



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 9**

## THE HANSARD

Tuesday, 28<sup>th</sup> February 2023

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Speaker:** Hon. Members, we have quorum to transact business.

### PAPERS

**Hon. Speaker:** Where is the Leader of the Majority Party? Do we have his representative?

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Chepkonga.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Speaker, the Leader of the Majority Party was rushing on his way here. Maybe we can postpone, defer it...

**Hon. Speaker:** Is that a point of order or information?

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): *(Laughter)* You cannot inform the Speaker.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker.

**Hon. Speaker:** First, apologise to the House.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): My apologies. We had a bit of consultation with the Whip.

**Hon. Speaker:** Which you should always do before time.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): As you can see it was necessary for the Whip to whip our Members.

**Hon. Speaker:** Okay. Order No.5.

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

1. Legal Notice No. 4 of 2023 relating to the Income Tax (Financial Derivatives) Regulations, 2022 and the Explanatory Memorandum from the National Treasury and Economic Planning.
2. The Annual Report and Financial Statements for the Financial Year 2021/2022 from the National Police Service Commission.
3. Recommendation on the basis of equitable sharing of revenue between the national Government and county governments for the Financial Year 2023/2024 from the Commission on Revenue Allocation.
4. The Ksh65 million emergency funding to deal with wild fires in Aberdare and Mt. Kenya National Parks from the National Treasury and Economic Planning.
5. Report of the Auditor-General and Financial Statements for the National Government Ministries, Departments and Agencies for the year 2021/2022 from the Office of the Auditor-General.

6. Reports of the Auditor-General on Forensic Review of Power Supply System Losses from Kenya Power and Lighting Company PLC.
7. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 2021 and the certificates therein:
  - (a) St. Joseph Technical Training Institute of the deaf;
  - (b) Belgut Technical Training Institute;
  - (c) Sabatia Technical and Vocational College;
  - (d) Siaya Institute of Technology;
  - (e) Ugunja Technical and Vocational College;
  - (f) Bureti Technical Training Institute;
  - (g) Kiirua Technical Training Institute;
  - (h) Kenya Petroleum Refineries Limited;
  - (i) Nuclear Power and Energy Agency;
  - (j) Technical University of Mombasa Enterprises Limited;
  - (k) Katine Technical Training Institute;
  - (l) Thika Technical Training Institute;
  - (m) University of Nairobi Press;
  - (n) Tambach Teachers Training College;
  - (o) Moiben Technical and Vocational College;
  - (p) Mukiria Technical Training Institute;
  - (q) Chuka Technical and Vocational College;
  - (r) Nkabune Technical Training Institute;
  - (s) Muraga Technical Training Institute;
  - (t) Emining Technical Training Institute;
  - (u) Kipipiri Technical and Vocational College;
  - (v) Karen Technical Training Institute for the Deaf;
  - (w) Kiambu Institute of Science and Technology; and
  - (x) Ngong Technical and Vocational College.

**Hon. Speaker:** Chairperson, Budget and Appropriations Committee. Just hold on, Hon. Ndindi.

*(Hon. Robert Mbui consulted loudly)*

## COMMUNICATION FROM THE CHAIR

### RECOGNITION OF DELEGATION FROM THE PARLIAMENT OF GAMBIA

**Hon. Speaker:** Hon. Members, I wish to recognise and introduce to you a delegation from the National Assembly Authority of the Republic of Gambia.

Order, Hon. Mbui!

It is an equivalent of our Parliamentary Service Commission. When I mention your name, you stand up to be acknowledged. The delegation comprises the following:

- |    |                             |   |   |
|----|-----------------------------|---|---|
| 1. | Hon. Fabakary Tombong Jatta | - | Speaker of the National Assembly, Gambia.   |
| 2. | Hon. Alhagie S. Darboe      | - | Minority Leader and Member of the Authority |
| 3. | Hon. Alhagie Mbow           | - | Member of the Authority                     |
| 4. | Hon. Maimuna Ceesay         | - | Member of the Authority                     |
| 5. | Mr. Momodou A. Sise         | - | Clerk of the National Assembly              |

(Applause)

Hon. Members, the delegation is also accompanied by members of staff and an Associate Programme Officer from the International Institute for Democracy and Electoral Assistance (IDEA). They are in the country on a visit to learn from the Parliament of Kenya the mechanisms, approaches and processes to strengthen the legislature as a critical institution of governance with a particular focus on oversight, governance, accountability and public participation.

On my own behalf and that of the National Assembly, I welcome the delegation to Parliament and wish them fruitful engagement during their stay in the country. I thank you.

### PAPER

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on its consideration of the First Supplementary Estimates for the Financial Year 2022/2023, including a compendium of Departmental Committee Reports on the First Supplementary Estimates for Financial Year 2022/2023.

**Hon. Speaker:** Next Order.

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON THE FIRST SUPPLEMENTARY ESTIMATES FOR FY 2022/2023

**Hon. Speaker:** Hon. Members, you will notice that you have a Supplementary Order Paper that will guide the business of the House this afternoon.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2022/2023, laid on the Table of the House today and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (i) approves an increment of the total recurrent expenditure for Financial Year 2022/2023 by Ksh93,521,939,535.00 in respect of the votes contained in the first schedule;
- (ii) approves a reduction of the total capital expenditure for Financial Year 2022/2023 by Ksh84,197,037,771.00 in respect of the votes contained in the first schedule;
- (iii) approves an overall increment in the total Budget for Financial Year 2022/2023 by Ksh9,324,901,764.00 in respect of the votes contained in the first schedule;
- (iv) resolves that the first schedule forms the basis for the introduction of the First Supplementary Appropriation Bill, 2023; and,
- (v) further makes the policy resolutions contained in the second schedule to the Order Paper.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, although that notice has been given, I have permitted the Chair to move the Motion in an amended form under Standing Order 48. So, take note of that. Next Order.

Hon. Members, I wish to acknowledge the following schools in the Public Gallery: Mwiki Primary School from Ruiru, Kiambu County and Kigumo Bendera High School from Kigumo, Murang'a County.

On my behalf and your behalf, I wish to welcome the two schools to the House of Parliament. Thank you.

Next Order.

## MOTION

### ADOPTION OF REPORT ON THE FIRST SUPPLEMENTARY ESTIMATES FOR FY 2022/2023

**Hon. Speaker:** Chairman.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I beg to move the following Motion in an amended form pursuant to Standing Order 48 and to also incorporate some of the variations that you approved earlier as follows:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2022/2023, laid on the Table of the House today...

**Hon. Speaker:** Hon. Ndindi Nyoro, I will give you permission to use the Dispatch Box for your submission, if it will make you more comfortable.

**Hon. Ndindi Nyoro** (Kiharu, UDA): I am okay here.

**Hon. Speaker:** If you are okay where you are, go ahead.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Speaker. I will continue moving the Motion.

Hon. Speaker, I beg to move the following Motion in an amended form pursuant to Standing Order 48 and to also incorporate some of the variations that you approved earlier as follows:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2022/2023, laid on the Table of the House, and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (i) approves an increment of the total recurrent expenditure for Financial Year 2022/2023 by Ksh93,521,939,535.00 in respect of the votes contained in the First Schedule;
- (ii) approves a reduction of the total capital expenditure for Financial Year 2022/2023 by Ksh84,197,037,771.00 in respect of the votes contained in the FIRST SCHEDULE;
- (iii) approves an overall increment in the total Budget for Financial Year 2022/2023 by Ksh9,324,901,764.00 in respect of the votes contained in the FIRST SCHEDULE;
- (iv) resolves that the first schedule forms the basis for the introduction of the First Supplementary Appropriation Bill, 2023; and,
- (v) further makes the policy resolutions contained in the SECOND SCHEDULE to the Order Paper, subject to adjustments to the various Votes like 1071, 1169, 1311,

1166, 1109, 1066, and others that have already been approved by you, Hon. Speaker.

I beg to move the Motion.

Hon. Speaker, we have been in this process of considering the Supplementary Estimates. Just to brief Members so that we are on the same page with regard to the business of the day, all the Departmental Committees had sessions with various Ministries, Departments and Agencies that they oversee.

Hon. Speaker, the Budget and Appropriations Committee took time with the departmental committee chairs who brought forth the recommendations from the various MDAs. We have been able to thoroughly and meticulously consider all the requests from the various Chairs. Some people may ask the reason for a Supplementary Budget, not just for this financial year, but because we have had various supplementary budgets which have been passed and for sure we will be considering many others going forward. In this financial year, we have had change in government and every new administration comes with its own agenda and manifesto. Therefore, it was important that we recheck our budget which was already printed so that we align the issues that the current administration would wish to accomplish with the promises made to Kenyans.

Hon. Speaker, when we talk about budgeting, fortunately or unfortunately, the focus is usually on the expenditure side. When making a budget, we consider two areas: one is the supply side of money, which is headed by the very able Chair Hon. Kimani Kuria in the Finance and National Planning Committee and then there is the expenditure side that we consider and we handle as the Budget and Appropriations Committee. These two areas are critical because of the monies that we seek to expend. The monies that we allocate to various programmes come from somewhere. Much of this money, as majority of the Members know, comes from ordinary revenue.

Just to give a snapshot to Members, the Supplementary Budget in the current printed budget is around Ksh3.3 trillion. On that budget, we had foreseen that we will be able to collect ordinary revenues to a tune of Ksh2.16 trillion. We expected grants of around Ksh33 billion. Also, we had anticipated Appropriation-in-Aid to a tune of just around Ksh300 billion. For a budget of Ksh3.3 trillion to be financed, there is a hole, or in other terms a deficit, of approximately Ksh860 billion. This is money that we budget to use. This is money that we budget on the expenditure side but is not available. Therefore, what we call the deficit is the money that we anticipate to borrow both locally (domestic borrowing), and externally (foreign borrowing).

On the expenditure of Ksh3.3 trillion, we had anticipated a rise. Our expenditure on salaries is shy of Ksh900 billion. There is another vote we call recurrent non- salary. That is when we are in offices and we are making good use of those offices by extending service to Kenyans. There is also other facilitation which is recurrent in nature like transportation, travel, training, and the other areas that we expect money to serve Kenyans. When I say we, I do not mean Members of Parliament, but the entirety of the people who are in public service. Therefore, that is a round Ksh1.4 billion. Of that money ....

*(Hon. Member spoke off the record)*

I think I will have to change position for proper delivery. Members, are you fine with me here?

**Hon. Speaker:** You can go to the Dispatch Box.

**An Hon. Member:** We want to look at you in the eye.

*(Hon. Ndindi Nyoro proceeded to the Dispatch Box)*

**Hon. Speaker:** Proceed, Hon. Chairman.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Speaker. I think this is a better position for proper interaction with Members.

Hon. Speaker, the current budget as printed is around Ksh3.3 trillion. I just enumerated the revenue side. On the expenditure side, the amount of money we pay in terms of salaries in this country is just shy of Ksh900 billion. On top of the salaries, which is almost sacrosanct in the sense that you cannot debate around what to do with the salaries other than pay, there is also another recurring expenditure called recurrent non-salary. These are monies that we facilitate civil servants to deliver service to Kenyans, that is, around Ksh600 billion.

On top of that, there is the Consolidated Fund Services. This is the Fund that takes care of payments of interest rates, servicing of loans, and payments to constitutional commissions because we treat commissions as additional governments. Therefore, no administration can handicap any commission. The monies for commissions are also put as the first charge within CFS, which is around Ksh860 billion.

Hon. Speaker, we also have grants to our counties, which is about Ksh300 billion in the current financial year. Clearly, as the leadership of this country, we have an obligation to think deep on how to make our budgets because we cannot continue making a deficit budget perpetually, especially that which enlarges the deficit every passing year. That is what informed the President, the National Treasury and ourselves to come up with a formula to cut borrowing in this country. That is the situation that led to the famous Ksh300 billion cut that was foreseen on reducing the fiscal deficit in our country so that we do not descend into an abyss of financial imprudence.

I want to, first of all, address the issue of borrowing because it is the issue that informed the reduction of the Ksh300 billion. We heard Treasury officials who were there before arguing that majority of the economies borrow money and, therefore, it is not an entirely bad thing to borrow. I agree and disagree on the same matter.

Hon. Speaker, borrowing is good. Every country borrows. The United States of America (USA) is one of the countries that we seek to be like in terms of Debt-to-GDP (Gross Domestic Product) ratio. In Kenya, we are talking about 70 to 80 per cent Debt-to-GDP ratio. An economy like the United States of America is in excess of 100 per cent. The United Kingdom (UK) is also in excess of 110 per cent Debt-to-GDP ratio. Japan is now the front runner – the outlier in that field because it has borrowed in excess of 250 per cent Debt-to-GDP ratio. However, comparing Kenya with the economies that I have enumerated to the kind of conditions that we are facing is like comparing a camel to an apple. There is nothing to compare!

On the first front, when we talk about borrowing, the first thing you consider is cost. For example, the current cost of borrowing in Kenya for the last 10-year bond to the last data, I saw, was just around 13.6 per cent exempt of tax. Having that kind of interest rate in terms of cost of borrowing is, therefore, not sustainable – and I am saying that comparatively. When you track the 10-year borrowing of the Japanese Government, you will realise that some years back, they were able to raise money on negative interest rates. What I mean is that at some point in the last 10 years, the Japanese Government borrowed on negative rates. On that front, therefore, there is no way we can compare Kenya with the kind of economies I mentioned.

On the second front, is usage. Some of these countries borrow strictly for development. Using the tabulations that I gave earlier, you will realise that most of the money that we borrow is not extended in so far as the spirit of the Constitution would provide. That we should borrow money which strictly goes into investments – what we call development. Some of the monies we have been borrowing have been going to recurrent expenditure. There is no economy across the world that is prudent that encourages borrowing for recurrent expenditure.

There is another area that I will implore my colleagues to also consider. I am sure we have a Committee in this House that strictly deals with borrowing – Debt and Privatisation. There is a term in borrowing called netting off. A good economy of netting off is Kenya. We are a net borrower but also a gross borrower. There is no economy in the world that Kenya lends money to. When we report Debt-to-GDP ratio, we are reporting both gross and net in terms of our borrowing. Using the same examples that I gave, especially citing Japan, it is a country that is indebted but with low interest rates.

Another consideration that we must make is that as Japan reports the Debt-to-GDP ratio of 250 per cent, it is also a huge creditor of the world. The highest creditor to the United States of America economy is the Japanese Government. When we consider borrowing, it is prudent for us to compare our country to economies that are advanced as the ones that I have tabulated. These are the issues that the Budget and Appropriations Committee considered while undertaking the cuts and other re-alignments which I would be enumerating as we continue.

When we consider these Supplementary Estimates, we will look at the conditions that we were relying on in terms of our economy and the prevailing circumstances in our country. We talk about domestic economy but Kenya is also in a global economy. It is intertwined in whatever happens elsewhere. What are the conditions of the global economy? I will cite a few that correspond to our conditions here at home.

One of the conditions that we know very well is that the supply chains across the world with regard to food have been hampered by issues, especially man-made, that have been happening in the last many months across the world. Hon. Speaker, one of the conditions is the war that is ongoing in Europe. And for us to even understand how this is affecting the plates of Kenyans, previous to the war, Ukraine and Russia accounted for around 30 per cent of the world's corn export. Both countries accounted for 20 to 30 per cent of the world's wheat export. There is another mind-boggling figure that both countries before the war accounted for, that is, over 70 per cent of sunflower oil and sunflower food exports across the world. When you disrupt such kind of supply chain, it boomerangs to economies like Kenya. Some of the conditions that we are facing are premised on those kinds of conditions. Global inflation has hit Kenya and other global economies.

The COVID-19 cheques that we were given by the USA Government increased the amount of disposable income to the citizens of the USA. It thus created room for inflation when the same people demanded for the same commodities hence driving the price upwards. What the Federal Reserve System (FED), which is an equivalent of Central Bank of Kenya (CBK), did was to raise the interest rates seven times. That is unprecedented. In terms of the Federal Reserve System raising interest rates to arrest the issue of inflation cuts the other way because every action economically is a double-edged sword. Arresting inflation by increasing interest rates also had another ramification to smaller economies like ours. Majority of the investors found USA, in terms of the fixed investments, being preferred to countries like ours given that investments in the USA is US Dollar denominated. So, whatever you gain, it has no net off in terms of currency devaluation. That is why we are seeing our own Nairobi Securities Exchange performing poorly. Some of the counters like Safaricom, which ordinarily are driven by foreign investors, now have better options by investing in fixed investments in a country like the USA.

We have seen devaluation of our local currency, but this is not just happening to the Kenya Shilling. Every other currency across the world has weakened against the US Dollar, Euro, and the Pound for the reason that I gave earlier that majority of investors are trooping to the USA where there are better rates in terms of fixed income. They thus consider it because there is no issue of currency change.



I now wish to go to specifics: as we consider this Supplementary Estimate Budget, we are considering an animal called Article 223 of the Constitution which permits the National Treasury to expend money to a tune of 10 per cent and afterwards regularise by bringing those expenditures to Parliament.

What we have noted as the Budget and Appropriations Committee, and I am sure the other Departmental Committees too are aware, is that we need more stringent regulations around Article 223 of the Constitution because its issues are unforeseen. The spirit of Article 223 of the Constitution is about expenditures on issues that are unforeseen and are not budgeted for. The same Article disqualifies new projects, but what we have seen in the past is blatant abuse of the Article. We have recommended to this House that we tighten regulations under Article 223 of the Constitution so that it only applies during rainy days.

**Hon. Speaker:** Yes, Hon. Milemba. What is your intervention under the Standing Orders?

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, I rise under the provisions on privilege, which is an urgent matter. There is something producing sound and we are not sure what it is. It is interfering with the moving of the Motion on the Supplementary Estimates by the Chair of the Budget and Appropriations Committee. We are really enjoying his presentation, but there is disturbance that you could call on the leadership to take care of.

Thank you, Hon. Speaker.

**Hon. Speaker:** Serjeant-at-Arms, make sure Hon. Milemba is not apprehensive. Hon. Ndindi, proceed.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you, Hon. Speaker. I was talking about Article 223 of the Constitution. We feel that we need to tighten regulations on how the Treasury can make use of it. We considered several proposals. In the considered opinion of Departmental Committees and the Budget and Appropriations Committee, we considered and passed all expenditures made under Article 223 of the Constitution except two. One was the payment of about Ksh6 billion to Telkom Kenya and the second one was the payment of about Ksh4 billion for the *unga* subsidy. These were not purely our recommendations as the Budget and Appropriations Committee; we took up recommendations of the relevant Departmental Committees. Since details on the two expenditures were not forthcoming, we passed all the other expenditures except the two.

Even if I have talked about the circumstances under which these Supplementary Estimates were considered, I request that you permit me to address one matter which is very close to the hearts of Members of this House. When inflation and the cost of living go up, they directly affect the people we represent. There are many issues that have brought about the kind of inflation we are experiencing, especially the food basket. Earlier, I talked about supply chain disruptions as a result of the war going on in Ukraine. Our country is also going through a serious drought that we have not experienced in the last 40 years. Allow me to demonstrate in a minute, for the benefit of all Members, what we look at as we consider the effects of inflation from where we sit. I gave this analogy in Mombasa during our induction. Inflation is caused by two things: monetary-propelled inflation and physical-propelled inflation. Monetary inflation is caused when there is a lot of money in circulation. If you have a kiosk in the Central Business District selling *unga*, inflation can occur when the people who buy *unga* have so much money and go to the same shop to demand for more *unga*. Consequently, the owner of the kiosk increases the price of *unga* because he is there to make money, and so he increases his margin. That is monetary-propelled inflation.

Physical inflation is more or less about the supply chain. The same kiosk and the same customers could be there and the kiosk sells 20 bales of *unga* per day. The lorry that delivers *unga* may develop issues and supplies are not brought to the kiosk. Therefore, the kiosk that usually has a supply of 20 bales of *unga* may have five bales, but the same customers remain.

Because of the mismatch between demand and supply, the owner of the shop increases the price of *unga*. The kind of inflation we are experiencing in this country has both types.

As the CPC considered the monetary side of inflation, it is the obligation of this House, as we make the Budget, to address the physical side of inflation. That is precisely what we have done through these Supplementary Estimates. We have provided enough money for subsidised fertiliser and farm inputs. We feel that we need to increase the kinds of food supplies that we grow and the best way to do that is not to come at the tail-end and subsidise consumption. We thought, in the wisdom of the Committee, that it is more appropriate to address the issue of inflation and supply not from the consumption side, but the production side. That is why much of the money saved in these Supplementary Estimates have gone into production of food to enable farmers to produce more. We are providing subsidised fertiliser to address the physical side of the food chain.

I now want to go into the specific areas that we considered. I said that the Committee recommends that we approve Ksh15 billion for fertiliser subsidy so that we cushion farmers and increase productivity. Two, we have provided money for fuel subsidies. Yes, we are aware that the subsidies are no longer in existence but there are previous obligations. A responsible government is a government that pays bills. Therefore, we have provided money so that we pay the people who were involved in the fuel subsidy programme.

