and must be supported to ensure that unemployment is dealt with at the Coast and generally in the country through agriculture. We have an opportunity to create employment through agriculture. So, this Bill is very important.

Through the explanation, I got to understand that an inbuilt in this same Bill is the issue of access to loans by farmers who grow bixa. I think that is very good. The whole of that channel needs to be sorted out. Even the issue of marketing is well captured in the Bill. That is a very important aspect of the Bill which also needs to be supported. We should also ensure there is prompt payment of the farmers. There is a safety net inbuilt in this Bill to ensure that there is prompt payment to farmers. What we have had in many sectors is that payments are not made promptly. Pyrethrum farming collapsed because of lack of payment.

The Mover and the Secunder have done adequate research on this Bill, so that we do not support a Bill that is not adequately researched. For example, when we supported the Tea Bill from the Senate, it appeared to be very beautiful. But it also created an Ad Valorem Levy, an extra charge on the farmer which was not there before. It is being reintroduced and yet, we had removed it in the 11<sup>th</sup> Parliament. We put a lot of effort to remove it. Personally, I came up with a Bill to remove the Ad Valorem Levy. Through the Tea Bill, we have introduced the levy. I believe the Movers of the Tea Bill may have concentrated majorly on the eastern side of the country. But when we have those powers given to the CS to make regulations, he may say 50 per cent of earnings must be paid monthly. Currently, gross earnings from tea are at Kshs18 and tea bonus is at Kshs10. That totals to Kshs28 and 50 per cent of that is Kshs14. Currently, farmers earn Kshs18. So, that is going to reduce their earnings to Kshs14. Those are some of the issues that were inbuilt in the Tea Bill, which is quite unreasonable to tea farmers in the western region of Kenya. It is very unfair to them. Other regions may be excited about it, but farmers in Bomet and Kericho are not happy.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Tonui, I know where your heart is, but try to keep yourself to Hon. Tandaza’s issue today.

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you. I was only trying to caution that, possibly, you have looked at the details to ensure that the bad effects are not captured in the Bill and that everything is taken care of. If you give too much room to the CS to make regulations, then those regulations may be too harmful to the crop whose farming you want to encourage. Even though we are discussing bixa, we are also talking about other crops. You saw last night in the news that farmers in Nakuru are being directed not to plant maize in an area where they only rely on maize. You wonder whether the Government is going to feed them. In the same Statement, they did not provide details. How many bags of maize for the whole year will be provided to the families? They are being directed not to plant maize, which is quite unfair. I condemn it in this Sitting. I found it to be unreasonable. We are exposing them to famine this year and next year. The Government must be reasonable in its directives. Go and provide security. We do not discourage people from making livelihoods. They must survive; they must get a source of income. You see a whole Regional Commissioner directing that there is not going to be maize planting in the region.



Those are some of the issues that are unreasonable with this Government. Possibly, because of the handshake, we can no longer oppose what is said by the Government. That is why they are going an extra mile to being unfair to people in some parts of this country.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Chrisantus Omulele): Hon. Tonui, you are raising fairly serious matters. I believe that as a Member of this House, you have an opportunity to address them. You can do so by way of seeking a statement from the relevant section of Government or even by raising a question. What you have raised is really serious. You have the tools within our Standing Orders to make that inquiry.

Leader of the Majority Party, I can see you have made a stake out. I will give you an opportunity as soon as possible. Hon. Mizighi, Member for Taita, kindly have the Floor.

**Hon. Haiza Mizighi** (Taita Taveta CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

I begin by congratulating Hon. Tandaza for bringing this very important Bill. It is a Bill which is truly important to the economy of Kenya and most importantly to the coastal region. As a country and the world in general, people have now gone herbal. Following the outbreak of the Corona virus pandemic, we have been advising our people to use the *mwarobaini* tree because of its health benefits. Bixa is one crop that has so many health benefits. As we discuss this Bill, I have realised that majority of us are not aware of that crop. That is why I stand to support so that it can be in the scheduled crops so that the Government can assist in marketing it. That way, people can be aware of the existence of that crop and value can be added to it. Value addition can be done for it to be beneficial to the indigenous people. Let us support this indigenous crop for it to be beneficial. I have heard one of my colleagues say that through her research, that crop can be able to make lipstick. Yes, it can. It has many other benefits, including health benefits.