The issue of pending bills is a monumental matter. On roads alone, pending bills are crossing the Ksh150 billion mark. When I talk about pending bills, I do not want to confuse Members who may be thinking of commitments. When I talk about pending bills, I refer to certified works. Commitments in the road sector are Ksh930 billion. We tried as much as possible to address the issue of pending bills. In our recommendations, we propose that the House tightens the rules around pending bills. We have seen irresponsibility, especially in how we spend government money towards the close of a financial year. We cannot continue singing the song of pending bills for ever. Beyond what we did as the Budget and Appropriations Committee, we will be making recommendations on how not to perpetuate the same.

On the same issue of pending bills, and with regard to roads, there is a fund called Annuity Fund. We are requesting that this House passes that the Ministry responsible has access to these monies under Annuity Fund which is an A-in-A within the Department. This is necessary in that the Ksh12 billion in there can be used to settle some of the pending bills. The contractors can then go back to site and the roads in our constituencies will be done.

On the same matter, you realise that after rationalisation of the Budget, the National Treasury had substantially slashed the budget of the State Department for Roads that percolates to the various agencies. We are seeking that this House also approves what we saw as the right thing to do: we have reinstated Ksh10 billion that will go purposely into the payment of pending bills of the ongoing roads projects. Through the Supplementary Estimates, we have been able to provide an additional Ksh22 billion that will go into making sure that contractors go back to site.

I also want to address one matter that is very dear to the hearts of many Members here. As you can remember, there are some monies that are due for National Government Constituencies Development Fund (NG-CDF). Members had already procured and works done in over 240 constituencies but still there are arrears of Ksh12 million due to them. Through the Supplementary Estimates, we have provisioned Ksh2.9 billion so that all constituencies can get the Ksh12 million arrears that they are owed.

*(Applause)*

Hon. Speaker, you will realise that in terms of National Government Affirmative Action Fund (NGAAF), its operationalisation is also handicapped. This is with regard to the monies

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that are needed to unlock the monies that the County Women Representatives expend in terms of their service to Kenyans. We have provisioned enough money to operationalise NGAAF so that Kenyans can continue receiving the services that the County Women Representatives advance to them.

We have also tried as much as possible to ensure that the money that we saved is allocated to drought mitigation. This is two layered: one, for us to do the mega things of irrigation and others, we need to do them to people who are alive. Therefore, we first provisioned money to keep Kenyans alive. We have provisioned enough money through the National Drought Management Authority (NDMA) and other relevant agencies to cater for enough relief food. This is because, as a country, we cannot continue to beg for money when we have a provision to feed our people using the resources that are available to us. Therefore, on the first layer, we have provided enough money to cater for the relief food.

Two concerns the medium to long-term drought mitigation. When I talk about drought mitigation, it is about storage of water. This is because majority of the farming that we do relies primarily on rain-fed agriculture. We cannot continue to expose our country, especially our food basket areas, to the vagaries of weather. Therefore, with the savings that we had, we made sure that they are directed to agencies that this House has tasked to deal with irrigation matters and other areas around drought mitigation.

In that regard, I want to inform this House that there is a critical decision we have to make. There are bodies in Kenya called Regional Development Authorities (RDAs). We know them since they serve our areas. When these bodies were conceptualised, we did not have devolution and water works development agencies. We saw something that is mind-boggling. Some of these RDAs include the Lake Basin Development Authority, Tana and Athi Rivers Development, Ewaso Ng'iro South Development Authority, among others. You will find an agency with a recurrent expenditure of Ksh240 million but their development expenditure is only Ksh20 million a year. We cannot continue to make these kinds of mistakes with regard to making our Budget. We have to make a radical decision as a country that we cannot continue having institutions gobbling Ksh300 million in terms of annual recurrent expenditure and then this House appropriates to them Ksh20 million for development. We need to ask hard questions. We either give them enough money to offer services to the Kenyan people or merge whatever they do to other relevant agencies. There is no way we will continue to have RDAs which have recurrent expenditure of Ksh240 million and development expenditure of Ksh20 million. It does not make sense to us and I am sure to this House too.

We did several things as indicated in the Report. We have a policy of instituting Technical and Vocational Education and Training (TVET) per constituency. Majority of our constituencies, including Kiharu, have benefited through this programme. We have TVETs that are at various levels. Some are starting while others are operational. However, there are over 50 constituencies that do not have TVETs yet. These TVETs work in such a way that NG-CDF allocates Ksh10 million and then the Government, through the relevant department, provides around Ksh40 million. We then build a TVET. The Government will, through the relevant department, stock relevant equipment there. Through the Supplementary Estimates, we have been able to allocate enough money for the constituencies that do not have TVETs to also have an opportunity to get one.

There are some amendments that we did include. We note that 1.9 million school-going children would not have an opportunity to access education due to the conditions of their homes and the areas that they are growing up in. Therefore, there is a project through the Ministry of Education that provides lunch to over 1.9 million primary school children some of whom are in ASAL areas. We have been able to provision enough money, for up to second-term, to give uninterrupted service to these vulnerable children. This will ensure that they get food when

they go to school. It is necessary that, even as we offer quality education, these young ones be in schools in the first place.

I am sure Members will peruse our Report which outlines many issues. Among the ones that I would like to wind up with, is the housing programme. This administration is very keen on delivering affordable housing to Kenyans, but this has been happening primarily in extremely urban areas. The semi-urban areas and small towns have not benefited from the housing programme.

Hon. Speaker, in consultation with the relevant departmental committee, through these Supplementary Estimates, we have made provision for a seed capital of Kshs1 billion that will be used for a housing programme running across all our 290 constituencies. This has been informed by the fact that housing programmes have been happening primarily in Nairobi and other big cities. We also need to take this service to where the majority of Kenyans live because 70 per cent of Kenyans actually live in rural areas. This, therefore, makes it ideal to focus on the towns that neighbour the rural areas because the residents of those areas are also in need of affordable housing. This money is seed capital for us to roll out the programme across all our constituencies.

Hon. Speaker, there is much that I can say, but I do not wish to consume a lot of time so that other Members can get the opportunity to contribute to this very important Motion. I suppose because the Report is available, Members will go through the recommendations. I am sure Members are interacting with it.

**Hon Speaker:** Chairman, you have five minutes to wind up.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, for example they may not see the issues around Information Communications Technology (ICT) like in some of the programmes that we are undertaking such as the fibre optic across board. I want to volunteer information to Members that there is the Service Fund, through the Communications Authority of Kenya (CAK), which has sufficient money available to be extended to the ICT solutions that we need to deliver to Kenyans.

I want to thank the Members of the Budget and Appropriations Committee as well as Members of all the departmental committees who took time to listen to their various MDAs. I also want to give comfort to all departmental committees that gave recommendations to the Budget and Appropriations Committee on the zero-sum issue. I want Members to listen to this very carefully because majority of us are also in departmental committees. The BAC accords a lot of respect to various departmental committees. You did re-alignments and gave us a zero-sum recommendation where up to 97 per cent to 100 per cent of those recommendations were adopted. We did not amend majority of it because we also relied on the wisdom of the various departmental committees and the decisions that they made. There was a slight challenge on the additional funding because we are dealing with a very compressed fiscal space. I am sure even as we consider public-private partnerships (PPPs) we will also consider all the other items that never got a chance due to the limited space we had. I also want to bring good news to the Members here that we have condensed our appetites through these Supplementary Estimates. Our fiscal deficit is 5.7 per cent of our Gross Domestic Product. This is much lower than what was there in the Printed Estimates because we have embarked on the journey of reducing our fiscal deficit so that we can live within our means. I thank you Hon. Speaker.

I beg to move.

**Hon. Speaker:** Who is seconding you?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker I will call upon the Vice-Chair of the Budget and Appropriations Committee, Hon. Mary Emaase to second.

**Hon. Speaker:** Hon. Emaase, before you second, allow me to acknowledge, in the Speaker's Gallery, the presence of Kangema High School from Kangema Constituency, Murang'a County.

(Applause)

On your behalf and my behalf, I welcome the school to the House of Parliament.

Hon. Mary Emaase! Give her the microphone.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Speaker for the opportunity. At the outset, I support the Report of the Budget and Appropriations Committee. The Supplementary Budget is anchored in Article 223. I want to emphasize that this expenditure on the Supplementary Budget has been abused because this Article clearly stipulates circumstances under which Government can spend without the approval of Parliament and later on submit expenditure to this House for approval. This is only in three circumstances: either there was no appropriation for that particular expenditure, or there was insufficient appropriation or a new expenditure that is considered urgent in nature, or there is a withdrawal from the Consolidated Fund. Therefore, having looked at the Supplementary Estimates that were put before our committee, we made a number of observations. There are new expenditures in recurrent development that were being brought forward yet the supplementary is basically about reallocation of money from one vote to the other. This could be for various reasons like low absorption, or because within the time remaining that particular programme is not prepared to absorb the funds. We also noted that most of the MDAs attempted to introduce new expenditure. This is why you are seeing expenditures like payment of Kshs6 billion to Telkom Kenya. We upheld the recommendations of the Departmental Committee because there was either unsatisfactory information given, or we did not get proper documentation to support such expenditure. As the BAC, we also rejected those expenditures.

Hon. Speaker, I also want to add my voice to the issue of pending bills. This has become a cancer in this country. I think it is time we stamped our authority and made certain resolutions or took stringent measures as Members to address the issue of pending bills. If we do not do this then it is going to kill the Small and Medium Enterprises (SMEs) and the hustlers that we are trying to promote. We have a number of stalled projects in the counties and constituencies. The situation is aggravated by transitions from one Government to the other, where we have a new leader coming in and starts a completely new project yet the ongoing projects are completely ignored. We are, therefore, saying we need to make certain amendments to the existing legislation, including the Public Finance Management (PFM) Act and at policy level so that something is done about pending bills. We have seen some contractors commit suicide while some have had their property auctioned after borrowing money to honour tenders, which five to 10 years down the line they have not been paid. That is an area we noted that requires our attention as Members of this House. We also noted that a number of Ministries and Departments have long lists of priorities, not to mention the wish lists. Therefore, the resources allocated to the various programmes are inadequate. At the end of the day, you find MDAs undertaking so many programmes which are still incomplete by the end of one, two or three years, because the projects are underfunded. They are always looking for funding either through the main Budget or the supplementary budget. Going forward, there is need to identify key priority areas, sufficiently fund them and complete those programmes so that Kenyans can get value for money.

I also want to speak to the issue of the NG-CDF and the NGAAF. We made sure that monies are allocated to those funds so that they can be sent to our constituencies. We have not yet completed paying our bursaries, and several of our children still remain at home. Some of us had to pay for day-scholars first, wait for funds to arrive and then pay for boarders while university and college students waited. We all agree that we have witnessed a transformation in terms of the outstanding developments in constituencies across the country. This money is needed. There are parents who cannot even afford to take their children to school. Those monies

must be allocated, including the arrears of Ksh12 million for constituencies that did not receive money in the previous financial year. Those monies need to be sent to those constituencies.

Because my Chairperson has spoken to most of these issues, I want to speak to the issue of the school feeding programme. I know that we have an existing programme that only takes care of children in ASALs. Going forward, there is need for us to consider looking for resources and funds – probably in the main Budget – so that we can finance the entire school feeding programme across the country. Many parents cannot afford to pay fees and also pay for the feeding programme for children in other regions across the country. That is a responsibility that the Kenya Kwanza Government spoke about even during our campaigns. Going forward, we need to consider factoring in that expenditure in the Budget so that it covers the entire country.

As I conclude, one of the observations that we made was that most of the reallocations were as a result of low absorption of funds. Monies for most of the programmes were reallocated because there was low uptake of funds. Going forward, we need to allocate money to programmes that are ready to take off so that when money is allocated, it is absorbed. The National Treasury should also improve on Exchequer releases. That is because one of the reasons cited for some projects stalling and not being completed is delays in Exchequer releases by the National Treasury.

Thank you, Hon. Speaker. I support the Motion.

**Hon. Speaker:** You beg to second.

**Hon. Mary Emaase** (Teso South, UDA): Yes, I beg to second.

**Hon. Speaker:** Order, Hon. Members. Will those on their feet and shaking hands take their seats?

Hon. Members, before I propose the Question, I wish to recognise a delegation of staff from the Office of the Ombudsman of the Republic of Malawi seated in the Speaker's Gallery.

*(Applause)*

The delegation is also accompanied by members of staff of the Commission on Administrative Justice of Kenya. On my own behalf and that of Members, I welcome them to the National Assembly.

*(Question of the Motion as amended proposed)*

As usual, the screen is full of the names of Members who logged in even before we started. I see three interventions. I do not know if they wish to contribute, or they are seeking interventions. I will give a chance to the first name on the screen, Hon. Murumba John of Tongaren.

**Hon. John Chikati** (Tongaren, FORD-K): Thank you, Hon. Speaker. Let me also add my voice to the First Supplementary Estimates for the 2022/2023 Financial Year. I thank the current administration for aligning the Budget to the priority needs of our country. I have taken time to go through the proposals as presented by the Chairperson, and there are quite a number of interventions that touch on the needs of the common *mwananchi* at the grassroots level. For example, Ksh15 billion has been allocated for fertiliser subsidies, which will go a long way in improving farm outputs during the forthcoming rains. As you may be aware, there has been rain failure for a prolonged period. The drought had a negative effect on most farmers in our communities.

Secondly, almost 1,000,000 farmers have been targeted to be supplied with around 700 metric tonnes of fertiliser. This is very important in terms of enhancing sustainable livelihoods at the community level, improved production and food availability in our country.

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**Hon. Speaker:** Order, Hon. Chikati. Hon. Kimilu, what is your intervention? I see you switching your microphone on and off.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Speaker. The Supplementary Budget is very important and key to this country. It is of great interest to Kenyans. I beg to move that we reduce the Members' speaking time to five minutes so that each Member gets some time to contribute. That is because the Supplementary Budget is very important.

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

**Hon. Members:** Yes, three minutes!

**Hon. Speaker:** Yes, Hon. T.J. Kajwang'.

**Hon. T.J. Kajwang'** (Ruaraka, ODM): Hon. Speaker, you know, I am very keen and adept to procedure and law. Whereas the Member makes a lot of sense because we want to develop and debate this Motion properly, we have developed a practice which is now in the Standing Orders such that if a Member wants to move a Motion on the reduction of speaking time, he or she should do it before the original Motion is laid before the House. It is just too late. In the words of the Leader of the Minority Party, the train has taken off.

Thank you so much, Hon. Speaker.

**Hon. Speaker:** Chikati, *endelea*. I will watch the mood of the House and exercise my discretion to some level.

**Hon. John Chikati** (Tongaren, FORD-K): Thank you so much, Hon. Speaker. Yes, right. To some extent, the Budget Estimates are also responding to the drought situation in the country. That is through the allocation of money for relief, emergency response; as well as for general drought mitigation. It is something that we need to support because the country is passing through many difficulties. For many years, we have not had sufficient rainfall.

I also note that Ksh20 billion has been set aside for financial inclusion in this Budget through the hustlers fund. The uptake so far in three months is around Ksh10 billion. That means there were people in the community, especially the low-class people or let me say people at the grassroots level, who had been denied this kind of facility. Therefore, there is much interest to access that facility.

Hon. Speaker, 1.2 million learners are going to receive support, especially in junior secondary schools. As you may be aware, junior secondary schools are having many problems through the current Competency-Based Curriculum (CBC) programme, where we are having more than 100 students in a school with only two teachers in a class. Each teacher is teaching probably 14 subjects. Part of those funds should enable the Government to hire more teachers and equip those schools so that their capacity can increase in order for them to handle the new curriculum.

Through the Chairperson who steered this process, I thank the Budget and Appropriations Committee. I beg to support.

**Hon. Speaker:** Yes, Hon. Wandayi. I saw you on the screen, and then you disappeared. Are you still interested?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Yes, Hon. Speaker. I am definitely interested in making some contribution to this very important Motion. I will start by stating that the reason we get into problems such as the ones we have currently, and which we are seeking to cure by way of these Supplementary Estimates, is that our budgets never balance at all from the very outset. I have kept on saying this time and again that it is time we chose to live within our means. Of course, nobody seems to be listening to me.

*(Loud consultations)*

Once you have a fiscal deficit, you are bound to have a situation that we currently have. For instance, in the roads sector, we are told that commitments alone are to the tune of Ksh900

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billion plus – almost a trillion shillings – while pending bills are to the tune Ksh150 billion shillings. That is expected. Under the Public Finance Management Act of 2012 and the Public Procurement and Asset Disposal Act of 2015 – and this must be understood clearly by Members – once this House passes an Appropriation Bill, it is assented to and it becomes an Appropriations Act. The spending entities have a leeway to commence procurement. That is whether they are MDAs and what have you. They do not have to wait for Exchequer releases. Hon. Mbadi is here, and he can educate us on this. That is what occasions these ballooning commitments and pending bills. How do you cure it? In my view, the only way to cure it is to develop a realistic budget - a budget that you know how it is going to be financed. There are no two ways about it. It is not rocket science. Unless we deal with that, we shall continue to be dealing with these supplementary budgets year in, year out. In fact, there are occasions when we have had to deal with Supplementary Budget No.3 in this House. That is my first point.

My second point is on the now infamous or famous Article 223 of the Constitution. I have looked at the recommendations of the Committee that we need to relook at this Article and fine-tune the rules. That could as well be true. I must thank the Chairman of the Committee for his eloquence and grasp of the issues.

*(Applause)*

In fact, when I was listening to him and going by what I read today in *the Daily Nation*, it seems the contest in the mountain is going to be very interesting in coming years. That is something I do not want to comment on further than that.

*(Laughter)*

Article 223 is quite explicit. It provides circumstances under which you can spend public money without an Appropriation Act to support it. I do not need to belabour that. However, if you go to Regulation 40(3) of the Public Finance Management (National Government) Regulations of 2015, and further down to Regulation 40(4) of the same Regulations, it is even clearer. The Public Finance Management (National Government) Regulations have even made it clear under what circumstances you can spend money under Article 223 of the Constitution. What it calls for is just discipline, not a further tinkering with the regulations or the Constitution, if you ask me. But then, the Committee is recommending something at Page 18 of the Report, which is queer. You know I take my time to read these things. It is on Page 18 of the Report, on non-financial recommendations and expenditure under Article 223 of the Constitution, recommendations (iii) and (iv). It is perfect when you say that payment of those monies, Ksh6.09 billion and Ksh4 billion respectively, be rejected as per the recommendations of the mother committees. However, you should go further. You should go further and say what you want us to do.

I am saying it is queer because in the history of this Parliament under the new Constitution, this House has never taken that route. You will agree with me. It was only once on the matter of the Ruaraka Land. Even with that, we should go further and say what we want to do. That is my beef with this recommendation. For a Principal Secretary or an accounting officer to spend money under Article 223, there are elaborate processes that must take place, and the Cabinet Secretary for the National Treasury must provide an approval. He must copy that approval to the Controller of Budget, who has further veto power to reject that approval or to refuse to comply with that approval. We must be very clear about what we want done.

Under Article 226 of the Constitution, if you cause loss of public funds, you can be compelled to make good the loss. That is fine. In this case, who are we going to compel to make good any possible loss? Is it the Cabinet, because the Cabinet Memo must first be



generated? Is it the Cabinet Secretary who communicates the approval of the adoption of the Cabinet Memo? Is it the Controller of Budget who authorises the monies to be withdrawn? Who is it? I would expect the Committee to go further than that. That is my contention. But again, we are told that what is good for the goose is good for the gander. What is good for Hon. Ichung'wah, is hopefully good for Hon. Wandayi.

If there was misuse of Article 223 of the Constitution by the previous regime, there has been equally misuse of the same Article of the Constitution in this nascent regime. There is evidence. For us to cure this disease once and for all as a House, let us put our foot down and say that Article 223 of the Constitution must only be applied where it is necessary and in strict interpretation of the Constitution and the supporting legislation and regulations – the Public Finance Management (PFM) Act and the PFM (National Government) Regulations 2015. I do not want to lecture the House too much on financial issues or economics. I want to conclude because I also want to hear other people contribute to this critical debate.

As I conclude, subsidies have been removed wantonly. As you remove subsidies, you must provide safety nets to protect the vulnerable poor Kenyans. You do not just remove subsidies because the International Monetary Fund (IMF) and the World Bank (WB) have compelled you to do so. We are not subjects of the IMF and the World Bank. We are a sovereign State with our unique challenges. That is why we have applied those subsidies to cushion the vulnerable segments of the population. If I were to be a consultant for this Government, I would advise them to do something different from what they are doing. Subsidies have to be re-introduced as we look for long-term solutions, not just pandering to the whims of IMF and the World Bank like a banana republic. Kenya is not a banana republic to be dictated to by foreign entities which have no understanding of our circumstances and unique culture.