With those remarks, I support and pray that this House supports this Bill so that many people who have such crops in this country can benefit.

**The Temporary Deputy Speaker** (Hon. Chrisantus Omulele): Hon. Mizighi, Hon. Kaluma, the Member for Homa Bay Township seems to be extremely excited by your contribution, especially the part about lipstick. I do not know why?

*(Loud consultations)*

I will leave it for the other Chairs. Maybe, I will learn something. It is not yet time for Hon. Murugara. It is Hon. Sankok's time. Leader of Majority Party, just hold on. I know you have priority, but let me allow Hon. Sankok first.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. When a Member is appreciated by the Speaker, like what you have done to Hon. Tandaza and my good friend Hon. Owen Baya, they should know they are on the right track because of being appreciated by the third most powerful person in Kenya.

I have learnt a lot about bixa and that it is a very important crop. We need to support it coming from the background that agriculture is the backbone of our economy. In some of the semi-arid areas, we have been unable to invest a lot in terms of agriculture. If we get a crop like bixa, then we are on the right track especially post COVID-19 recovery.

Medically, it has Vitamin A which is an anti-oxidant. This assists in the removal of free radicals in our bodies. Most times, we get lifestyle diseases because of toxication of our blood. Now, we have an anti-oxidant like Vitamin A from bixa which is very important.

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I have learnt from Hon. Tandaza and Hon. Owen that this crop can scare elephants away. Where I come from, we have lost many people because of human-wildlife conflicts and especially elephants. Many people have been killed by elephants. So, I think Hon. Tandaza or Hon. Owen will become the ambassadors of that crop so that, as the Cabinet Secretary thinks of investing in this crop, then this should not only be done in the coastal region, but also in other regions.

If you will allow me, 80 per cent of our land mass is arid or semi-arid. We have been unable to realise the potential of 80 per cent of the land mass. This is because we have not invested a lot in the backbone of our economy, which is agriculture. As a country, we are lucky. Although we have not invested in those areas because they are dry and lack water. God has blessed us with water from above. We have water from the Aberdares, Mt. Kilimanjaro, Mt. Kenya and Mt. Elgon. If only we channelled this water through culverts or pipes, we could provide water to most arid areas and spur economic growth in those regions.

Therefore, I support this Bill. I want to request the CS for Agriculture - since somebody was advocating for him but has left - he should consult with him so that he can implement this Bill as soon as it reaches his table. Or, even before it reaches his table, now that he may be listening to us or has informers who inform him what we are discussing.

We need to realise the benefits of that crop. I know why Hon. Kaluma was very excited when we were talking about lipstick. His other name is 'Akuku danger'. Now, you know the relationship between this and him.

Thank you, Hon. Temporary Speaker. I support this Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Speaker is sufficiently informed about Hon. Kaluma. We shall now have the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Bill by Hon. Tandaza Sawa. It comes at a time when we need to be thinking about how to handle the whole agricultural sector.

We know the importance of the agricultural sector in this country. It has been captured very well within our policy documents and Vision 2030. It has been captured within all the policy papers. It is even captured very well going forward in terms of the Building Bridges Initiative (BBI) and the emphasis on agriculture and value addition and empowering people at the different levels as part of the shared prosperity. This is because Kenya is a prosperous country. The people of Kwale have been blessed with that crop. It grows within that area. I have been a visitor to Kwale for a long time and I remember even when I was Minister for Lands and I visited Kwale, I was shown the Kenya Bixa Plantations and Company. People kept on saying that crop is good but it has never been given the formal recognition so that value addition can be done on it so that it can be marketed so that the exploitation on the local farmer by a few merchants can be stopped. This is coming in at a good time and we must thank Hon. Tandaza for this foresight and for really representing the people of Kwale to actually get that crop onto the map.

I would like to encourage other Members to also look at what crop is growing within their area and has a comparative advantage within that area to also have it scheduled so that, instead of talking about it in political rallies, we can have it within the law and the people then can have the legal recognition and protection. I have seen the crop. I know how it is done. We have all tasted the *pilau* and all that that comes from that mix and you get the richness of the food like the colouring and all that. It is the same with the tamarind. Until Kenya Airways started serving the tamarind juice in the business class then people started asking: What is this drink we are having? There is so much richness about some of the crops within the Coast, but their commercial value has never been exploited; hence people then talk of we are still being marginalised or forced to

grow some other crops that, perhaps, can grow better elsewhere. If we could give them better value for what is comparatively advantageous in Kwale, then farmers could have that money to go and buy the maize from Kitale. So, farmers do not start planting some crops that can do very badly in those areas.

I am very happy with this and I do believe that once it is a scheduled crop, it will receive the treatment that it deserves and we will be able to do further research on it. I have heard people giving different benefits. I am not sure how many of these have been scientifically documented and whether it is good for the blood or we men. We do not know, but at least, when it is scheduled, we will be able to get more documentation and further research. However, most importantly, how can we get more value addition? This is because it is an industrial plant. It is not the kind of thing that people will just pick and take to their house and consume. It still has to go through some processes. Through that value addition, the farmers in Kwale... I am sure of that because of the role to be played by the County Government of Kwale as agriculture and industrialisation is devolved. So, even as we do it here, I would like to urge Members also to scale it down to Kwale so that it can also receive the attention at the county government and hence they can put in more support on it. That is why some of us are very passionate about the proposal to increase the money to the county governments to a minimum of 35 per cent. It is through using those funds that the County Government of Kwale will be able to scale up the industrial exploitation of bixa plus other plants within the Kwale region so that the people of Kwale can have their quality of life improved because of what God provided for them that can grow in those areas. I am not quite sure it will grow in Gilgil but once it grows in Gilgil, I am sure it will grow in Kipipiri. So, we will experiment with Gilgil and since we share the same climate of the semi-arid region, together with Naivasha and other areas, we can benefit. Let me not talk too much, so that a few Members can get a chance. But I really want to congratulate Hon. Tandaza for bringing this debate into the House, rather than keeping it out there in political rallies as most of us are doing. We keep telling our farmers we are going to do this, but it never gets to the House. This one has been brought to the House and I believe we will support so that the people of Kwale can reap the benefits of that crop.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Thank you, Leader of the Majority Party. I hope you will prioritise for Third Reading so that this good Bill can bear fruits at the end of the day. Hon. Murugara, you have the Floor.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker, for allowing me to make a contribution to this. Let me begin by thanking Hon. Tandaza and Hon. Owen Baya for the good work regarding this crop, which is not known to most of us. I am happy that it appears we are going to pass this for you. I must confess that I would want to know more about that crop and I will come to you for lessons because some of the crops that grow along the Coast region do very well in Tharaka. I have an example of cashew nuts which we are trying to improve production in, so that the hustlers of Tharaka can also gain from such cash crops.

Allow me to take a swipe at the Ministry of Agriculture. In spite of the fact that Hon. Dawood did say that the Cabinet Secretary is doing a good job, it is wanting. It cannot be said to be 100 per cent good because he is paying a lot of attention to tea, coffee and sugar-cane. We have a host of other scheduled crops which require the attention of the Government in policies that have been mentioned by the Leader of the Majority, but we are seeing nothing about those crops.

For example, cotton, which the Hon. Member for Funyula said grows in Busia also grows a lot in Tharaka. But we have watched as cotton goes down and there is no more production that goes on in the country because of the *mitumba* importation and things like that.

We also have another crop known as pearl millet. Pearl millet is also known as bulrush millet. It is also grown in Tharaka and Ukambani and it is one of the best food crops. We have seen the Government do nothing about this; the same with sorghum which is in very high production in Tharaka. We are in the peak season and it is used by Kenya Breweries because of the production of beer. You will see nothing from the Government in spite of the fact that those are scheduled crops. So, I urge the Ministry to invoke its powers under this Act, move and look at all scheduled crops and ensure that our farmers are given the necessary services which can help them attain maximum production and benefits from those crops.