On the issue of education, I expected monies to be provided to deal with the biting shortage of teachers in our schools and, more so, to deal with the matter of CBC and its implementation. We need more money to recruit and adequately train teachers to handle the CBC. That is not here. On universities, from where we sit, we are totally opposed to any idea of privatising public universities and of increasing university fees. Therefore, we would have expected proposals to provide for money to bail out public universities from the current crunch that they are in, and to provide subsidies to address the tuition cost for our poor children.

I will not reject or oppose this Motion, because I know Kenyans are suffering. But in the next cycle when we will be dealing with the Budget of 2023/2024 Financial Year, I will expect that all these issues that I have raised are factored in without looking at the political affiliations. Kenyans do not eat politics. What they want are sound policies that can help them go through the tough times they find themselves in.

Hon. Speaker, with those very many remarks, I support.

Thank you.

**Hon. Speaker:** Hon. Moses Kirima, the Member for Central Imenti.

**Hon. Moses Kirima** (Central Imenti, UDA): Thank you, Hon. Speaker for giving me this opportunity to contribute to this important Motion.

*(Hon. Kimani Ichung'wah waved at the Speaker)*

**Hon. Speaker:** Hon. Leader of the Majority Party, you are not on my screen.

**Hon. Moses Kirima** (Central Imenti, UDA): I stand to support this Motion on the Supplementary Budget because as it is now, Kenyans need provision of services. Without money, there can be no services. Despite what is going to be said, Kenyans have been exposed to a lot of suffering due to the existing conditions in our country today. Some of those conditions are not man-made. They are natural. They can be alleviated through Government interventions by providing adequate funding to various fields that require attention.

Hon. Speaker, if we look at the provision of food in some parts of Kenya, especially the drought-hit areas, we notice that people have no money at all even to buy food for the day. I support this Supplementary Budget because some money has been set aside to cater for the drought-hit areas. By doing that, the Committee has considered the welfare of Kenyans who are exposed and who need to live. However, this will not be enough if we do it as it has been done before. This is just a temporary measure. We need to find a lasting solution to tackle drought if it occurs again.

Just the other day, I read in the newspaper that some countries like Pakistan frequently experience drought, but they have never suffered from food shortage as it is in Kenya. What can we do? We can do this through remedies like instituting irrigation methods which are adequate enough to produce enough food. That should be catered for because having a short-term remedy, as in this Supplementary Budget just to provide money for buying food for immediate needs, is not adequate.

That notwithstanding, when it comes to Article 123 of the Constitution, it is open to abuse. No one can say that one can withstand the power of the Executive when it comes to push and pull. We may have the Principal Secretary for National Treasury and the Controller of Budget who control the funds, but the Constitution is very elaborate that the Executive is allowed to use money to a certain extent without coming to Parliament, and then come to Parliament to explain how they used the money; for instance, about 10 per cent of the requirement to a certain level and request us to ratify the spending. However, looking at the Head of the Executive, especially the Chief Executive of the country and the kind of influence they have on the people they appoint, like the Principal Secretaries or the Cabinet Secretary for National Treasury and Economic Planning, if they call the Cabinet Secretary and ask for something to be done, then no Cabinet Secretary can refuse to do so, and this is abuse of office. We need to put in place strict measures to ensure Article 223 of the Constitution is not abused now or in future.

It is true we cannot tell whether the current Government has abused Article 223 of the Constitution, because it is open and has not brought anything to be ratified by this House. The Executive has been in office for a short time, but we must put in place checks and balances to ensure that it does not abuse Article 223 of the Constitution like the previous Executive.

It is upon this House to sit down, look at this Article and see the stringent measures it can put in place to ensure public funds are not misused using it. This Motion is addressing how Kenya has been borrowing money and cutting this down by Ksh300 billion so that we do not over-borrow or rely on external debts. Comparing Kenya to USA, Japan or United Kingdom (UK) is in vain. That is because there is no comparison among those countries.

It is public knowledge that the USA, UK and Japan lend money to other countries, and in so doing, they earn interest. Kenya does not lend to any country. We are just consumers and do not expect to earn profit because we consume within ourselves. When big countries like the USA lend to Kenya or other small counties, they are paid with interest. To them, this is a revolving fund like hustlers fund or Uwezo Fund, which we revolve amongst ourselves and the little profit keeps the money revolving.

Kenya is a consuming country and has extended subsidies for food and fuel for consumption and not production. We will not go very far this way. So, we need subsidies on goods for manufacture for a given period and, when the situation normalises, we cut those subsidies. As it is now, if we continue to subsidise goods for consumption, at the end of the day, we will only be a consuming nation. Presently, the highest percentage of our budget supports only recurrent expenditure. This means there will be no development. Which other country in the world has a recurrent estimate of 70 per cent and development estimate of 30 per cent? This means we will stagnate. As at now, we require money to move things even if it means supporting the recurrent expenditure so as to also address the drought issue.

Hon. Speaker, with those few remarks, I hereby support this Motion on the Supplementary Budget, because we cannot do without money. Let the Committee note that in future, they should provide money for posterity and not consumption.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Babu Owino.

**Hon. Babu Owino** (Embakasi East, ODM): Thank you very much, Hon. Speaker. First, I rise to support this Motion from an intellectual or scholars' point of view. I want to thank the Chairperson of the Budget and Appropriations Committee, Hon. Ndindi Nyoro, and Members for the great work they have done.

Second, the essence of creating a budget is for money to flow in the economy. The shortest and best way to grow an economy is by injecting more money into the system through a budget. If we can remember the Great Depression in the USA...

*(Loud consultations)*

At this point, I would like Members to listen keenly to me. Those who are walking, please sit down and listen to this information. During the Great Depression, the American economy was being assaulted, and it was considered as the greatest downturn that almost brought the USA economy to its knees. This was during the leadership of President Franklin D. Roosevelt. The causes of this depression were: One, stock market crash; and two, collapse of the banks. So, by 1933 in the USA, the unemployment rate was at 25 per cent, followed by the collapse of over 5,000 banks.

What was the solution to this? There was a great researcher and economist from Great Britain who was consulted – and I love referring to him – by the name John Maynard Keynes. He was born in 1883 and died in 1946. Keynes came up with a theory known as the Keynesian Theory. I know *Mhe*. Shakeel cannot understand what I am saying, and that is why he is asking what this is. There is nothing for him to say. He can stay with his liquid intelligence. Clearly, the Keynesian theory...

John Maynard Keynes came up with the Keynesian Theory, which advised them to inject more money into the economy, as we are doing now through this budget. Injecting more money into the economy means we are creating more demand. This means a common man in Soweto, Embakasi East Constituency, will have money in his pocket to go shopping and spend. This is called the trickle-down effect because it is coming from up and not bottom. When there is more money in people's pockets, they spend more and the demand increases. With an increment in demand, there is an increment in supply or rather with an increment in aggregate demand, there is a simultaneous increment in aggregate supply. As economists will tell you, when the two meet, they create a macro-economic equilibrium.

Hon. Speaker, I support this Budget with all my body parts and organs. Thank you.

*(Laughter)*

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Allow me, as I congratulate Hon. Babu for the good performance, and also correct him. What he was describing is called bottom-up economic model and not trickle-down. I know he has a problem with bottom-up. I want to encourage him because he is now doing what he ought to be doing; that is, speaking to economics issues and not in any way sabotaging that economic recovery trajectory that we have begun this year. We should also not allow any leader in this country to do that. I, therefore, encourage Hon. Babu Owino to join the rest of the country, as eloquently

as he has submitted on the bottom-up economic model, to eloquently do the same out there, and not just in this House. As you also speak in rallies, speak about economic recovery.

Hon. Speaker, I also rise to support this Motion and I thank the Budget and Appropriations Committee and, by extension, the Debt Committee for the splendid job that they have done over a very short time. These Supplementary Estimates come at a very good time for the country and for us, as the Members of Parliament. This is because we were elected into this Assembly as the 13<sup>th</sup> Parliament to resolve issues that are of concern to the Kenyan people. There is no greater issue of concern to the people of this country today and globally, other than the rising cost of living. This rise in the cost of living is aggravated by the drought situation. We have been told by many players that this is the worst drought that this country has had in the last 40 years. This tells you that the challenges that are ahead of us are quite enormous. It has also been mentioned by the Leader of the Minority Party and the Chairperson of the Budget and Appropriations Committee that the rise in global inflation is because of not just the global warming, but also the Russian-Ukraine conflict that has disrupted supply chain of manufactured and food items, including our own supply of wheat and other food items around the world. This has left us under a very strenuous situation, as a country, and we have a huge responsibility as leaders to work together towards alleviating the problems that face our people.

I implore all Members of this House - this House being the budget-making House - to rise to the occasion, work and act together to ensure that we have in place policies that are sustainable, not short-term, very costly, one-off mega budgetary expenditures that we witnessed in the dying moments of the last regime. What Hon. Opiyo Wandayi has said is true, that it was a blatant abuse of Article 223 of the Constitution. Part of that came under the pretext of dealing with the high cost of living. What did we do? We embarked on fuel subsidies that were costing this country to the level of Ksh60 to 70 billion a month. There were also food subsidies and consumer subsidies.

Let me draw your attention to a Report in this Budget. If you read through the Report on Page 5 on the expenditures under Article 223, the Budget and Appropriations Committee has enumerated Ksh120 billion spent under Article 223 of the Constitution and as outlined in the Third Schedule, has allowed these expenditures to be approved by this House. Part Two of that Report speaks to some Ksh10.091 billion also spent under Article 223 of the Constitution, as outlined in the Fourth Schedule, which the Budget and Appropriations Committee has recommended that this House rejects. I, therefore, want to agree with the Budget and Appropriations Committee that not everything that is paid under Article 223 is bad, and the law is clear on what ought to be paid and what cannot be paid under Article 223 of the Constitution. Part of what the Budget and Appropriations Committee is recommending for disapproval are payments of some Ksh4 billion that you find in the books that related to the maize subsidy programme, where *unga* was to be subsidised and supplied to Kenyans at a cost of Ksh100. Majority of Kenyans will tell you that they never saw that *unga* in their shops or in the kiosks in their neighbourhoods. Kenyans did not only fail to find the *unga*, but millers were never paid. Today, millers are still pursuing the Government for payments for that *unga* subsidy programme. Those monies were appropriated and spent, and you are left to wonder who were paid.

The Ksh60 billion fuel subsidy was marked with very high-level corruption. That is why I want to support the Leader of the Minority Party that the relevant House Committees have a huge responsibility. I can see Hon. John Mbadia, Chairperson of the Public accounts Committee (PAC), looking at me, and I saw how keenly he listened to his Leader of the Minority Party. These House Committees have a huge responsibility, because the Budget and Appropriations Committee has recommended, on page four, that the Office of the Auditor-General undertakes an audit of expenditures granted under Article 223 of the Constitution for

the Financial Year 2022/2023, and reports to the National Assembly by 30<sup>th</sup> June 2023. It is, therefore, not just the Public Accounts Committee, but also the relevant Departmental Committees must get to the bottom of some of these issues. What happened to the fuel subsidy money? What happened to the maize subsidy money? What happened to the payment of Ksh6.1 billion?

*(Hon. John Kiarie consulted loudly)*

Hon. Speaker, kindly protect me from Hon. K.J. He will have his say. I continuously encourage the Member for Dagoretti to desist from shouting, because this is a House of honour and decorum.

**Hon. Speaker:** I got the impression that he was cheering you.

*(Laughter)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): There is a difference between cheering and shouting. I was speaking about Ksh6.1 billion, and I know that he knows what I am speaking about. Regarding the payment to Helios Investment Partners in the apparent acquisition of Telkom Kenya's shareholding, Hon. K.J., as the Chairperson of the Departmental Committee on Communication, Information and Innovation, will tell you that the legal status of Telkom Kenya's ownership is unclear. Yet, the Kenyan Government spent a whopping Ksh6.1 billion to acquire Telkom Kenya's shares. I have no problem, and I have indicated this afternoon to Hon. John Mbadi that I will be appearing before his Committee with evidence of how the Ksh6.1 billion paid out on account of acquisition of Telkom Kenya, ended up in accounts in Malaysia and ended up getting back to accounts of individuals in this country and in the Cayman Islands. This was blatant looting of public resources on the verge of an election. What will shock the country today is that the payment was processed two days after the elections of the 8<sup>th</sup> August 2022. When the rest of the country was counting votes, there are people in the former regime who were counting billions hitting their accounts here and in the Cayman Islands. These things must come to light, because the same characters are the ones who are speaking about the high cost of living today and yet yesterday, they were looting this country dry. Today, they are out there inciting Kenyans and telling them that the cost of living has gone up. It is you who took the cost of living high. It is your blatant looting of our country that has driven our economy to where it is, and we must speak about these things without fear or favour. We told them then and we will continue to tell them today.

Hon. Speaker, the Leader of the Minority Party pointed out issues under Article 223 that have also been paid by this nascent regime, as he called it. This regime has made payments out of the Ksh120 billion under Article 223, but look at what has been paid. It is Ksh6 billion.

I heard the Leader of the Minority Party say that he has not seen the recruitment of teachers. You are aware that over 30,000 teachers have been recruited. The highest number of teachers to be recruited at ago in the history of pre-independence and post-independence Kenya have been recruited under the Kenya-Kwanza Administration. Those who were there before did not allocate Ksh6 billion to recruit teachers and yet, they were the initiators of the junior secondary school and CBC Programme. They did not see the reason and sense to allocate resources to recruit teachers and provide capitation for junior secondary schools.

In this Supplementary Budget, Hon. Members, Ksh6 billion will go towards recruitment of 30,000 teachers to ensure our students and CBC programme kick off adequately. A sum of Ksh9 billion in this Budget will go towards capitation of our junior secondary schools. A sum of Ksh2.9 billion will go to an issue that bedevils Members of Parliament under the NG-CDF kitty arrears. After the passage of this Supplementary Budget, you will have Ksh2.9 billion that

will clear all the arrears that bedevil constituencies, upto and including the Financial Year 2022/2023. When we get those arrears, please, commit a number of those resources to ensure that you support our education sector. A nation that does not educate its children is not a nation and has no future. Let us also play our role as MPs under NG-CDF to guide our committees. I know MPs have no role in the NG-CDF, but they have guiding and oversight roles. Guide your NG-CDF committees to allocate resources, even part of those arrears, to sort out the issues of providing infrastructure for the junior secondary schools and CBC programme, so that none of our children goes without accessing education.

In this Budget, we said that this Government will embark on what Hon. Babu Owino was afraid to mention. He spoke in a very glorious manner about the bottom-up economic transformation agenda. The issue he was talking about of demand and supply...

*(Hon. Shakeel Shabbir spoke off-record)*

*(Laughter)*

He clearly understands what he was talking about. The only thing he does not understand is what he was describing - the bottom-up economic transformational agenda under the Kenya Kwanza Alliance. In this Budget, you will remember that His Excellency the President committed that where the Jubilee Government faltered on some of the programmes under the Big Four Agenda like housing, we shall not falter. It will not just be empty talk. When I was the Chair of the Budget and Appropriations Committee, in every Report I tabled in this House, I progressively indicated that there were no resources that were being committed to the Big Four Agenda. We warned the Jubilee Administration then, including our former President in person. I told him that no resources were committed to the Big Four Agenda in every Budget.

I am happy because this regime is not just about talk but action. We have not only spoken about the housing agenda, but we have also allocated a figure of Ksh1.5 billion in this First Supplementary Budget. If you look through the request by the Chairman of the Departmental Committee on Housing, Urban Planning and Public Works, who is here, Hon. Ng'eno, they wanted Ksh8 billion. However, I am glad because the Budget and Appropriations Committee spared Ksh1.5 billion to ensure that we have seed capital for affordable housing in all our 290 constituencies. I encourage MPs to identify public land in their constituencies where affordable housing can be done with this seed capital coming in. As Hon. Babu Owino has said, this will spur economic activities, create jobs for millions of our youth, and have a ripple effect in our economies down at the grassroots. When you build 100 housing units in Kikuyu or Karachuonyo Constituency, the number of youth you will employ will not be less than 2,000. The indirect and ripple effect of those economic activities, out of this housing agenda, will be momentous. That is why I said it is not about empty talk.

We cannot pass a Supplementary Budget at this time and not address the question of the drought situation in our country. We have been told and I have indicated it is the worst...

*(Hon Ichung'wah spoke off-record)*

**Hon. Speaker:** Your time is up. I will give you two minutes to conclude.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I was speaking about the drought situation. If you go through the figures, another Ksh5 billion will go towards drought mitigation programmes in various ministries.

There is also the issue of the insecurity situation in the North Rift. At least, a figure of Ksh300 million and another Ksh200 million has been allocated towards police and security operations to restore peace and sanity in the North Rift and parts of Samburu, where there are

issues. There is also the issue of critical road interventions in constituencies. Another Ksh1.3 billion will go towards construction of sheds at Export Processing Zones (EPZs) as an economic niche for the hustler economy to ensure that we create job opportunities.

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

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

Hon. Temporary Speaker, let me not belabour so many things in terms of the actual figures that have been provided for under this Supplementary Budget. As I indicated, when the time comes, all the evidence of Article 223 of the Constitution payments shall be adduced before the relevant committees. I want to challenge Hon. John Mbadi and the Chairperson of Public Investments Committees to get to the bottom of all those payments. As I said last week, if you do not do that, nothing will stop the current Government from perpetuating the same habit of abuse of Article 223 of the Constitution and blatant loot of public resources on the verge of every election.

With those very many remarks, I beg to support the Motion and ask the House to support this Supplementary Budget Report and the Appropriation Bill. For the benefit of those of us who are new in the House, I want to mention that this is just the first stage. This process will be completed with the passage of the Appropriation Bill, as at when we pass this Report. I, therefore, seek your indulgence and patience to the conclusion of this debate. Hopefully tomorrow or the day after, we will handle the Appropriation Bill to allow these resources that have now been committed to go to the MDAs for spending, which will spur the economic activities that we envision for this country.

With those many remarks, thank you, Hon. Temporary Speaker.

*(Applause)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Milemba Omboko.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. I came very early because of this Motion. However, I have risen to speak after great economists have spoken, including Hon. Babu Owino who has since left, and who has deeply taken us to the Keynesian Theory. He made me enjoy my times when I taught A-level Economics about Keynes. He believed that Government interventions can change the economic situation of a country, especially during a depression. He advocated for aggregate demand and developed the multiplier effect.

People sometimes criticise the hustler fund today. If you move with Keynesian thinking, it can create the aggregate demand and then pull an economy that is suffering in the form of a depression. However, that is not what I wanted to do. I want to thank the Chair of the Budget and Appropriations Committee for being very eloquent and having his touch on this particular Budget. He did it so well that any other person understood what this Supplementary Budget is all about. He began by explaining clearly to Kenyans that we had made a Budget of Ksh3.3 trillion. Out of it, a whopping Ksh860 billion was debt repayment. That is why every Kenyan wishes to be an economist currently. During the French Revolution of 1789, every Frenchman became a politician. Because of bad economic times currently, every Kenyan has become an economist. Therefore, what affects us is borrowing and deficit in our budgets.

The Mover also brought out very clearly the issue of recurrent expenditure and, more so, the salaries, which stand at Ksh900 billion. Further, I need to indicate that because I am

privity to the Report by the Public Debt and Privatisation Committee, the ratio of salaries has reduced. What is making this recurrent expenditure appear very big is because the salaries have been put together with the payment of loans in the Consolidated Fund Services (CFS), like he explained. So, we are doing well in terms of the salaries but, because they are together with payment of foreign debt, we look like we are doing very badly in recurrent expenditure.

Hon. Temporary Speaker, let me move to the issue of borrowing. I want to thank the Chairperson of this Committee, because there has been a feeling in this country that we should make our borrowing be at the level of America and Japan; and that we should remodel our borrowing from fixed positions which we did in the last Parliament at Ksh10 trillion to adopt the debt GDP ratio, as is done by Americans and Japanese. However, the Mover came out clearly to explain that we cannot go that direction because Kenya does not have any countries it has lent money to. Therefore, when you see those big countries lend money outside, they also have stocks from which they get profits from. This feeling that we change the way we shall be borrowing our money so that our borrowing is fixated to the ratio of the debt versus the GDP is something that we should not do. I think they also spoke about usage, and so on and so forth.

Let me speak on the issue of Article 223, which he was able to speak about elaborately in this Report. This has been spoken on by other Members, where the Government undertakes to spend too much money without the approval of Parliament. Ordinarily, Parliament is supposed to be the supreme organ which should give permission to any Government spending. I know that there are certain limitations as to what we taught as Limitations of Parliamentary Supremacy. I find Article 223 as one other level that limits parliamentary supremacy, and like the Chairperson put it clearly, we need to tighten the nozzle on Article 223. I also thank him greatly because this is the first Chairperson of Committee on Budget and Appropriations within Government who has asked Parliament to tighten the nozzle on Article 223. Anybody in Government would wish that the nozzle on the said Article is let loose so that, in the same way the Leader of the Majority Party has spoken on – that on the night after elections people were looting the coffers – the Government in power can also use that Article. I want to ask the House in totality and, more so, the Leader of the Minority Party who has since left, that this is something that we should do in a bi-partisan manner and make sure that we tighten the nozzle on Article 223 so that there is no wastage that is being done by those in power.