I was informed by the former Cabinet Secretary in charge of Agriculture that another crop, a food crop which is also a cash crop known as green grams (*ndengu*) which is widely grown in Tharaka, Ukambani and in other arid areas, is a scheduled crop. But I notice that it is not here. Although it was supposed to be gazetted as required by section 7, this was not done. I would like to inform the two honourable Members, that when we go to the Third Reading, I will be moving an amendment to ensure that *ndengu* or green grams are included in Part 1 as a crop with breeding program under compulsory certification because *ndengu* is famous in the country. I mean that in every plate of chapatti or rice, you have to have that menu of *ndengu*. It does not do very well in terms of marketing. The price is not very attractive but the fact remains that this is one of the greatest cash crops for Tharaka people, and people who live in semi-arid areas. It needs to be bred properly. It needs to be propagated and marketed properly so that the people of Tharaka, Mwingi North and Makueni can benefit from that very important crop in the country. So, I will be moving the amendment and I will be seeking the support of the House so that they can also schedule that crop amongst other cash crops.

Again, as regards to this particular crop, we need to support it. It needs to be marketed properly. We also need to have experiments of where else that crop can do well. As I have said, I believe that it can do well in Tharaka. It may do well in Kipipiri, Gilgil and in other semi-arid areas. This is a crop that may help the economy of this country, whose backbone is agriculture. There is nothing else that we do which is as productive in the country as agriculture. We must, therefore, support the Crops Act, an amendment similar to this one, and the regulations that are being made in respect of each of those crops. We are trying to decentralise the crops from the Crops Act to individual Acts. We have the Tea Act, the Coffee Act and possibly, we will have a *Ndengu* Act and any other Act that may help improve the production of agricultural crops in the country.

With those remarks, Hon. Temporary Deputy Speaker, I beg to support this Bill.

**Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): I agree with you, Hon. George Gitonga, that *ndengu* is a delicacy even where I come from, although we do not know how it grows. It must be from your area. It should be one of the crops that we should protect.

We shall have Hon. Joshua Kivinda, the Member for Kaiti.

**Hon. Joshua Kivinda** (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this important amendment by Hon. Kassim Tandaza. I want to congratulate him for the amendments.

This is a very important crop. As many of my colleagues have said, it will help improve the economy of this country. I know there is need for the alleviation of poverty of the people of the Coast region. This is a good sign, if we support them on this crop, because it will help their economy grow. As I support this Bill, I know in this country we depend a lot on agriculture. When we encourage some of those crops, we are improving our economy.

I was discussing with Hon. David ole Sankok about this Bill and he assured me that we need to start supporting the people of the Coast region by giving them seedlings in order to help them improve, instead of selling the narrative of wheelbarrows. He is in my support. We also need to talk to the Cabinet Secretary for Agriculture to support the people of the Coast region. In addition, the Government, as a whole, and Members of Parliament, need to educate our people about this crop on how to promote our economy.

I thank you. I support.

**Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. David ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, Hon. Joshua Kivinda has said that I discussed with him about this Bill and that we will not be selling the hustler narrative.

**Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): First of all, Hon. David ole Sankok, Hon. Members do not lie.

**Hon. David ole Sankok** (Nominated, JP): Do they say what is not true? They are economical with the truth.

**Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): They may say something that is averse to the truth, but they do not lie.

**Hon. David ole Sankok** (Nominated, JP): Hon. Joshua Kivinda is very economical with the truth because we did not discuss such things. We discussed that we are assisting hustlers by making sure that they have seeds and that we support all of them from the ground. That is what we discussed with him.

**Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. The Member for Kaiti, once this crop is ready, it may also be carried on that contraption. So, both of them are useful.

#### ADJOURNMENT

**Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 1:00 p.m., this House stands adjourned until this afternoon at 2:30 p.m.

The House rose at 1:00 p.m.