The Ksh15 billion on fertiliser has been clearly explained by the Mover. Furthermore, this budgetary proposal has been appropriated in such a way that we put more money on subsidies for production and not subsidies for consumption. The risk of putting subsidies on consumption is that you will always remain in the economic hole of consuming. By putting this subsidy on production, it means that after a short while we shall be able to get out of the hole and, therefore, the economy will stabilise moving forward. I want to commend this Supplementary Budget for that. We must face the music. We should not worry or be in a hurry to implement quick remedies by putting subsidies on fuel, *ungu*, or cereals, since they would be short-lived, unless as the Chairperson has mentioned, there are safety nets that must be put in place to protect those who are starving. In fact, if you examine this Supplementary Budget, funds have been allocated for students in the ASAL regions who participate in a feeding programme, while funds have also been allocated for those who are facing hunger in different parts of the country and require temporary safety nets. After that, we should implement long-term interventions.

No one has spoken on this, but let me speak on it. The Chairperson spoke on Regional Development Authorities. The age of the Regional Development Authorities may have passed after all. We have the likes of Lake Basin Development Authority, Ewaso Ng'iro North Development Authority and others. Those institutions served their purpose when they were created. But currently, those are organisations that are gobbling Government and taxpayers' money because running them is very expensive. Unlike what we were told, some of them are



consuming as high as over Ksh300 billion as a budget for running them, but the budget they are given for their work and development is as little as Ksh20 billion or even much less. Therefore, this is a circus. It is high time that this House faced and confronted such-like decisions of doing away with such-like authorities.

I know that the Mover did not speak about Kenya Airways. This is another body that is a continuous saga to the Kenyan economy. Every year, it is given money, but it continues to create losses and we still give them more money. Interestingly, Kenya Airways has even been allowed to borrow money, which the Government just guarantees and has defaulted. If you look at the Report of the Public Debt and Privatisation Committee, Kenya Airways has committed this country to a whopping Ksh158 billion, which is not paid. Currently, the Government has to pay fines because of that.

Without much ado, because time is running out, this is a great masterpiece of a Supplementary Budget, but I would wish if we get any more funding, we put on employment of more teachers so that CBC takes off. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, there is a lot of interest in this and so, even if you have 10 minutes, if you take less, it will always make a difference and give more chances to more MPs. Let us have Hon. Kuria Kimani, Chairperson of Departmental Committee on Finance and National Planning. You can also consider the rest of the House. Proceed.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker. I would like to start from where the Hon. Member has left, on Article 223. It is the Committee on Finance and National Planning that flagged off this particular payment of Ksh6.142 billion that interestingly was made on 5<sup>th</sup> August 2022. The concerns that have been raised here by the Leader of the Majority Party is that our Departmental Committee is getting into the heart of this matter. Interestingly, the Ksh6.142 billion...

*(Hon. Ndindi Nyoro consulted loudly)*

Please protect me from these Members consulting loudly.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Ndindi Nyoro. You are supposed to be the... Order!

Proceed.

**Hon. Kuria Kimani** (Molo, UDA): Thank you. Hon. Temporary Speaker, the Ksh6.14 billion shillings that was being withdrawn hurriedly during elections time was just the amount of money we required to recruit 30,000 teachers. The Ksh6.142 billion shillings is going to an individual, and it is money that is enough to employ 30,000 teachers to help our children in school. To speak some economics into those 30,000 teachers, when you recruit them, you are not just creating an employment of 30,000 people, but increasing 30,000 taxpayers. Those 30,000 teachers will now get into payment of taxes through the Pay as you Earn (PAYE), rent houses somewhere which will be income for landlords, and improve the lives of their parents and siblings. So, the injection of 30,000 teachers which cost us Ksh6 billion shillings, the same amount of money that was being stolen and withdrawn through the absolute abuse of Article 223, is what this money can do.

Part of our recommendation as the Departmental Committee on Finance and National Planning was a reduction of Ksh1 billion as a strategic intervention to Kenya Airways. We cannot have KQ become the pride of Africa and the cry of Kenyans because year in year out, we have money allocated to KQ. As a country, we need to make a decision. If KQ cannot operate by itself and make profit, then we should get rid of it. We do not need this national airline yet our country continues to bleed every year. That is why we recommended Ksh1 billion not to be paid to KQ.

Hon. Temporary Speaker, we have retirees' like teachers, police officers and civil servants who painfully wait days on end to access their pension. This Supplementary Budget allocates more finances to make sure there is enough money to pay our pensioners.

One of the roles that we have undertaken as a Committee is to ensure that we move this country from the cash reporting system to accrual reporting system. Part of that reason is so that we can know our actual liability in terms of pensions.

Hon. Temporary Speaker, I have a feeling that we do not even know how much we owe as pension obligation in this country. Many of my colleagues have spoken about subsidy. There are two ways of subsidising a particular product or service. You can either do it at the production level or at consumption. The reason we are not able to bring down the price of maize flour despite the subsidy on *unga* is because you are subsidising maize flour.

*(Hon. David Gikaria rose on a point of order)*

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Member for Nakuru Town East?

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker.

I appreciate what my brother is saying. I, however, had a running stomach. I should have said this before the debate began that you give every Member five minutes so that we can contribute in exception of Hon. John Mbadi who probably is next. The other Members should get five minutes.

**The Temporary Speaker** (Hon. Farah Maalim): Is that the mood of the House?

*(Loud consultations)*

The Procedural Motion has been passed for that.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, I alluded to the fact that I was not there. I had stepped out for a natural call.

**The Temporary Speaker** (Hon. Farah Maalim): The rules are clear.

Hon. Members, for God's sake, try and confine yourselves to a few minutes. The rules have already been set. You are entitled to 10 minutes, but do not use the entire minutes given. Kindly, allow the other Members to have an opportunity to contribute to this.

*(Hon. David Gikaria spoke off-record)*

No, no, no. This has already been ruled. You cannot use Standing Order 1. Proceed.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker.

Today, I had a rough time contributing and, unfortunately, he is from my county. He is my Chair in the Nakuru Caucus and, therefore, I have to be careful in what I say.

I was speaking to the issue of subsidies. Despite the money being made available for subsidising maize flour, we were not able to bring down the cost of maize flour. If you have to subsidise consumption, then there must be clear known stakeholders there. When we give this money to millers, how do we know the amount of maize they had in their silos? Would we trust the information that they are going to tell us on the number of tonnes of maize? How about the maize flour that was already in distribution and that was already in retail shops in a shop in Mukinyai, Elburgon or wherever it is? The whole model of thinking that for you to bring the cost of maize down was to subsidise consumption through giving money to millers was ill informed, wrong and is a very bad economic practice.

However, subsidising production through fertiliser subsidy is clear because we heard Kenyans being told to register. One was required to say how many acres of land he or she was going to farm and then one would get the fertilisers at that affordable rate. Again, when we buy maize from the farmers at a lower rate, the farmer would be willing to take a lower cost for his or her maize because his or her cost of production was down. In the whole cost of the price of products, we must not forget the person producing them.

I heard someone complain about the rise in the cost of eggs. As a chicken farmer, I am happy because when the cost of eggs goes up, I get a higher return for my money. If you want me to reduce the price of eggs, you have to subsidise the cost of the feeds that I buy to produce the eggs.

As I finish, so that others can get a chance to respond, as a country, we must stop to imagine that when it comes to elections time, we close this country and then pick it up after elections. When we put the Principal Secretary to task on why, despite using Article 223 of the Constitution to pay the Ksh6.14 billion, he did not come to Parliament for approval within the recommended time as per the Constitution, we were told it was during the transition. During that transition, we had Principal Secretaries who were still in their rightful positions. We still had Cabinet Secretaries until this House approved the new Principal Secretaries and Cabinet Secretaries. That is the only time we are going to have the new accounting officers in charge. We must adequately address this issue and make sure that no Government in present or in future will ever abuse Article 223 of the Constitution at the expense of the country, and especially around elections time. Kenya is a going concern with or without an election. I had more things to say, but in the interest of allowing other Members to speak, I support.

**The Temporary Speaker** (Hon. Farah Maalim): The Member for Funyula. I presume everybody is going to take a cue from what the Chairperson of the Departmental Committee on Finance and National Planning has done. My desire is that you also do the same.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. Having been a teacher or a lecturer, I can summarise my thoughts.

It is inevitable that in any transition there will be a Supplementary Budget; a re-organisation of the budget priorities to fit the new regimes. Article 223 of the Constitution has allowed it, but as we have lamented for the last five years, it is an Article that has been routinely abused for the whims of the Executive in place at a particular moment.

Looking at the architecture of the Supplementary Budget and the Report of the Public and Accounts Committee, it has thrust into debate the issue of subsidies, whether it is supply or demand driven subsidies. That is a debate that has been permitted in the academia for many years and generations, and there has not been any form of concurrence on the best approach.

The Supplementary Budget retains some form of subsidy and, of course, overhauls other forms of subsidies that were presented by the previous regime. In totality, subsidies have one net effect – to distort the market. They are not long-term and have no room in any progressive economy. The remedy is to look at ways of improving income and reduce inflation. We reduce inflation by playing around the monetary policy and other physical tools. I hope and pray that the new regime, with the brilliant mind of the Chairperson, Public Accounts Committee, will literally get into this realm instead of relying on short-term solutions to long term problems and problems whose solutions are known all over the world in academia.

Let me address myself to the blatant abuse of Article 223 of the Constitution. The blame squarely lies on the Controller of Budget's Office. Article 228(5) of the Constitution makes it clear that it is the Controller of Budget who approves any expenditure and in doing so, he or she must be satisfied that it is lawful, constitutional and for the benefit of the country.

Paragraph 21 of the Report of the Committee is a very interesting read. It reads: "The Controller of Budget informed the Committee that her office was under undue pressure and duress to approve some of the said disbursements." By succumbing to such kinds of pressure,

the Office of the Controller of Budget has breached the Constitution and she is liable for removal on account of breach of the Constitution. That is a scurrilous admission of dereliction of duty. Many of us are worried by the many cuts in various sectors, more so in the energy sector. A reduction by almost Ksh33 billion in the energy sector, especially in a country where power transmission and distribution are low, is a sure way of slowing down economic development. You cannot grow an economy without power. I hoped that in balancing acts, the Public Accounts Committee would have looked at ways and means of resolving that particular matter.

In conclusion, this is an interesting Supplementary Budget. There are budget cuts on the most important and productive sectors and rewards on non-productive sectors. I do not understand the rationale of increasing the budget of the Office of the President by a whopping Ksh8.7 billion when people are dying of hunger and lack of water and animals are dying. They argued that the Jubilee Government used to spend money in the Office of the President to buy alcohol. I am surprised that tea and *mandazi* can cost this much. Do we have our priorities right? Are we simply playing to the gallery to please some people? No wonder 62 per cent of Kenyans interviewed say that the country is going in the wrong direction. For the sake of this country and to enable us to undertake projects under the NG-CDF, I reluctantly support the Supplementary Budget. I hope common sense will prevail in the near future.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Lesuuda, followed by Hon. Atandi.

*(Loud murmurs)*

Order Members, there has to be a balance. She is a lady. Ladies have to have their space. Proceed, Hon. Lesuuda. Take as few minutes as possible to give opportunity to more Members.

**Hon. Naisula Lesuuda** (Samburu West, KANU): I will, Hon. Temporary Speaker. I am sure Members are also bored with male voices since 2.30 p.m. I will go directly to some of the points. I thank our able Chairperson on how he presented the Supplementary Budget. In his presentation, he brought out issues that I do not want to belabour, especially the state of the economy of the country, without playing any politics. This country is bigger than all of us.

I want to talk about two areas that have not been touched. As a Committee, we ensured that counties are also allocated money. Lack of money in the counties impedes operations and service delivery, hindering development. Staff go unpaid and pending bills continue to increase. This is a constitutional matter. Counties need to get money on time.

There is also the issue of the Equalisation Fund. We took the Treasury to task to pay the arrears. If this money was given to the counties that deserve it, some of the issues that we have been deliberating on in this House would have been sorted out in order to take care of historical injustices in those counties.

Hon. Temporary Speaker, allow me to say two things. One, drought cannot only be used as an excuse for why the economy is performing poorly. We should ensure that the people affected by drought get food on time. It is important to note that some counties have not received a drop of rainfall for the last three years. Imagine their livestock are dead and they do not have food to put on the table. We know that a hungry nation will not be wealthy or healthy. I call upon the ministries in charge of food distribution to make sure that once we appropriate this money, food gets to the people that truly deserve it and on time. Two, on the Ksh400 million that was allocated for security operations in the North Rift, it is important that we ensure that our people are secure and continue with their normal livelihoods in peace. On the NG-CDF arrears, many of us have stalled projects in the constituencies. If money is not wired to the constituencies, we cannot complete the projects.

I support the Supplementary Budget.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Atandi, Member for Alego Usonga, proceed. Do exactly what your colleagues did. Take as few minutes as possible.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker, for noting that I am the Member for Alego Usonga. I will be very brief. I rise to support the Report on the Supplementary Estimates for the Financial Year 2022/2023 as presented by our Chairperson. I have been in this House since the last term. The Chairperson of the Budget and Appropriations Committee, Hon. Ndindi Nyoro, is a very competent man. I like the way he oversaw the process of preparing this Report. The Budget and Appropriations Committee has given prominence to reports from departmental committees. The reports that were presented to us by the departmental committees were adopted as they were because of the leadership of the Chairperson.

Many Members have spoken about Article 223 of the Constitution. The Constitution outlines how expenditures are supposed to be incurred. The Office of the Controller of Budget is a sleeping office. Parliament must find a way of strengthening that office. When we were going through this Budget, the Controller of Budget told us that she approved some of the payments when the gun was put on her head. I disagree with her. The person sitting in that office appears to be incompetent and something needs to be done.

Secondly, people are talking about the rising cost of living. This is something that we discussed during the campaigns. Hon. Temporary Speaker, you were part of us in Azimio la Umoja-One Kenya Party and we promised that when we take over power, we will reduce the cost of living. The ruling party also promised that they would reduce the cost of living. But we do not seem to know how to do it. If you look at this Budget, we are living with a time bomb. If we will not be able, as a House, to help poor Kenyans afford meals, there will be no need to sit here writing a budget. In this Budget, you will agree that there is no subsidy on fuel and *unga*. This is a tragedy. I belong to Azimio la Umoja, I have gone to many parts of this country and I advise the Government that if they do not do something on fuel and *unga* subsidies, they will have themselves to blame if things get out of hand.

You very well know that due to the rise in the cost of fuel and the Russia-Ukraine war, food distribution channels have been affected. A serious government must find a way of cushioning its citizens. This is not happening. I emphasise that the Government must look at the situation and find a way to reduce the cost of *unga*. There is no maize in the country right now. I know that cartels are looking at how they will import maize. Most of the time they import genetically modified maize. Kenyans, I advise you to get ready for genetically modified maize because that is the only maize that is available. Since the Government is not making any interventions on *unga* subsidies, we are going to have genetically modified maize in this country very soon.

On the question of wastages, I know that the Leader of the Majority Party is talking about a Government that is keen on cutting on wastages. However, if you look at this Budget, there are a number of areas where wastages are still being seen. I want to urge the Government to be very tight and do what they say. If they say that they want to contain the recurrent expenditure, then we expect the budget to resemble that commitment. The recurrent expenditure continues to go up in offices. There is a lot of budget for tea, travelling and for hosting prayers. These are unnecessary things. The budget for State House and other Government departments is going up and we need to contain it.

Lastly, on the usage of Article 223, this is something that is going to happen. I can see that most Members of Parliament are saying that we do not need it. In the last Parliament, we used to complain during every budget cycle about abuse of Article 223. It continues to be abused. I want to caution that if the commitment from the Leader of the Majority Party is that

this Article should not be abused, then in the next Budget, let us not see any expenditure used under Article 223 that cannot be explained.

Thank you, Hon. Temporary Speaker. I support.

**The Temporary Speaker** (Hon. Farah Maalim): We will have Hon. Osoro followed by Hon. John Kiarie. Hon. Osoro, my presumption is that you will be the gentleman I think you are. Take as few minutes as possible so as to give more time to more Members.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. I also want to rise to support this Motion and the Report by the Budget and Appropriations Committee. I also want to congratulate Hon. Ndindi Nyoro for the exemplary work done by his Committee. The Committee appreciates the fact that there is devastating drought and food insecurity in the country. I think the focus on matters irrigation and agriculture has really been touched and handled in his Supplementary Budget. When you combine it with the fertiliser subsidy, then there will be food security in the country in another few months to come.

Hon. Temporary Speaker, there are matters that we also need to raise as far as Article 223 is concerned. The issue of abuse of Article 223 cannot really be left under the carpet. This House needs to stamp its authority. Article 223 was slightly abused before the elections. In Page six of the Report, you will notice that under Paragraph 23, the Lamu-Ijara-Garissa Road received a payment of about Ksh2.8 billion for improvement, out of an additional improvement of about Ksh5 billion which was paid in the previous year. The Public Accounts Committee and other relevant committees must interrogate these things.

There is also another issue of the Controller of Budget saying that she was under pressure to pass some payments one or three days before election. Every person taking a constitutional responsibility passes through an interview and they are always asked whether they are competent enough to go through any pressure from whichever source. We have a history in this country where even the Chairperson of the Independent Electoral and Boundaries Commission (IEBC) had claimed pressure, but still did the right thing. Therefore, it is important for the Controller of Budget to come out clear that you cannot hide yourself on the element of pressure and pass irregular payment even when you know they are illegal. You can be under pressure and still do the right thing. This House needs to stamp its authority and ask the Controller of Budget questions on how she was able to pay this amount of money three days before elections.

There is something that has come out in this Supplementary Budget which is very key. Out of the Executive Order No.1 of 2023 that gave three votes to reorganise the Executive, you will notice that the Office of the Deputy President will now have its own vote in terms of the budget. The Office of the Prime Cabinet Secretary has its own vote and budget. This is going to help us because we have a history in this country where the Office of the Deputy President was working under the mercies of the Office of the President. When there is a fallout, which will of course not happen in this administration, the Office of the President decides to punish the Office of the Deputy President. This particular vote gives the Office of the Deputy President the element of autocracy.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Osoro. I think you mean autonomy not autocracy. There is a difference. Proceed.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Yes, autonomy. You know you are giving me pressure and I find myself messing. With that autonomy, the Office of the Deputy President in conjunction with the President will run independently with its own budget. We will then be able to harmonise and this whole issue of offices fighting for budget will be an issue of the past.

Hon. Temporary Speaker, with that, I support the Report.

**The Temporary Speaker** (Hon. Farah Maalim): Let us have Hon John Kiarie followed by Hon. Mwashako.

Hon. Members, you should understand that there is a lot of balances the Chair has to do. There is the issue of regions, party and all the other things. Proceed.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you very much, Hon. Temporary Speaker. I would like to start by congratulating Hon. Ndindi Nyoro for such an amazing and eloquent presentation. In the same breath, I also want to congratulate the Budget and Appropriations Committee for such an amazing presentation. This Budget is being made in very lean times when there is no excesses or abundance. I can imagine the work and the midnight oil that had to be burnt for them to get to the point where this Report is on the Table of the House. This Budget is made in very lean times. I would like to note that Ksh5 billion has been allocated for mitigation of the drought situation in the country and I will not hesitate to add that it is not a situation that is only unique to Kenya. If you are following international news, you will see that if today you go to the United Kingdom as a shopper, you are only allowed to buy two tomatoes and cucumbers because there is a shortage everywhere in the world. It is a time of recession and depression all around the world. The situation of scarcity is not only unique to Kenya.

I would like to first commend the Committee for some good work done. I took note that there is a budget line 1011 at the Office of the President that is making headlines. In the news, they are claiming that the President and his Deputy have already exceeded the expenditure for the year. However, people are not noting that this Supplementary Budget is to a budget that already existed, one that has already been formed. In that budget line 1011, there is a very curious budget of the Nairobi Metropolitan Services (NMS). In the last Parliament, every time we were passing the budget, I always stood in my place and commented that Kenyans in their own wisdom in 2010 decided to separate the national Government and the county governments. The county unit of Nairobi is a semi-autonomous unit. The NMS is taking up close to Ksh13 billion in this budget that we are talking about in the Office of the President. As we critique the expenditure in the Office of the President, we have to remind ourselves of the curious situation that we got ourselves into when the previous Government was not able to meet its obligations of the Big Four Agenda.

They were not able to live up to the Vision 2030 and devolved its functions all the way down to the work of putting up cabro blocks in the city. The very curious issue of the Nairobi Metropolitan Services is one of the biggest messes the city has seen since the time of the commissions in the Moi era. I am glad that as we go to the next Budget, NMS shall not appear under the Office of the President. It shall, as it should, appear in the money that we put in the division of revenue so that Nairobi City County can enjoy its privileges as a devolved county just like any other county.

There is the issue of pending bills. We are realising that if we need to inject any money for circulation in the economy, we better start by paying the pending bills that are there. But even as these pending bills are being paid, we will have to raise an alert as the House. There is something in Nairobi called “*hewa*” which is people who supply nothing, but get paid billions. So, even as we are allocating money to the pending bills, we have also to task the agencies, ministries, and departments to do thorough scrutiny to comb the pending bills with a fine-tooth comb, so that we can make sure that we are paying legit suppliers, contractors and not the people who supply “*hewa*.”

Hon. Temporary Speaker, the Kenya Kwanza Government has five key pillars. One of the key pillars is in the digitisation and automation of Government services, the whole move towards digitisation of operations of the Government. Sadly, this is one of the sectors that is normally among the first to receive budget cuts. This is a call to the National Treasury that when it calls for austerity measures and leaning of budgets, they have to look at the budget

lines that are being cut so that we do not do a blanket cut across units, ministries, departments and agencies. If you look at what needs to happen in this sector of ICT, it is going to aid the operations of the Government across all ministries and sectors. I realise that in this sector, there is a big cut of around Ksh5 billion. This calls upon the Budget and Appropriations Committee that if we are going to live up to the words of the Kenya Kwanza promises, we should have a second look when coming to the main Budget which is coming up starting with the Budget Policy Statement (BPS) that is appearing in this House presently.

Finally, I would like to comment on the curious case of Articles 2 and 3. In this Report, you are going to notice that there was Ksh6 billion that had been committed to repurchase Telkom from Helios back to the country. I am currently sitting as the Chairman of the Departmental Committee on Communication, Information and Innovation and I can report to the House that today, the legal status of Telkom, an asset that belongs to the people of Kenya, sits in abeyance. Today, no one can tell you the actual legal status of this very important asset called Telkom. In the dying minutes of the last administration, there had been a change of ownership that was extremely curious because it was happening four days before the election and around 10 days after the election. There was change of money, money that was finding its way from whomever it was finding its way from, coming into Kenya and being expatriated to safe havens, some in the Cayman Islands and others to some strange places. Ultimately, I believe that a forensic audit will lift the veil so that we can see who was receiving the money at this very curious time when Kenya was in between transition. As the Chair of the Departmental Committee for Communication, Information and Innovation, I would like to report to this House that we shall undertake an inquiry that shall unveil the secrecy on how Telkom was changing hands from Kenya to foreigners and then a pseudo-sale was not an actual sale that occasioned the loss of over Ksh6 billion. To make it worse, this was being paid under the provisions of Articles 2 and 3, something that is unexplainable. So, when we start out on this inquiry, I would like to ask Members to contribute any information they have because it will be helpful for us unveiling this curious transaction.

Thank you very much, Hon. Temporary Speaker. I beg to support.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Mwashako. Order, Members.

**Hon. Danson Mwashako** (Wundanyi, WDM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to support this Budget and Appropriations Report on the Supplementary Budget 2022/2023. First, I want to commend the Chairperson of this Committee for doing a good job in presenting and submitting the Report to Parliament and more importantly, to congratulate the Members of the Committee for what they have done in a very short time and for delivering a Report to the House.

Hon. Temporary Speaker, this is the first Supplementary Budget under the new administration and, therefore, a lot was expected out of this Report. First and foremost, the President said that he was going to cut the budget by about Ksh300 billion. Kenyans have been waiting to see what exactly happens with the projects and most of the expenditures that had been prioritised in the Printed Estimates. One thing that I want to mention in this Report that is pleasing to so many of us is that money has been set aside for school feeding programmes. You know we are in a drought situation as a country and we are experiencing very tough times because rains have failed for the last five seasons. We are in a situation where children in many areas cannot access education, not only because of school fees, but because there is hunger. When they get to school, they are hungry and there is no food. We know about 1.9 million pupils are in schools across the country, and the majority of them are from ASAL areas. Now that the money has been set aside, we are sure they will be in school for this term and next term.

There is one thing that we must say as a country. Indeed, we have been complaining that we have many pending bills, particularly in the Ministry of Roads, Transport and Public



Works, that concern construction of roads. However, even though we talk about pending bills, we have areas in this country that have not benefited from roads and infrastructure development in the last 10 years. Therefore, when the Budget and Appropriations Committee makes the recommendations to use Ksh12 billion from the Annuity Fund to fund the payment of pending bills, particularly in the infrastructure and road construction, this is a welcome move. The Ksh12 billion taken from the Annuity Fund, plus another Ksh10 billion that has been allocated to add to the infrastructural budget, making it Ksh22 billion, means that the roads that had stalled have an opportunity to be completed.

One thing that I must say is that we have a programme called low volume seal roads, which is developed and run by the Kenya Rural Roads Authority (KeRRA). With this money, we are asking the Ministry of Roads, Transport, and Public Works to prioritise areas that have lagged behind, where projects had been started and after a short time, they stalled due to lack of payment to contractors. We have areas in this country that have not benefitted from the low volume seal roads and must be prioritised. The Ksh22 billion that the Budget and Appropriations Committee has set aside should first address the roads in areas that have lagged behind.

There are a few things that I must say. The Committee has recommended that in the next Budget, the National Treasury should prioritise allocating money to the Equalisation Fund, so that areas that have lagged behind...

**Hon. Kwenya Thuku** (Kinangop, JP): On a point of order!

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Hon. Member? I notice that you are raising your hand, but I do not know which constituency you represent.

**Hon. Kwenya Thuku** (Kinangop, JP): Hon. Temporary Speaker, you know this is a House of traditions and there is a way in which things are done. Maybe because you have no eyes and cannot see, you will notice that the door is closed yet we are not voting. Ordinarily, the door is only supposed to be closed when we are voting. I do not know why the door is closed. I seek your indulgence. The Whips should do their job and stop the closure of doors. It is out of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Member! It is my presumption that nobody is being stopped from going out. If that happens, it is not in order.

*(Loud consultations)*

Order, Hon. Members! Hon. Mwashako, please, conclude.

**Hon. Danson Mwashako** (Wundanyi, WDM): Thank you, Hon. Temporary Speaker. As I conclude, I must talk about the confusion in junior secondary schools. The Budget and Appropriations Committee has set aside money for junior secondary schools, but we must ask the Government to put better emphasis on junior secondary schools and address the confusion that surrounds the whole issue.

Because of time, I support the Motion.

**The Temporary Speaker** (Hon. Farah Maalim): We will have Hon. Naomi Waqo followed by Hon. Mbadi and then the Member for Kitui West. You understand Standing Order 95. Read it closely and do not use it for frivolous purposes to try and silence people.

Proceed, Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I stand to add my voice to this very important...

**The Temporary Speaker** (Hon. Farah Maalim): Just contribute like the rest. Do not take too much time.

**Hon. Naomi Waqo** (Marsabit County, UDA): Yes, I will not. I support this very important debate that is going on. We see clearly that the Supplementary Budget takes care of all Kenyans, especially the marginalised and the disadvantaged. I say that because of the following. First, under the... Sorry.

**Hon. Member:** *Umesahau?*

**Hon. Naomi Waqo** (Marsabit County, UDA): *Sijasahau.*

*(Laughter)*

Sorry for that. The Supplementary Budget supports all Kenyans especially those who are marginalised and suffering in different ways. Under the Departmental Committee on Agriculture and Livestock in Recommendation No.36, we see the provision for livestock farmers in ASAL areas, which we appreciate very much because of the ongoing drought that has led to the suffering of livestock farmers and the loss of many animals. The provision for the increment will help them.

Secondly, under the Departmental Committee on Social Protection in Recommendation No.37, the Committee noted the additional Ksh56 million that has been allocated. We know that Woman Representatives have been suffering because we do not have county coordinators. Due to lack of funds, we have not been very effective on the ground, but the additional funds that we have been given will help us to implement our work and be more effective.

We note very well that even under the education sector, the school feeding programme will take care of students, especially those from ASAL areas where many families are suffering because of hunger and children under five years of age are malnourished. We also realised that many people are looking forward to the implementation of the school feeding programme.

Under the Departmental Committee on Blue Economy and Irrigation, the Maji Nyumbani Programme, which will ensure that 10,000 households have running water and will also employ over one million people, is another exciting programme that many Kenyans are looking forward to.

Before I finish, we know that many Kenyans are suffering because of pending bills. Many people who invested their money in projects that have been ongoing in the counties have been suffering, but if we adopt the Supplementary Estimates, they will get help.

Housing projects will be implemented in every constituency. Every constituency will have 100 housing units and an additional Ksh8 billion will be allocated to cater for housing. That is acceptable and we will receive it with a lot of joy.

Hon. Temporary Speaker, I cannot continue under pressure, but I support the Motion.

**Hon. Eric Kahugu** (Mathira, UDA): On a point of order!

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Member for Mathira? Can you give the Member for Mathira the microphone?

**Hon. Eric Kahugu** (Mathira, UDA): Thank you very much, Hon. Temporary Speaker. I rise on Standing Order 95(1). I feel that this House has extensively discussed this matter. Kenyans are waiting for us to release the money so that we can unlock the economy. I ask you to call upon the Mover to reply.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. TJ! Hon. Members, I clearly understand the provisions of Standing Order 95(1). I just hope that all of you can read through it and understand it even better. It is the opinion of the Speaker that some of you are using this provision for the Mover to be called upon to reply to try and take away the rights of certain Members who are in the minority. The Speaker will not allow it.

*(Loud consultations)*

I do not know if you have understood me very well. Order, Hon. Members! I do not know what this House has turned into. The Speaker is on his feet and all I can hear is Members saying, “Put the Question!”. What have we turned this House into? Standing Order 95(1) is very clear. It states:

“95. (1) After the Question on a Motion the Mover of which has a right of reply has been proposed, a Member rising in his or her place may claim to move, “That, the Mover be now called upon to reply,” and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question “That, the Mover be now called upon to reply,” shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Mover may, immediately reply to the debate, and as soon as the Mover has concluded or, if the Mover does not wish to reply, immediately, the Speaker shall put the question, subject to paragraph 3 of Standing Order 53 (Manner of debating Motions).”

I am now convinced that you are trying to take away the rights of a few Members who also have a right to contribute. This is a House that has... Hon. TJ...

*(Hon. TJ Kajwang' consulted loudly)*

This is a House where the will of the majority will prevail at the end of the day. However, the right of the minority to be heard is the centrepiece of democracy in a functioning legislature.

Order, Hon. Members. Proceed.

*(Laughter)*

She has finished. I had said that we will have the Member for Kitui West and then the Chairperson of the Public Accounts Committee. Member for Kitui West, you realise that nobody...

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Speaker, let me correct you. It is Mwingi West not Kitui West.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, Mwingi West. Proceed.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for the opportunity you have given me to support the Supplementary Budget.

There comes a time when you have to empathise with the situation our country is going through. It is high time I also corrected my Azimio side. Let us support the Government to deliver on the manifesto that it promised the country while we carry out our oversight role without all the drama that is happening at the moment.

*(Applause)*

The Budget is coming at a time when we are experiencing a serious prolonged drought, especially in my Mwingi West Constituency. At the same time, I note with concern that all constituencies starve for development now. I like this Budget because it addresses some of the emergency issues we are all facing as Members of Parliament. There is no question on emergency relief food. We have to emphasise that. The only thing is the manner in which

distribution is being done. I urge the relevant Cabinet Secretary to ensure that relief food reaches all corners of the country without discrimination.

*(Hon. Silvanus Osoro gestured to Hon. Charles Nguna)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Member, please, continue.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Speaker, protect me from Hon. Osoro. He is abusing my rights of freedom of speech. I can speak till tomorrow so long as I am utilising the time allocated.

So many issues have been raised and I do not want to belabour them. However, I will not continue due to the pressure and noise I am experiencing from Hon. Osoro and the mood of the House.

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

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Hon. TJ?

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Temporary Speaker, I am on a point of order not on the distinguished Member on the Floor. It is due to Hon. Osoro, the Whip of the Majority Party. He has closed the door to the National Assembly. Is it in order?

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. TJ. Somebody had raised that point of order. The Temporary Speaker has the responsibility to see if anybody is being stopped from going out or coming in. That is not happening.

Proceed, Hon. Member for Mwingi West, and conclude.

**Hon. Charles Nguna** (Mwingi West, WDM): I was addressing climate change. We have planted so many trees, but they have dried up. Let us plant trees at the right time. On the 100 earth dams, I challenge the Departmental Committee on Blue Economy and Irrigation to ensure that they are equally distributed across all the 47 counties without discrimination. We need water in Ukambani more than anybody else.

On the issue of the Ksh150 billion pending bills in the road sector, many contractors are on the verge of pulling out. I will cite one example, the Kabati-Migwani-Mbondoni Road that crosses my constituency where the Chinese have threatened to walk out. If we are not doing hot air in this Budget, let us ensure that we complete all incomplete projects in the country. Whatever was started by the previous Government belongs to Kenyans and not Uhuru Muigai Kenyatta or Raila Amollo Odinga. It belongs to Kenyans and that money should be utilised sufficiently.

Finally, we have really suffered on the NG-CDF. No Member of Parliament has implemented a single project in the constituency so far. We are waiting for bursaries to reflect and those issues must be addressed.

*(Hon. Silvanus Osoro spoke off record)*

Hon. Osoro is becoming one of the most useless leaders of the Majority Party. You cannot walk all over telling a Member to finish a speech. Protect me, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Member for Mwingi West. The word "useless" is not parliamentary language, but proceed.

*(Laughter)*

**Hon. Charles Nguna** (Mwingi West, WDM): Why are you entertaining un-parliamentary behaviour with Hon. Osoro, Hon. Temporary Speaker? Protect us.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed. Conclude. Hon. Osoro, can you give peace to every Member here? Proceed, Hon. Member.

**Hon. Charles Nguna** (Mwingi West, WDM): I support this agenda of security in the North Rift. This is a very critical point.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Mwingi West, apologise when you utter an un-parliamentary word. Please, withdraw the word “useless” and apologise to the House.

**Hon. Charles Nguna** (Mwingi West, WDM): He is behaving in a manner that is suggesting he is useless, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Member.

*(Laughter)*

**Hon. Charles Nguna** (Mwingi West, WDM): It is okay. I withdraw and apologise.

**The Temporary Speaker** (Hon. Farah Maalim): Okay. Proceed, please.

**Hon. Charles Nguna** (Mwingi West, WDM): Sometimes when interrupted while making a speech, you lose points. We need protection.

*(Laughter)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members.

**Hon. Charles Nguna** (Mwingi West, WDM): I was touching on the security in the North Rift. I would like us to make sure the Ksh400 million that we have allocated here is properly utilised.

With those few remarks, I support and thank the Chairperson. The presentation was cleverly done. Congratulations for the good work.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Mbadi.

**Hon. John Mbadi** (Nominated, ODM): Thank you, Hon. Temporary Speaker. There has been enough drama this afternoon.

I agree and concur with the Members who have hailed and praised the Chairperson of the Budget and Appropriations Committee, this being his first Report to the House which he has ably and eloquently moved with facts. Those of us who have a background in finance and budgeting, someone like me who has the distinction of the longest serving Member of the Budget and Appropriations Committee in the history of this Republic, agree that he was very deep in his presentation. He has a grasp of the entire process of the Supplementary Budget.

*(Applause)*

Having said that, I have the following comments to make.

*(Hon. Members raised their hand)*

**The Temporary Speaker** (Hon. Farah Maalim): Are you on a point of order? A Member is raising his hand there. Okay, Proceed.

**Hon. John Mbadi** (Nominated, ODM): We have heard none other than His Excellency the President say that the economy has been stabilised. If you want to stabilise the economy, what are the indicators? It is fiscal consolidation. We can only know that the Government has succeeded on fiscal consolidation through budgets. If you look at the Supplementary Budget that we have, is there fiscal consolidation? The answer is no. I will tell you that the fiscal deficit has not significantly decreased. Therefore, it is rhetoric. It is the same old story. For how long will we be lamenting as a House? We started lamenting way before the year 2013, about the

Government cutting cloth not according to its size, that we are, as a nation, overspending money that we do not have and we are continuing.

Remember the President said that the 2022/2023 Financial Year Budget on expenditure was going to be cut by Ksh300 billion. Kenyans expected to see a reduction of Ksh300 billion through the Supplementary Budget. The question I want to ask today is: Do we have a budget cut of Ksh300 billion? The answer is no. The total budget cut is only coming to about Ksh14 billion. You will be told so many other things about how Article 223 has been used and we could not cut. Therefore, I expect the President to again tell the people of Kenya that it was not possible to reduce the budget by Ksh300 billion. We must hold our leaders to account for what they tell the public. That will be the starting point of accountability.

Secondly, many Members have talked about Article 223. I agree with the Leader of the Minority Party, the Leader of the Majority Party and the Chairperson of the Budget and Appropriations Committee on Article 223. Hon. Temporary Speaker, we must hold our leaders to account for what they tell the public. That will be the starting point of accountability.

My second point is on Article 223 of the Constitution, which many Members have talked about. I want to agree with the Leader of the Majority Party, the Leader of the Minority Party, and the Chair of the Budget and Appropriations Committee...

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kimani Ichung'wah is on a point of order.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, you know I have tremendous respect for Hon. John Mbadi, and he knows that statements of fact are a prerequisite in our Standing Orders. We are debating this Report by the Budget and Appropriations Committee. Facts about fiscal consolidation in the Budget are contained in this Report.

Hon. Temporary Speaker, there is a clear indication that Hon. John Mbadi may not have interacted with this Report. The fiscal consolidation that he is talking about is very well enumerated by the Budget and Appropriations Committee on page five of the Report. Actually, I refer him to Clause 18. The fiscal deficit as a percentage of GDP has reduced from 6.2 per cent to 5.7 per cent against the 5.8 per cent agreed on between the Government of Kenya and the International Monetary Fund. Indeed, it is within my knowledge that the IMF had sought to maintain the fiscal deficit as a percentage of GDP at 6.2 per cent or 6.5 per cent. What the President indicated to the country is that there will be an absolute cut of Ksh300 billion.

*(Loud consultations)*

Hon. Temporary Speaker, ask the Members who are consulting loudly to allow me to make a statement of fact. We cannot allow Hon. John Mbadi to mislead the country that the President committed himself to Ksh300 billion Budget cut that is not there. The items that he is talking about, which amount to close to Ksh300 billion, were paid outside the Budget. Hon. John Mbadi is an accountant. It is simple arithmetic. If the Budget that we passed last year had a deficit of Ksh860 billion, and you have paid over Ksh280 billion outside the Budget, it tells you that your deficit had moved to above a trillion shillings. The Budget was irresponsibly passed in the wee hours of the last regime thus necessitating the reduction of Ksh300 billion by the President. The Chair of the Budget and Appropriations Committee is here. He can confirm that it is a fact that the current Budget has been cut by over Ksh300 billion. This was necessitated by the payments made under Article 223 that Hon. John Mbadi now wants to belittle as just talk. It is not just talk. The figures speak for themselves. Therefore, let us not defend the indefensible. Let us not defend theft...

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): He cannot, as Chair of the Public Accounts Committee be defending theft and looting.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kimani Ichung'wah. Order, Hon. Members. You all have the right. You can rise on a point of order and say that Hon. John Mbadi is misleading the House and place the facts. My presumption is that you are trying to place the facts although I am not an accountant. Now that we have listened to you, he has his time. If he has the way of rebutting you and telling you the facts you have presented are not good enough, then he will say it. So, you do not turn these things into “no” and “yes.”

Proceed, Hon. John Mbadi.

**Hon. John Mbadi** (Nominated, ODM): Hon. Temporary Speaker, you know Hon. Kimani Ichung'wah is my friend, but he knows very well that when it comes to figures, I am usually better than him.

*(Laughter)*

Hon. Temporary Speaker, we were promised a Budget cut of Ksh300 billion in this financial year. That has not happened in this Supplementary Budget. Hon. Kimani Ichung'wah is talking about Article 223, under which the other Government spent amounts that cannot now allow them to cut the Budget by Ksh300 billion.

The same Report he is reading is talking of only Ksh130 billion in total spent under Article 223 of the Constitution. Both the previous and the current regimes, including the Office of the Deputy President, have spent Ksh130 billion. For heaven's sake, that is not Ksh300 billion. So, the question is, even if that is what distorted your pledge and promise that you made to the people of Kenya with flowery language of Ksh.300 billion, then you should tell us where the difference of Ksh170 billion is. You have not succeeded in reducing the Budget with Ksh300 billion as you promised Kenyans. That is why I was saying we must hold leaders accountable, starting with the President. The President of the Republic of Kenya promised Kenyans publicly that in the 2022/2023 Financial Year, he was going to cut the Budget by Ksh300 billion. Where is the Ksh300 billion in this Supplementary Budget or when are you going to cut the Budget by ksh300 billion? Hon. Kimani Ichung'wah, you can only mislead other people, not Hon. John Mbadi.

Secondly, on the issue of Article 223 of the Constitution, I agree entirely with the Committee, and with the Leader of the Majority Party and the Leader of the Minority Party, that this Article is not just abused. It is an Article through which the people of Kenya have allowed the Executive to steal. That is the plain fact. Let us not sugar-coat it. The Executive has been stealing using Article 223 of the Constitution.

Hon. Temporary Speaker, I want to assure Hon. Kimani Ichung'wah that the Public Accounts Committee has already made a resolution that we are going to audit expenditure under Article 223 for the previous two financial years, including the current one. On this one, I am not going to play politics. People know that when I chair a Committee, I do not play politics. We are going to be objective, transparent and it is going to be public. Any public officer who has spent money inappropriately will be held to account. The Controller of Budget made the excuse that there was a gun held on her head. I want to remind you. Maybe, people have forgotten or they were not around then. During the 10<sup>th</sup> Parliament, immediately we passed the new Constitution, I remember standing in this House and raising the issue that, under the new dispensation, the Government could not spend money on Vote on Account before

Parliament passed the Appropriation Bill. My argument was ignored in the House but the former Controller of Budget, Agnes Odhiambo, a great lady, refused to approve Government expenditure. In fact, Government programmes and services almost grounded to a halt. We had to be summoned to come back and pass the Appropriation Bill. That is the kind of Controller of Budget we need for this country, not people who give excuses. We do not deserve people who when they find themselves serving a new regime, they want to please the new regime by scandalising and blaming the previous regime when they have the law behind them, supporting them to do the right things.

I want to conclude, because time is not on my side. There is this talk about subsidies. I have listened carefully to the Kenya Kwanza Alliance. They talk about subsidising production. Well and good. That is what Hon. Oundo was calling “supply-driven subsidy” but there is also demand-driven subsidy, which you are scandalising. In the process of defining “production subsidy”, you are so limited in your ability that you think fuel subsidy is a consumption subsidy. There is no major factor of production like energy, and one of the sources of energy is petroleum and another one is electricity. One of your great economic advisers called David Ndiu told us that you never promised us cheap electricity. What did you promise us then? You know that you cannot con people even after an election. You can con people during campaigns but immediately you get power, please, be truthful. Henceforth, I want to plead with the Kenya Kwanza Alliance that the time for politics is over. It is now time for delivery. Do not talk about Hon. Uhuru Kenyatta and Hon. Raila Odinga because they are not in Government. You are now the ones in charge of Government, and they can hold you accountable whether in the streets of Nairobi, Bungoma, Bondo or Kikuyu. They will hold you to account because that is their duty. I will hold you to account on the Floor of this House.

Hon. Temporary Speaker, let the Kenya Kwanza Alliance Government get to work and not the political rhetoric of people claiming to own shares in Government. All Kenyans own shares in the Republic of Kenya. We all pay taxes. By the way, the last election almost produced a split election. In this country, whether you like it or not, Azimio and Kenya Kwanza are 50 to 50.

Thank you, Hon. Temporary Speaker. I support.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members! The Speaker cannot, on his own volition, rise and put the Question. Somebody has to demand.

Yes, Hon. Owen Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Now that Hon. John Mbadi has brought down the curtains with his eloquent speech of half-facts and half-truths, I would like to invoke Standing Order 95 so that the Mover is called upon to reply.

Thank you very much, Hon. Temporary Speaker.

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

**The Temporary Speaker** (Hon. Farah Maalim): Proceed Mover.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I kindly request to know how many minutes I have for replying.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members! The Standing Orders are clear that when the Mover is called upon to reply but the Question has been prematurely put outside the set timeframe, then you cannot donate time.

**Hon. Ndindi Nyoro** (Kiharu, UDA): How many minutes?



**The Temporary Speaker** (Hon. Farah Maalim): I do not know how many minutes because the rules have changed but it was 10 minutes. Yes, 10 minutes is the ultimate limit. If you want to do so in half a minute, it is up to you.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you, Hon. Temporary Speaker for that clarification. I asked that question on behalf of the many Members who are here. I intended to donate part of my time but it is not possible for me to do so. I hope Hon. Members, including Hon. Muriu, Hon. Gikaria, Hon. Kaguchia and others, who wish to say something about this topic, will understand.

Hon. Temporary Speaker, I take this opportunity to thank the many Members who have expressed their opinion on this matter. As the Chairperson of the Budget and Appropriations Committee, I want to say that this was a learning experience. I ensured that I took to account every comment by the Members and wrote them down. This is because I believe a Member of Parliament does not say anything in vain. I noted the sentiments made by the Members of this House, starting with those made by the Leader of the Minority Party, Hon. Opiyo, to those by the Leader of the Majority Party, the Chairperson of PAC and other Members because their opinions were invaluable not just to me but also to the Committee because there is no perfection in this job. We keep on learning. When we reach perfection, we start to descend. I do not think we are on the descending path.

Some of the Members who have spoken have emphasised very well the issue of Article 223 of the Constitution. They include the Leader of the Majority Party, the Leader of the Minority Party, Hon. Opiyo, and a long serving Chair, Hon. Mbadi, who is a Member of the Budget and Appropriations Committee. They all reinforced the same opinion that we cannot continue operating business as usual in so far as Article 223 of the Constitution is concerned. I request Members to take note of the fact that we must do something to strengthen the provision on how Article 223 of the Constitution is used in meeting public expenditures.

I have listened to Dr. Oundo and I want to clarify that this is a very objective process. His sentiments were very straightforward and objective. I want to lay the facts on the Table for the consumption of Members. I agree that the number of votes have increased in this Supplementary Budget, especially those for the Office of the President as per the attached figures. It is a fact that by the time the new President took office, a bigger part of the Budget had been spent. So, we needed to provide enough money for the current President to carry out his duties without interruption. Dr. Oundo, the fact is that most of the money had already been spent. We now have a new President and we need to provide a budget for him to function.

I want to comment on the issue of the NG-CDF. Whereas we have provided for the arrears of Ksh12 billion that has been pending, in the process of making this Supplementary Budget, we were in contact with the National Treasury. I want to inform all Members that last Friday, a sum of Ksh14 billion was remitted to that vote. By the end of this week, our respective constituency accounts should not have less than Ksh45 million for purposes of carrying out NG-CDF programmes, especially payment of bursaries, which has been pending for quite some time.

Hon. Temporary Speaker, I want to address the issue of Ksh300 billion cut and reinforce the point by the Leader of the Majority Party. Whereas we have listened with respect to the submissions by the Chairperson of PAC, the fact of the matter is that we succeeded in cutting Ksh300 billion from the current Budget. However, unfortunately, a bulk of this sum had already been spent by the previous regime. Even after succeeding in cutting that amount, we had to take care of the money that had been spent. The other fact is that we had to re-align the old regime with the new administration.

Regarding Article 223 of the Constitution, there are issues that could not wait until June and had to be included after subtracting the Ksh300 billion. We have the hustler fund, which ordinarily would be provided for in the substantive Budget but it has come earlier. There are

other crucial issues like fertiliser subsidies, employment of teachers and capitation of the CBC. All these had to be taken care of because we are not operating on a straitjacket. We live ordinary lives and as representatives of Kenyans, we had to align this Budget with what they expect from us.

I take this opportunity to thank all the Members, and especially those of the Budget and Appropriations Committee for burning the midnight oil. I also thank Members of all Departmental Committees who worked within very strict numbers and constrained fiscal space to deliver these Supplementary Estimates. I also thank all the Members who have contributed, and the many who have stayed in the House until this late so that we can pass this Motion and continue with the other pending issues so that Kenyans can access this money for better service delivery.

Hon. Temporary Speaker, I beg to reply.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, I hope you hear me even though the microphone is a bit short for tall people like me.

*(Question put and agreed to)*

*The House resolved accordingly:*

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2022/2023, laid on the Table of the House, and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (i) approves an increment of the total recurrent expenditure for Financial Year 2022/2023 by Ksh93,521,939,535.00 in respect of the votes contained in the First Schedule;
- (ii) approves a reduction of the total capital expenditure for Financial Year 2022/2023 by Ksh84,197,037,771.00 in respect of the votes contained in the FIRST SCHEDULE;
- (iii) approves an overall increment in the total Budget for Financial Year 2022/2023 by Ksh9,324,901,764.00 in respect of the votes contained in the FIRST SCHEDULE;
- (iv) resolves that the first schedule forms the basis for the introduction of the First Supplementary Appropriation Bill, 2023; and,
- (v) further makes the policy resolutions contained in the SECOND SCHEDULE to the Order Paper, subject to adjustments to the various Votes like 1071, 1169, 1311, 1166, 1109, 1066 and others that have already been approved by Hon. Speaker.

### FIRST SCHEDULE

#### SUPPLEMENTARY ESTIMATES I FOR FY 2022/23

VOTE CODE	VOTE/PROGRAMME CODES & TITLE	REVISED BUDGET ESTIMATES FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	Executive Office of the President	24,369,683,327	7,350,425,348	31,720,108,675

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VOTE CODE	VOTE/PROGRAMME CODES & TITLE	REVISED BUDGET ESTIMATES FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1011	0702000 Cabinet Affairs	1,612,915,524	152,250,000	1,765,165,524
	0703000 Government Advisory Services	512,633,280	75,000,000	587,633,280
	0704000 State House Affairs	8,709,018,191	443,452,000	9,152,470,191
	0734000 Deputy President Services	2,608,897,526	16,207,902	2,625,105,428
	0745000 Nairobi Metropolitan Services	10,926,218,806	6,663,515,446	17,589,734,252
1012	<b>Office of the Deputy President</b>	<b>850,850,072</b>	-	<b>850,850,072</b>
	0734000 Deputy President Services	850,850,072	-	850,850,072
1013	<b>Office of the Prime Cabinet Secretary</b>	<b>771,905,101</b>	-	<b>771,905,101</b>
	0753000 General Administration Planning and Support Services	720,000,000	-	720,000,000
	0754000 Public Service Performance Management & Delivery Services	28,855,474	-	28,855,474
	0755000 Government Coordination and Supervision Services	23,049,627	-	23,049,627
1021	<b>State Department for Interior and Citizen Services</b>	<b>107,195,904,554</b>	<b>4,141,850,225</b>	111,337,754,779
	0601000 Policing Services	80,479,205,856	641,966,512	81,121,172,368
	0603000 Government Printing Services	535,816,242	-	535,816,242
	0605000 Migration & Citizen Services Management	2,088,561,899	1,026,939,800	3,115,501,699
	0625000 Road Safety	1,728,300,000	829,856,159	<b>2,558,156,159</b>
	0626000 Population Management Services	2,931,842,750	997,786,026	<b>3,929,628,776</b>
	0629000 General Administration and Support Services	18,648,420,745	645,301,728	19,293,722,473
	0630000 Policy Coordination Services	783,757,062	-	783,757,062
1023	<b>State Department for Correctional Services</b>	<b>32,466,343,797</b>	<b>765,400,000</b>	33,231,743,797
	0623000 General Administration, Planning and Support Services	322,732,733	5,000,000	327,732,733
	0627000 Prison Services	30,363,867,861	534,472,023	30,898,339,884
	0628000 Probation & After Care Services	1,779,743,203	225,927,977	2,005,671,180

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1024	<b>State Department for Immigration and Citizen Services</b>	<b>1,621,169,649</b>	<b>130,000,000</b>	1,751,169,649
	0605000 Migration & Citizen Services Management	880,703,813	50,000,000	930,703,813
	0626000 Population Management Services	740,465,836	80,000,000	820,465,836
1025	<b>National Police Service</b>	<b>24,604,089,940</b>	-	<b>24,604,089,940</b>
	0601000 Policing Services	24,604,089,940	-	24,604,089,940
1026	<b>State Department for Internal Security &amp; National Administration</b>	<b>8,124,935,362</b>	<b>50,000,000</b>	<b>8,174,935,362</b>
	0603000 Government Printing Services	178,605,404	-	178,605,404
	0629000 General Administration and Support Services	7,698,259,145	-	7,698,259,145
	0630000 Policy Coordination Services	248,070,813	50,000,000	298,070,813
1032	<b>Ministry of Devolution</b>	<b>1,518,500,371</b>	<b>197,000,000</b>	<b>1,715,500,371</b>
	0712000 Devolution Services	1,518,500,371	197,000,000	1,715,500,371
1035	<b>State Department for Development of the ASAL</b>	<b>6,381,985,470</b>	<b>9,667,093,700</b>	<b>16,049,079,170</b>
	0733000 Accelerated ASAL Development	6,381,985,470	9,667,093,700	16,049,079,170
1041	<b>Ministry of Defence</b>	<b>135,080,483,200</b>	<b>3,365,500,000</b>	<b>138,445,983,200</b>
	0801000 Defence	131,556,973,200	3,365,500,000	134,922,473,200
	0802000 Civil Aid	1,000,010,000	-	1,000,010,000
	0803000 General Administration, Planning and Support Services	2,303,500,000	-	2,303,500,000
	0805000 National Space Management	220,000,000	-	220,000,000
1052	<b>Ministry of Foreign Affairs</b>	<b>14,286,718,363</b>	<b>1,096,120,000</b>	<b>15,382,838,363</b>
	0714000 General Administration Planning and Support Services	2,565,747,814	13,620,000	2,579,367,814
	0715000 Foreign Relation and Diplomacy	11,577,275,666	1,072,500,000	12,649,775,666
	0741000 Economic and Commercial Diplomacy	38,867,428	-	38,867,428
	0742000 Foreign Policy Research, Capacity Development and Technical Cooperation	104,827,455	10,000,000	114,827,455
	<b>State Department for Foreign Affairs</b>	<b>4,655,322,860</b>	-	<b>4,655,322,860</b>

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1053	0714000 General Administration Planning and Support Services	817,225,947	-	817,225,947
	0715000 Foreign Relation and Diplomacy	3,792,758,617	-	3,792,758,617
	0741000 Economic and Commercial Diplomacy	10,775,811	-	10,775,811
	0742000 Foreign Policy Research, Capacity Dev and Technical Cooperation	34,562,485	-	34,562,485
1054	<b>State Department for Diaspora Affairs</b>	<b>700,000,000</b>	<b>-</b>	<b>700,000,000</b>
	0751000 General Administration, planning and support services	436,255,227	-	436,255,227
	0752000 Management of Diaspora and Consular Affairs	263,744,773	-	263,744,773
1064	<b>State Department for Vocational and Technical Training</b>	<b>19,042,257,340</b>	<b>4,104,922,807</b>	<b>23,147,180,147</b>
	0505000 Technical Vocational Education and Training	18,788,974,472	4,104,922,807	22,893,897,279
	0507000 Youth Training and Development	41,244,436	-	41,244,436
	0508000 General Administration, Planning and Support Services	212,038,432	-	212,038,432
1065	<b>State Department for University Education</b>	<b>103,630,707,038</b>	<b>4,626,600,000</b>	<b>108,257,307,038</b>
	0504000 University Education	102,318,852,138	4,571,600,000	106,890,452,138
	0506000 Research, Science, Technology and Innovation	970,923,096	55,000,000	1,025,923,096
	0508000 General Administration, Planning and Support Services	340,931,804	-	340,931,804
1066	<b>State Department for Early Learning &amp; Basic Education</b>	<b>104,724,450,670</b>	<b>23,758,187,003</b>	<b>128,482,637,673</b>
	0501000 Primary Education	17,804,719,082	5,941,981,660	23,746,700,742
	0502000 Secondary Education	78,067,388,612	17,220,205,343	95,287,593,955
	0503000 Quality Assurance and Standards	3,568,961,611	446,000,000	4,014,961,611
	0508000 General Administration, Planning and Support Services	5,283,381,365	150,000,000	5,433,381,365
1068	<b>State Department for Post Training and Skills Development</b>	<b>161,373,862</b>	<b>-</b>	<b>161,373,862</b>
	0508000 General Administration, Planning and Support Services	102,012,607	-	102,012,607
	0512000 Work Place Readiness Services	51,351,981	-	51,351,981

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0513000 Post Training Information Management	8,009,274	-	8,009,274
1069	<b>State Department for Implementation of Curriculum Reforms</b>	<b>233,539,613</b>	-	<b>233,539,613</b>
	0514000 Coordination of the Curriculum Reform Implementation	233,539,613	-	233,539,613
	<b>The National Treasury</b>	<b>62,324,907,097</b>	<b>100,991,052,544</b>	<b>163,315,959,641</b>
1071	0203000 Rail Transport	-	38,458,000,000	38,458,000,000
	0204000 Marine Transport	-	1,618,000,000	1,618,000,000
	0717000 General Administration Planning and Support Services	52,884,171,938	12,939,590,000	65,823,761,938
	0718000 Public Financial Management	7,562,576,513	44,872,584,384	52,435,160,897
	0719000 Economic and Financial Policy Formulation and Management	1,142,423,406	3,062,878,160	4,205,301,566
	0720000 Market Competition	662,515,000	40,000,000	702,515,000
	0740000 Government Clearing services	73,220,240	-	73,220,240
1072	<b>State Department for Planning</b>	<b>3,954,025,187</b>	<b>47,797,075,641</b>	<b>51,751,100,828</b>
	0706000 Economic Policy and National Planning	2,130,238,546	47,543,117,762	49,673,356,308
	0707000 National Statistical Information Services	1,394,996,700	160,759,588	1,555,756,288
	0708000 Public Investment Management Monitoring and Evaluation Services	130,828,078	93,198,291	224,026,369
	0709000 General Administration Planning and Support Services	297,961,863	-	297,961,863
	<b>Ministry of Health</b>	<b>66,573,040,701</b>	<b>47,209,728,562</b>	<b>113,782,769,263</b>
1081	0401000 Preventive, Promotive & Reproductive Health	1,973,557,381	18,456,274,062	20,429,831,443
	0402000 National Referral & Specialized Services	40,350,117,395	10,967,900,000	51,318,017,395
	0403000 Health Research and Development	8,860,250,000	1,620,000,000	10,480,250,000
	0404000 General Administration, Planning & Support Services	7,709,022,705	1,082,000,000	8,791,022,705
	0405000 Health Policy, Standards and Regulations	7,680,093,220	15,083,554,500	22,763,647,720
1083	<b>State Department for Public Health and Professional Standards</b>	<b>2,945,965,604</b>	<b>2,637,250,000</b>	<b>5,583,215,604</b>
	0401000 Preventive, Promotive & Reproductive Health	374,143,312	2,348,250,000	2,722,393,312

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0403000 Health Research and Development	1,989,750,000	289,000,000	2,278,750,000
	0404000 General Administration, Planning & Support Services	550,506,683	-	550,506,683
	0405000 Health Policy, Standards and Regulations	31,565,609	-	31,565,609
1091	<b>State Department of Infrastructure</b>	<b>69,300,516,247</b>	<b>127,702,000,000</b>	<b>197,002,516,247</b>
	0202000 Road Transport	69,300,516,247	127,702,000,000	197,002,516,247
1092	<b>State Department of Transport</b>	<b>10,721,774,604</b>	<b>2,740,500,000</b>	<b>13,462,274,604</b>
	0201000 General Administration, Planning and Support Services	230,105,038	230,000,000	460,105,038
	0203000 Rail Transport	-	1,892,500,000	1,892,500,000
	0204000 Marine Transport	889,830,177	468,000,000	1,357,830,177
	0205000 Air Transport	8,939,166,372	50,000,000	8,989,166,372
	0216000 Road Safety	662,673,017	100,000,000	762,673,017
1093	<b>State Department for Shipping and Maritime</b>	<b>2,159,615,224</b>	<b>689,000,000</b>	<b>2,848,615,224</b>
	0220000 Shipping and Maritime Affairs	2,159,615,224	689,000,000	2,848,615,224
1094	<b>State Department for Housing and Urban Development</b>	<b>1,206,810,347</b>	<b>12,720,000,000</b>	<b>13,926,810,347</b>
	0102000 Housing Development and Human Settlement	691,985,965	9,245,000,000	9,936,985,965
	0105000 Urban and Metropolitan Development	266,759,061	3,475,000,000	3,741,759,061
	0106000 General Administration Planning and Support Services	248,065,321	-	248,065,321
1095	<b>State Department for Public Works</b>	<b>3,100,516,727</b>	<b>792,000,000</b>	<b>3,892,516,727</b>
	0103000 Government Buildings	458,359,134	305,934,000	764,293,134
	0104000 Coastline Infrastructure and Pedestrian Access	146,137,606	176,000,000	322,137,606
	0106000 General Administration Planning and Support Services	350,013,711	11,000,000	361,013,711
	0218000 Regulation and Development of the Construction Industry	2,146,006,276	299,066,000	2,445,072,276
1104	<b>State Department for Irrigation</b>	<b>192,567,802</b>	<b>2,288,937,500</b>	<b>2,481,505,302</b>
	1004000 Water Resources Management	-	800,625,000	800,625,000
	1014000 Irrigation and Land Reclamation	191,589,425	1,116,312,500	1,307,901,925

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	1015000 Water Storage and Flood Control	-	13,125,000	13,125,000
	1022000 Water Harvesting and Storage for Irrigation	978,377	358,875,000	359,853,377
1108	<b>Ministry of Environment and Forestry</b>	<b>9,105,310,212</b>	<b>3,566,300,000</b>	<b>12,671,610,212</b>
	1002000 Environment Management and Protection	1,841,161,395	728,300,000	2,569,461,395
	1010000 General Administration, Planning and Support Services	751,412,716	-	751,412,716
	1012000 Meteorological Services	1,075,236,101	306,500,000	1,381,736,101
	1018000 Forests and Water Towers Conservation	5,437,500,000	2,531,500,000	7,969,000,000
1109	<b>Ministry of Water, Sanitation and Irrigation</b>	<b>6,150,173,748</b>	<b>54,417,013,087</b>	<b>60,567,186,835</b>
	1001000 General Administration, Planning and Support Services	666,158,594	491,000,000	1,157,158,594
	1004000 Water Resources Management	1,715,061,439	9,168,125,000	10,883,186,439
	1017000 Water and Sewerage Infrastructure Development	3,182,698,644	32,398,248,881	35,580,947,525
	1014000 Irrigation and Land Reclamation	555,686,652	6,251,139,206	6,806,825,858
	1015000 Water Storage and Flood Control	-	4,531,875,000	4,531,875,000
	1022000 Water Harvesting and Storage for Irrigation	30,568,419	1,576,625,000	1,607,193,419
1112	<b>Ministry of Lands and Physical Planning</b>	<b>3,006,023,798</b>	<b>1,366,300,000</b>	<b>4,372,323,798</b>
	0101000 Land Policy and Planning	3,006,023,798	1,366,300,000	4,372,323,798
1122	<b>State Department for Information Communication and Technology &amp; Innovation</b>	<b>2,796,664,207</b>	<b>11,210,700,000</b>	<b>14,007,364,207</b>
	0207000 General Administration Planning and Support Services	331,436,893	-	331,436,893
	0210000 ICT Infrastructure Development	535,663,116	10,964,700,000	11,500,363,116
	0217000 E-Government Services	1,929,564,198	246,000,000	2,175,564,198
1123	<b>State Department for Broadcasting &amp; Telecommunications</b>	<b>6,120,147,402</b>	<b>289,125,000</b>	<b>6,409,272,402</b>

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VOTE CODE	VOTE/PROGRAMME CODES & TITLE	REVISED BUDGET ESTIMATES FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0207000 General Administration Planning and Support Services	224,488,218	-	224,488,218
	0208000 Information and Communication Services	4,977,117,232	169,625,000	5,146,742,232
	0209000 Mass Media Skills Development	223,320,000	35,000,000	258,320,000
	0221000 Film Development Services Programme	695,221,952	84,500,000	779,721,952
1132	<b>State Department for Sports</b>	<b>1,872,142,513</b>	<b>15,810,875,000</b>	<b>17,683,017,513</b>
	0901000 Sports	1,428,520,015	15,783,000,000	17,211,520,015
	0903000 The Arts	249,266,492	27,875,000	277,141,492
	0904000 Library Services	194,356,006	-	194,356,006
1134	<b>State Department for Culture and Heritage</b>	<b>2,957,362,164</b>	<b>67,500,000</b>	<b>3,024,862,164</b>
	0902000 Culture / Heritage	2,139,299,412	67,500,000	2,206,799,412
	0903000 The Arts	90,701,727	-	90,701,727
	0904000 Library Services	572,267,938	-	572,267,938
	0905000 General Administration, Planning and Support Services	155,093,087	-	155,093,087
1152	<b>Ministry of Energy</b>	<b>11,694,402,336</b>	<b>42,709,855,000</b>	<b>54,404,257,336</b>
	0211000 General Administration Planning and Support Services	342,226,108	208,000,000	550,226,108
	0212000 Power Generation	2,870,816,865	9,442,000,000	12,312,816,865
	0213000 Power Transmission and Distribution	8,393,295,016	31,913,855,000	40,307,150,016
	0214000 Alternative Energy Technologies	88,064,347	1,146,000,000	1,234,064,347
1162	<b>State Department for Livestock</b>	<b>3,516,182,414</b>	<b>4,440,130,000</b>	<b>7,956,312,414</b>
	0112000 Livestock Resources Management and Development	3,516,182,414	4,440,130,000	7,956,312,414
1166	<b>State Department for Fisheries, Aquaculture &amp; the Blue Economy</b>	<b>2,310,416,402</b>	<b>4,377,300,000</b>	<b>6,687,716,402</b>
	0111000 Fisheries Development and Management	2,048,332,990	3,289,486,000	5,337,818,990
	0117000 General Administration, Planning and Support Services	248,669,834	-	248,669,834
	0118000 Development and Coordination of the Blue Economy	13,413,578	1,087,814,000	1,101,227,578
1169	<b>State Department for Crop Development &amp; Agricultural Research</b>	<b>14,042,205,038</b>	<b>42,820,323,071</b>	<b>56,862,528,109</b>

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0107000 General Administration Planning and Support Services	5,225,035,657	3,861,417,513	9,086,453,170
	0108000 Crop Development and Management	3,299,604,156	37,177,691,250	40,477,295,406
	0109000 Agribusiness and Information Management	122,882,573	1,430,714,308	1,553,596,881
	0120000 Agricultural Research & Development	5,394,682,652	350,500,000	5,745,182,652
1173	<b>State Department for Cooperatives</b>	<b>1,889,916,806</b>	<b>20,822,500,000</b>	<b>22,712,416,806</b>
	0304000 Cooperative Development and Management	1,889,916,806	20,822,500,000	22,712,416,806
1174	<b>State Department for Trade and Enterprise Development</b>	<b>2,423,351,817</b>	<b>1,265,050,000</b>	<b>3,688,401,817</b>
	0309000 Domestic Trade and Enterprise Development	597,523,309	1,265,050,000	1,862,573,309
	0310000 Fair Trade Practices And Compliance of Standards	497,569,945	-	497,569,945
	0311000 International Trade Development and Promotion	970,503,321	-	970,503,321
	0312000 General Administration, Planning and Support Services	357,755,242	-	357,755,242
1175	<b>State Department for Industrialization</b>	<b>2,568,628,873</b>	<b>1,236,466,667</b>	<b>3,805,095,540</b>
	0301000 General Administration Planning and Support Services	360,501,930	-	360,501,930
	0302000 Industrial Development and Investments	949,271,369	499,056,667	1,448,328,036
	0303000 Standards and Business Incubation	1,258,855,574	737,410,000	1,996,265,574
1176	<b>State Department for Micro, Small and Medium Enterprises Development</b>	<b>616,020,281</b>	<b>46,000,000</b>	<b>662,020,281</b>
	0316000 Promotion and Development of MSMEs	468,148,781	46,000,000	514,148,781
	0319000 General Administration, Planning and Support Services	147,871,500	-	147,871,500
1177	<b>State Department for Investment Promotion</b>	<b>905,758,920</b>	<b>1,355,083,333</b>	<b>2,260,842,253</b>
	0301000 General Administration Planning and Support Services	87,973,920	-	87,973,920
	0302000 Industrial Development and Investments	817,785,000	1,355,083,333	2,172,868,333
	<b>Ministry of Labour</b>	<b>2,937,005,687</b>	<b>422,500,000</b>	<b>3,359,505,687</b>

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1184	0910000 General Administration Planning and Support Services	529,913,837	-	529,913,837
	0906000 Promotion of the Best Labour Practice	730,563,800	51,400,000	781,963,800
	0907000 Manpower Development, Employment and Productivity Management	1,676,528,050	371,100,000	<b>2,047,628,050</b>
1185	<b>State Department for Social Protection, Senior Citizen Affairs &amp; Special Programs</b>	<b>35,196,998,640</b>	<b>3,501,900,000</b>	<b>38,698,898,640</b>
	0908000 Social Development and Children Services	4,542,460,844	518,800,000	5,061,260,844
	0909000 National Social Safety Net	30,359,559,935	2,983,100,000	33,342,659,935
	0914000 General Administration, Planning and Support Services	294,977,861	-	294,977,861
1192	<b>State Department for Mining</b>	<b>237,720,792</b>	<b>131,214,400</b>	<b>368,935,192</b>
	1007000 General Administration Planning and Support Services	186,754,653	-	186,754,653
	1009000 Mineral Resources Management	23,665,475	60,509,756	84,175,231
	1021000 Geological Survey and Geoinformation Management	27,300,664	70,704,644	98,005,308
1194	<b>Ministry of Petroleum and Mining</b>	<b>63,892,098,940</b>	<b>2,500,584,500</b>	<b>66,392,683,440</b>
	0215000 Exploration and Distribution of Oil and Gas	69,197,896	2,482,785,600	2,551,983,496
	1007000 General Administration Planning and Support Services	63,569,283,255	-	63,569,283,255
	1009000 Mineral Resources Management	211,556,201	-	211,556,201
	1021000 Geological Surveys and Geoinformation Management	42,061,588	17,798,900	59,860,488
1202	<b>State Department for Tourism</b>	<b>9,757,970,600</b>	<b>34,010,000</b>	<b>9,791,980,600</b>
	0313000 Tourism Promotion and Marketing	904,625,818	-	904,625,818
	0314000 Tourism Product Development and Diversification	8,573,039,151	-	8,573,039,151
	0315000 General Administration, Planning and Support Services	280,305,631	34,010,000	314,315,631
1203	<b>State Department for Wildlife</b>	<b>8,124,670,367</b>	<b>243,000,000</b>	<b>8,367,670,367</b>

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	1019000 Wildlife Conservation and Management	8,124,670,367	243,000,000	8,367,670,367
1212	<b>State Department for Gender</b>	<b>1,217,967,500</b>	<b>2,776,972,322</b>	<b>3,994,939,822</b>
	0911000 Community Development	56,000,000	2,130,000,000	2,186,000,000
	0912000 Gender Empowerment	835,897,810	646,972,322	1,482,870,132
	0913000 General Administration, Planning and Support Services	326,069,690	-	326,069,690
1213	<b>State Department for Public Service</b>	<b>22,572,862,623</b>	<b>302,712,150</b>	<b>22,875,574,773</b>
	0710000 Public Service Transformation	9,181,184,867	267,810,750	9,448,995,617
	0709000 General Administration Planning and Support Services	478,525,083	6,376,400	484,901,483
	0747000 National Youth Service	12,913,152,673	28,525,000	12,941,677,673
1214	<b>State Department for Youth Affairs</b>	<b>1,394,262,591</b>	<b>1,409,790,000</b>	<b>2,804,052,591</b>
	0711000 Youth Empowerment	474,093,034	322,440,510	796,533,544
	0748000 Youth Development Services	563,326,574	1,087,349,490	1,650,676,064
	0749000 General Administration, Planning and Support Services	356,842,983	-	356,842,983
1221	<b>State Department for East African Community</b>	<b>704,360,000</b>	<b>-</b>	<b>704,360,000</b>
	0305000 East African Affairs and Regional Integration	704,360,000	-	704,360,000
1222	<b>State Department for Regional &amp; Northern Corridor Development</b>	<b>3,377,352,389</b>	<b>3,288,125,392</b>	<b>6,665,477,781</b>
	1013000 Integrated Regional Development	3,377,352,389	3,288,125,392	6,665,477,781
1252	<b>State Law Office and Department of Justice</b>	<b>5,486,343,350</b>	<b>160,750,000</b>	<b>5,647,093,350</b>
	0606000 Legal Services	2,542,321,376	-	2,542,321,376
	0607000 Governance, Legal Training and Constitutional Affairs	1,844,729,249	123,500,000	1,968,229,249
	0609000 General Administration, Planning and Support Services	1,099,292,725	37,250,000	1,136,542,725
1271	<b>Ethics and Anti-Corruption Commission</b>	<b>3,420,530,000</b>	<b>83,382,916</b>	<b>3,503,912,916</b>
	0611000 Ethics and Anti-Corruption	3,420,530,000	83,382,916	3,503,912,916

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1281	<b>National Intelligence Service</b>	<b>37,127,700,000</b>	-	<b>37,127,700,000</b>
	0804000 National Security Intelligence	37,127,700,000	-	37,127,700,000
1291	<b>Office of the Director of Public Prosecutions</b>	<b>3,821,950,000</b>	<b>45,000,000</b>	<b>3,866,950,000</b>
	0612000 Public Prosecution Services	3,821,950,000	45,000,000	3,866,950,000
1311	<b>Office of the Registrar of Political Parties</b>	<b>1,951,015,169</b>	-	<b>1,951,015,169</b>
	0614000 Registration, Regulation and Funding of Political Parties	1,951,015,169	-	1,951,015,169
1321	<b>Witness Protection Agency</b>	<b>649,070,000</b>	-	<b>649,070,000</b>
	0615000 Witness Protection	649,070,000	-	649,070,000
1332	<b>State Department for Forestry</b>	<b>2,391,500,000</b>	<b>289,500,000</b>	<b>2,681,000,000</b>
	1002000 Environment Management and Protection	-	4,000,000	4,000,000
	1018000 Forests and Water Towers Conservation	2,391,500,000	285,500,000	2,677,000,000
2011	<b>Kenya National Commission on Human Rights</b>	<b>445,829,423</b>	-	<b>445,829,423</b>
	0616000 Protection and Promotion of Human Rights	445,829,423	-	445,829,423
2021	<b>National Land Commission</b>	<b>1,467,435,786</b>	-	<b>1,467,435,786</b>
	0116000 Land Administration and Management	1,467,435,786	-	1,467,435,786
2031	<b>Independent Electoral and Boundaries Commission</b>	<b>20,357,903,201</b>	-	<b>20,357,903,201</b>
	0617000 Management of Electoral Processes	20,066,331,201	-	20,066,331,201
	0618000 Delimitation of Electoral Boundaries	291,572,000	-	291,572,000
2061	<b>The Commission on Revenue Allocation</b>	<b>548,719,211</b>	-	<b>548,719,211</b>
	0737000 Inter-Governmental Transfers and Financial Matters	548,719,211	-	548,719,211
2071	<b>Public Service Commission</b>	<b>2,310,956,656</b>	<b>26,300,000</b>	<b>2,337,256,656</b>
	0725000 General Administration, Planning and Support Services	981,347,613	26,300,000	1,007,647,613
	0726000 Human Resource Management and Development	1,136,291,250	-	1,136,291,250

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0727000 Governance and National Values	147,717,768	-	147,717,768
	0744000 Performance and Productivity Management	45,600,025	-	45,600,025
2081	<b>Salaries and Remuneration Commission</b>	<b>504,921,203</b>	<b>-</b>	<b>504,921,203</b>
	0728000 Salaries and Remuneration Management	504,921,203	-	504,921,203
2091	<b>Teachers Service Commission</b>	<b>304,119,393,998</b>	<b>656,000,000</b>	<b>304,775,393,998</b>
	0509000 Teacher Resource Management	295,736,174,348	600,000,000	296,336,174,348
	0510000 Governance and Standards	1,158,410,501	-	1,158,410,501
	0511000 General Administration, Planning and Support Services	7,224,809,149	56,000,000	7,280,809,149
2101	<b>National Police Service Commission</b>	<b>1,003,171,468</b>	<b>-</b>	<b>1,003,171,468</b>
	0620000 National Police Service Human Resource Management	1,003,171,468	-	1,003,171,468
2111	<b>Auditor General</b>	<b>6,483,530,000</b>	<b>389,710,000</b>	<b>6,873,240,000</b>
	0729000 Audit Services	6,483,530,000	389,710,000	6,873,240,000
2121	<b>Office of the Controller of Budget</b>	<b>631,061,117</b>	<b>-</b>	<b>631,061,117</b>
	0730000 Control and Management of Public finances	631,061,117	-	631,061,117
2131	<b>Commission on Administrative Justice</b>	<b>586,614,093</b>	<b>-</b>	<b>586,614,093</b>
	0731000 Promotion of Administrative Justice	586,614,093	-	586,614,093
2141	<b>National Gender and Equality Commission</b>	<b>404,246,176</b>	<b>10,131,000</b>	<b>414,377,176</b>
	0621000 Promotion of Gender Equality and Freedom from Discrimination	404,246,176	10,131,000	414,377,176
2151	<b>Independent Policing Oversight Authority</b>	<b>951,738,002</b>	<b>-</b>	<b>951,738,002</b>
	0622000 Policing Oversight Services	951,738,002	-	951,738,002
-	<b><u>Sub-Total: Budget Estimates for the Executive</u></b>	<b>1,428,951,566,042</b>	<b>26,892,747,168</b>	<b>2,055,844,313,210</b>
1261	<b>The Judiciary</b>	<b>19,232,400,000</b>	<b>1,900,000,000</b>	<b>21,132,400,000</b>
	0610000 Dispensation of Justice	19,232,400,000	1,900,000,000	21,132,400,000

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
2051	<b>Judicial Service Commission</b>	<b>887,000,000</b>	-	<b>887,000,000</b>
	0619000 General Administration, Planning and Support Services	887,000,000	-	887,000,000
-	<b>Sub-Total: Budget Estimates for the Judiciary</b>	<b>20,119,400,000</b>	<b>1,900,000,000</b>	<b>22,019,400,000</b>
2041	<b>Parliamentary Service Commission</b>	<b>8,950,000,000</b>	-	<b>8,950,000,000</b>
	0722000 Senate Affairs	8,950,000,000	-	8,950,000,000
2042	<b>National Assembly</b>	<b>33,170,000,000</b>	-	<b>33,170,000,000</b>
	0721000 National Legislation, Representation and Oversight	33,170,000,000	-	33,170,000,000
2043	<b>Parliamentary Joint Services</b>	<b>6,235,000,000</b>	<b>2,365,000,000</b>	<b>8,600,000,000</b>
	0723000 General Administration, Planning and Support Services	6,042,811,050	2,365,000,000	8,407,811,050
	0746000 Legislative Training Research & Knowledge Management	192,188,950	-	192,188,950
-	<b>Sub-Total: Budget Estimates for Parliament</b>	<b>48,355,000,000</b>	<b>2,365,000,000</b>	<b>50,720,000,000</b>
	<b>FY 2022/23 GROSS APPROVED BUDGET</b>	<b>1,497,425,966,042</b>	<b>631,157,747,168</b>	<b>2,128,583,713,210</b>

## SECOND SCHEDULE

### POLICY AND FINANCIAL RESOLUTIONS RELATING TO THE FIRST SUPPLEMENTARY ESTIMATES FOR THE FY 2022/2023

#### A. POLICY RESOLUTIONS

1. THAT, a Multi-Agency Team, comprising the Budget and Appropriations Committee, the National Treasury, the Controller of Budget, Office of Auditor General and the Attorney General be established to undertake legislative review of Article 223 of the Constitution for clarity and to enhance fiscal prudence with regard to expenditure under the said Article and report to the National Assembly by 30<sup>th</sup> June 2023.
2. THAT, the office of the Auditor General undertakes an audit of expenditures granted under Article 223 of the Constitution for the FY 2022/23 and reports to the National Assembly by 30<sup>th</sup> June 2023.
3. THAT, to support the fiscal consolidation efforts of the Government, the Office of the Controller of Budget in collaboration with Auditor General and Attorney General to

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develop an enforceable framework to manage further accumulation of pending bills and report to the National Assembly by 30th June 2023.

4. THAT, the payment of Kshs. 6.09 billion for the exit of Helios Investment from the shareholding of Telkom Kenya Ltd. be rejected as per the recommendation of the Departmental Committee on Finance and National Planning and the Departmental Committee on Finance and National Planning undertakes an inquiry into the nature and manner in which the transaction was executed.
5. THAT, the payment of Kshs. 4.0 billion for maize flour subsidy be rejected as per the recommendation of the Departmental Committee on Agriculture and Livestock and the Departmental Committee on Agriculture and Livestock undertakes an inquiry in the circumstances under which the maize flour subsidy programme was undertaken.
6. THAT, going forward, the National Assembly only grants approval to expenditure under Article 223 of the Constitution, that has been disbursed and spent in line with Standing Order 243(3A)(b) and that any other allocation that is approved by the National Treasury but not yet disbursed will be reallocated appropriately. The Departmental Committee on Transport and Infrastructure ought to conduct a further inquiry into the payment of Ksh. 2.8 billion for improvement of *Lamu-Ijara-Garissa* Road, an all-weather road, and the Budget and Appropriations Committee to seek further clarification on the payments made under Article 223 of the Constitution regarding this road, including the scope of works, amount disbursed in the last three financial years and the status of the on-going works, among other issues.
7. THAT, owing to the huge pending bills under the State Department for Transport, the National Assembly approves utilization of Ksh. 12 billion intended for Annuity Fund to finance approved road projects and the same be refunded from the exchequer in future appropriations to the Annuity Fund based on yearly requirements. The amount to flow into the annuity fund for FY 2022/23 is hereby reduced by a similar amount and expenditure for roads be increased concurrently with Appropriations-in-Aid (AiA) fuel levy annuity collection financing, pursuant to section 3(2) of the Road Maintenance Levy Fund Act.
8. THAT, owing constrained fiscal space, the proposals arising from Departmental Committees for additional allocations for expenditures amounting to Ksh. 55.4 billion be considered during preparation of the annual estimates for FY 2023/2024 as per the Fifth Schedule.
9. THAT, to support the fiscal consolidation efforts of the Government, the Office of the Controller of Budget in collaboration with Auditor General and the Attorney General to develop an enforceable framework to manage further accumulation of pending bills and report to the National Assembly by 30<sup>th</sup> June 2023.
10. THAT, during the processing of the Budget Policy Statement for FY 2023/24, the National Treasury prioritizes allocating resources to the Equalization Fund, including arrears up to date.
11. THAT, from the FY 2023/24, resources allocated through the public participation initiative, shall not be reallocated during the supplementary estimates unless through a similar public participation exercise.



12. THAT, the National Treasury coordinates the development of a framework for streamlining implementation of donor-funded projects including grants to ensure optimal and timely absorption of committed development resources and report to National Assembly by 1<sup>st</sup> July 2023 in line with the Accra Accord.
13. THAT, the State Department for ICT and the Digital Economy expedite development of a comprehensive framework for digitization of Government Services to ensure that the exercise is seamless, eliminate duplication of roles and enhance resultant Appropriations in Aid and report to the National Assembly by 30<sup>th</sup> June 2023.

B. FINANCIAL RECOMMENDATIONS

1. THAT, **Kshs. 120,045,459,072** spent under Article 223 of the Constitution and as outlined in the Third Schedule to the Report **be approved**.
2. THAT, **Kshs. 10,091,140,702** spent under Article 223 of the Constitution and as outlined in the Fourth Schedule to the Report **be rejected**.
3. THAT, the total expenditure of **Kshs. 2,128,583,713,210** as contained in the First and Second Schedules to the Report forms the basis of the First Supplementary Appropriations Bill, 2023.

**MOTION**

GENERAL DEBATE ON PROPOSALS TO AMEND  
THE CONSTITUTION AND STANDING ORDERS

THAT, noting the contents of a memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendment to the Constitution; acknowledging that actualisation of the proposals which relate to, inter alia, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the Office of the Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; further acknowledging that the Speaker, vide a notification issued on 9<sup>th</sup> December 2022 referred the matters raised in the memorandum to the Departmental Committee on Justice and Legal Affairs with regard to proposals relating to the implementation of the two-thirds gender principle and the establishment of the Office of the Leader of Official Opposition; The Joint Parliamentary *Ad Hoc* Committee with regard to proposals to amend the Constitution to entrench the National Government Constituencies Development Fund, Senate Oversight and National Government Affirmative Action Funds; and the Procedure and House Rules Committee with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive so as to facilitate public participation pursuant to Article 118 of the Constitution; now therefore, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House notes,

considers and makes general comments on the proposals contained in the memorandum by His Excellency the President.

*(Moved by Hon. Kimani Ichung'wah  
on 15.2.2023 – Morning Sitting)*

*(Resumption of debate interrupted on 23.2.2023)*

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

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

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Joshua Kimilu, Member for Kaiti. He seems not to be around. Hon. John Waluke, Member for Sirisia. Is anyone interested in this Motion?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): No one!

**The Temporary Speaker** (Hon. Peter Kaluma): It seems no one is interested in this Motion.

*(Laughter)*

How can such a comment come from Hon. Oundo, of all the people? Hon. Oundo, you had spoken to the Motion. Hon. Nyamita, do you want to say something concerning the Motion?

**Hon. Mark Nyamita** (Uriri, ODM): *(Off-record)*

**The Temporary Speaker** (Ho. Peter Kalumu): Not at all?

*(Loud consultations)*

Do you want the Mover to be called upon to reply? Who is the Mover? Hon. Wakili Muriu, Member for Gatanga, do you want to contribute or had you done that before? The Floor is open for debate on the memorandum by the President on the various constitutional amendments.

*(Hon. Millie Odhiambo-Mabona spoke off-record)*

Hon. Muriu is not interested. So, why take it? Hon. Muriu, are you contributing to the Motion on the memorandum by the President to the House to consider various constitutional amendments?

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Yes. Hon. Temporary Speaker, thank you for giving me an opportunity to contribute to the Presidential directive.

The key issue here is on the number of the proposed amendments by the President, which need to come to this House. One of the key proposals is the creation of Office of the Official Opposition. This is important because it is clear that for this country to have a balanced conversation, the first runners-up in the last presidential election need to have an opportunity to come to this House to ventilate on issues affecting this nation. Remember, the first runners-up in a presidential election carries a big number of votes. He represents a certain constituency which cannot be ignored. Therefore, the proposal brought before this House is in order. The

time has come, and I propose that those proposals be adopted and be brought before the House for this House to debate them.

The second issue is with regard to the NG-CDF. If there is a fund that has transformed this country, it is the NG-CDF. If you walk around this country, you will see development that has been done through the NG-CDF. In fact, Kenyans have been saying that they wish the NG-CDF structure can be adopted by the counties. Despite the fact that we have poured so many billions of shillings into the counties, the effects are not being seen by the common man. There have been issues. There were court cases that we have been defending in order to salvage the NG-CDF, which has been taking care of vulnerable students by paying for their education through bursaries. Some of the money goes into ensuring that food is provided in public primary schools so that our kids can continue to be in school. Remember, parents have a big responsibility, especially with the introduction of junior secondary schools. It is a cost that has been put on them and there is a lot of hue and cry on the ground.

Therefore, on that account, I urge that the proposals brought to this House by the President be adopted and taken seriously because the advantages cut across the entire country.

I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Muriu. Do we have Hon. John Kwanjiku, the Member for Kiambaa?

**Hon. Njuguna Kwanjiku** (Kiambaa, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this important debate that affects this House and the people of Kenya with regard to the communication that was done by the President in terms of making sure that we amend the Constitution.

One of the issues that the President wrote about is the NG-CDF to make sure that it is enshrined in the Constitution. The NG-CDF is important to the people of this Republic. It has enabled young Kenyans to at least have an opportunity to go to school. It has also enabled us to improve on school infrastructure. In my constituency, we are dealing with infrastructure that has never been improved since we attained Independence. Students have been using old buildings and furniture. The NG-CDF has, however, enabled us to modernise our school infrastructure. We are able to give bursaries to the pupils in Kiambaa Constituency. At the end of the day, we ensure that we keep students in school so that they have opportunity to be educated and eradicate poverty in our constituencies.

The other issue that the President wrote about is to ensure that the Office of the Official Opposition is enshrined in the Constitution so that we give opportunity and a job to the Leader of the Opposition. We have seen him loitering within the boundaries of our Republic. If we ensure that this office is enshrined in the Constitution, at the end of the day, he will have a role to play in making sure that he checks and monitors the Executive. We do not want him to just loiter without an office. It is important to have a budget for that office so that he can check the government of the day. That way, the government of the day can put more effort on issues that can make the lives of Kenyans better. If someone participates in a presidential election and emerges second and becomes the Leader of the Official Opposition, he will help in guarding and protecting the interests of Kenyans across the board. Therefore, we support amending the Constitution. We hope we will not see what we have seen with respect to Article 223 of the Constitution, where the government exaggerates its expenditure because there is no Leader of the Official Opposition to check the government of the day. I support that we should amend the Constitution so that we include some of the proposals that the President has made for future generations.

I support the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Hon. John Kaguchia, the Member for Mukurweini, make your contribution.

**Hon. Kaguchia John** (Mukurweini, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. I would like to support the proposals by His Excellency the President on amending the Constitution. One of the proposals is the establishment of the Office of Leader of Official Opposition. The reason I support the establishment of this office is that it is going to be for posterity. It is going to help our nation in bringing the Leader of Official Opposition to the House so that any person who occupies that position can make meaningful contribution to the country. He can add his ideas and agenda as an alternative government. Policies that will be proposed by the Leader of Official Opposition can be adopted and implemented by the government.

It is unfair that the Leader of the Opposition incites the public in public rallies and demonstrations on the streets and urges Kenyans to engage in illegal activities to help him get what he argues he did not get when the election was conducted and completed last year. It is important that, instead, we bring the Leader of the Opposition to the House and have him make his argument formally and in a way that can be interrogated. There is nobody who can interrogate you in a public rally. Nobody can ask you questions on your stand or belief or persuasion or on why you are inciting the public. Instead, it is important that the persuasions of the official opposition party are brought to the people in a formal way so that they can be interrogated.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kaguchia, I will give you two more minutes because you sound more knowledgeable. Before you go to the next point, I want you to explain to people how you can bring the Leader of the Official Opposition to the House in a presidential system where there is no opposition. Elaborate on that one, so that Parliament can proceed from an informed position.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, one of the reasons as to why we are in this Assembly is to legislate. One of the things we intend to do is to legislate as per the proposals that His Excellency the President brought to the House on how we can make this position formal for posterity. The question that you have raised is an important one. We will eventually deliberate on it. We are actually reviewing the Constitution to see how we can include provisions that will allow what you have asked so that we have the Leader of the official Opposition formally in this Assembly. Our work is to legislate and we are going to do exactly that. This is necessary so that we can be able to make this possible.

Hon. Temporary Speaker, there is also the proposal on compliance with the two-thirds gender rule. To be able to achieve this in our new dispensation, I want to make this further proposal. This is also one of the things that we are going to be looking at when we will be implementing this two-thirds gender rule in Parliament through the constitutional change that we are proposing.

I propose that, because of the costs that are involved in selecting or nominating many women leaders to balance the gender, we give precedence to nominating people with disabilities, those representing ethnic minorities and other special interest categories. They should be given priority in nomination before the women nominees. Once we do that, then we take that number and look at it in totality and use it to calculate the two-thirds gender. As a result, we can look at the number of women that we need to balance the equation. In a situation where we have more women in Parliament, then how many more men do we need to be able to balance the equation? In that way, we shall reduce the number of men or women who will be nominated to sit in this House and save on costs.

Hon. Temporary Speaker, as you are aware, we have been debating the Supplementary Budget this afternoon. One of the major concerns of any Kenyan anywhere is the cost of running government. The recurrent budget of this Government, as it has been for quite some time, has been way beyond what Kenyans can manage. For that reason, we need to look for ways and means of ensuring, as much as is practically possible, that we reduce the number of

nominees to the National Assembly. That is why I propose that as we look into the two-thirds gender rule, we must first of all nominate and fill all those other positions. We can then use that number to calculate the final number that will help us know the number of women to nominate.

Lastly, we have the NG-CDF Act that was passed in this House. The main purpose was to ensure that we entrench it in the Constitution. In his wisdom, His Excellency the President has also proposed that we entrench this fund in the Constitution. This is important for us as Parliament because we are going to deal with the naysayers and busybodies that have been to the corridors of justice every other day trying to derail this very important aspect of our resources that go directly to the people. I am sure that if the constituents were asked to vote on the NG-CDF, every common person who depends on the bursaries they receive from the NG-CDF would vote with Members on this one. However, some busybodies have made it look like Members have been pursuing the NG-CDF for their own benefit. That is not the case. The NG-CDF has been there for the benefit of the common *mwananchi* in the Republic of Kenya.

Hon. Temporary Speaker, therefore, I propose that we not only entrench the NG-CDF in the Constitution but we also enhance its mandate. You realise that we have only been looking at education and security issues. We need to enhance the mandate of the NG-CDF so as to help in other small issues that trouble our people in the villages – issues like irrigation and water. The NG-CDF was previously able to construct some small dams and intakes for small irrigation schemes that helped villagers to irrigate their farmland. Unfortunately, after that mandate was taken away from the NG-CDF and given to the counties, most of those projects have been abandoned. They have been totally forgotten. Nobody has taken care of them over the years. I would like to request that, as we look into this matter, we also enhance the mandate of the NG-CDF. This will help us to achieve more in terms of addressing the things that concern our people. We will be able to help Kenyans to benefit from the Government in a big way depending on their individual or collective capacities, especially if they can educate their children and do many other things in their villages as we pursue this aspect of constitutional review.

Hon. Temporary Speaker, I see that my time is over. I thank you for this opportunity.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. Next is the Member for Ainamoi, Hon. Benjamin Lang'at on account of rank and seniority.

**Hon. Benjamin Lang'at** (Ainamoi, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to add my voice to this debate. This is one of those Motions which are open-ended. I served in this House during the 10<sup>th</sup> Parliament under the old Constitution. I am proud to be one of the Members who participated in the process of putting in place the current constitutional dispensation. When the Draft Constitution was released in 2010, there was no consensus. Some people were saying that we must amend the draft first so that we pass a good constitution while others were saying that the draft should be passed as it was and then we go ahead to amend it and correct the mistakes contained therein.

The then President made a very strong move. Although the Constitution was finally passed, we made the point that there were some things which needed to be corrected in the Constitution of Kenya, 2010. More than 10 years down the line, I am happy that this debate is finally here with us. I think there is no better time than now for us to make those corrections. We have been implementing the Constitution over the last 10 years. We now know its strengths and weaknesses. I thank the President for being bold enough to say that we can relook at the Constitution now. I note that the President has limited his recommendations to three or four items but, as a House, we should be broad and look at the Constitution in its entirety to see whether we should stick to the three amendments or we should look at other areas of the Constitution and propose other amendments.

Hon. Temporary Speaker, I heard you talk about how we intend to introduce to the House an Office of the Leader of Official Opposition in a presidential system. Is this also not the time for us to ask ourselves if we can change the system of government to parliamentary, where government can sit in Parliament and get questioned by the representatives of the people? As I said, I served in the 10<sup>th</sup> Parliament during which we had a very good parliament. If you wanted to question the Vice President or the Prime Minister on any matter, you would do so because they were seated right here. Even the then long serving Member for Othaya and former President would come and sit here as the Member of Othaya. Maybe, it is time we broadened this discussion to see whether we can look at other areas of the Constitution that require a review and amendment because the Constitution is created by Kenyans and it can be recreated many times. I would propose that either the Departmental Committee on Justice and Legal Affairs or the Constitutional Implementation Oversight Committee, or a special select committee that may be formed by this House, looks at the Constitution currently being implemented in its entirety and comes up with amendments with a view to improving it.

Hon. Temporary Speaker, coming to the specific issues that have been proposed by the President, we are in a situation where the winner takes it all, especially in a presidential election. I do not see why somebody who got 10 million votes would have nothing to do in the Republic of Kenya. He has convinced 10 or 15 million Kenyans to vote for him and yet when he is not declared president, he just packs and goes home. I support the proposal to create some work for the runners-up in the presidential election.

We must support the proposal for posterity. The problem we have in this country is that when we talk of the presidency, Members of the Azimio la Umoja-One Kenya Alliance only think about William Ruto. When we talk about the Opposition, those of us on this side only think of Raila Odinga. We should look beyond the individuals and consider that person who has garnered 80 or 100 Members of Parliament in this House and yet he is outside by himself. We must amend the Constitution to state that Parliament shall comprise of the runners-up in the presidential election and their running mates. They can transact whatever business they want while seated in the House.

We are currently facing a situation where for lack of something to do, somebody has organised for demonstrations in every city. There are demonstrations at Jeevanjee Gardens and Uhuru Gardens every day. If we have daily demonstrations from morning to evening, the cost of living will not come down. We must sit in the House and see how to lower the cost of living. Do we introduce subsidies? Are they in the budget? If not, where can we get the money from? Organising demonstrations from morning to evening will not help to lower the cost of living.

Secondly, the NG-CDF should be part and parcel of the Constitution. Whether or not we will be Members of Parliament tomorrow, it should be part of the Constitution. That is the only money that goes to *wananchi*. I strongly support the NG-CDF. It should have been incorporated as soon as yesterday. We must get the money to the people. It is not Members' money. It is people's money.

Because of the pressure from my colleagues, I will end there. We need to talk about these things broadly. Let us look at areas that need improvement in the Constitution and act on what the President has proposed.

I support the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Beatrice Kemei, the Member for Kericho. She is not here. In fact, I am told that she had contributed. Get her name out of the requests list. Let us have Hon. Charity Kathambi, the Member for Njoro. Just address the issue of gender. The other issues have been sufficiently addressed.

**Hon. Charity Chepkwony** (Njoro, UDA): Thank you very much, Hon. Temporary Speaker. Even before I start, the other Members are already telling me to only use two minutes.

Let me start by thanking you for giving me this opportunity. Most of us have sat here from noon. We were expecting to contribute, but we could not get a chance.

For now, let me just support the proposal which has come to this House in relation to the amendment of the Constitution. There is a lot of interest in it and that is why we are supporting it with a lot of passion. It touches on issues of the two-thirds gender rule, the anchoring of the NG-CDF in the supreme law, the creation of Office of Leader of Official Opposition and matters of the affirmative action funds. There is a lot of interest in all these matters in this country.

Allow me to say that the two-thirds gender rule has been the talk for many years. Most of the times when it has come to this House, even male Members of Parliament have run away. Therefore, the culture of people thinking that it is only women who can be permanently vulnerable in this country might be wrong. In some years to come, it will be the opposite. Therefore, I propose that we all support this amendment. I will be proposing that we all support the proposal of this amendment because it will once and for all sort out the debacle of the two-thirds gender rule in this House.

Why do I support the idea of creating an Office of Official Opposition? As most of my colleagues have said, when the winner wins, the Opposition goes home empty-handed despite the big percentage of votes they may have garnered. We do not just want to have that office created for now. We want to have it in place many years from today. Therefore, having an Office of Official Opposition will be very good for purposes of solving many nasty things going on in this country today. We would be very happy to see people seated in an office, thinking positively and taking positive actions instead of waking up every morning and going for demonstrations on the streets. Therefore, I support the creation of that office.

Hon. Temporary Speaker, I have much support when it comes to the NG-CDF. I have been re-elected in Njoro Constituency in Nakuru County. When I was elected in 2017, I made a pure decision to utilise my NG-CDF funds very well. I was very happy when one of the colleagues said we have many challenges with many busybodies being against the NG-CDF. Therefore, this is a very good platform for us to support anchoring of the NG-CDF in the supreme law. I would like to testify that that in my Njoro Constituency, I have over 100 projects constructed for schools. In my first term, I purchased seven school buses. It had never been seen previously. It is still with the NG-CDF. I have managed to construct so many administration offices for chiefs, Deputy County Commissioners and security offices for my officers. I am continuing.

It is also good to note that most of the busybodies who have been fighting the NG-CDF in this country do not even know the composition of what we do with these funds. On climate change mitigation, which has become really necessary since the phenomenon affects all of us, the environment management mandate aspect of the NG-CDF has given us a chance to buy free seedlings and have them planted in the compounds of schools and other learning institutions, and also have civic education in relation to the environment. We also have a chance with the same NG-CDF to support sports. We have supported a lot on emergencies and many other matters.

Hon. Temporary Speaker, there are many colleagues who want to contribute to this Motion before it is too late. I just stood to say that I fully support the proposed amendments to the Constitution to make sure the NG-CDF is anchored in the supreme law and the two-thirds gender rule issue is sorted once and for all.

With those remarks, I support.

**The Temporary Speaker** (Hon. Peter Kaluma): The Member for Murang'a County is recognised. I am sorry. Do we have any lawyer in the House? As the Member for Murang'a contributes, I want you to begin looking at Article 38 of the Constitution so that you enrich the House when you get your chance.

Proceed, Member for Murang'a County.

**Hon. Betty Maina** (Murang'a County, UDA): Thank you for giving me this chance. I stand to support the proposal by His Excellency the President.

Hon. Temporary Speaker, you will realise that the Opposition has requested for an opportunity to speak because they really need their presence felt.

*(Hon. TJ Kajwang' stood in his place)*

We have no time.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kajwang', what is out of order?

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Temporary Speaker, is it in order for the Member—I know she is a new Member—to address the people while referring to this side as the “opposition side”? The last time I checked there was only the Majority side and the Minority side.

**Hon. Betty Maina** (Murang'a County, UDA): Hon. Temporary Speaker, he referred to himself as the “opposition.”

**Hon. TJ Kajwang'** (Ruaraka, ODM): No! No! You are speaking to *The Hansard*. Is it in order that this Member refers to us as opposition?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kajwang', your point of order is noted. I also know that the Member is very knowledgeable. The Member was referring to a Member who spoke from there saying, “The Opposition wants to speak.” That was the only context.

**Hon. Betty Maina** (Murang'a County, UDA): That is correct, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Betty, you may proceed. Hon. Kajwang' forgive the Member.

**Hon. Betty Maina** (Murang'a County, UDA): Hon. Temporary Speaker, for that reason, I support the need of creating an Office of the Leader of Official Opposition. Based on the just concluded elections, the President won with 6.2 million votes and the *de facto* leader of opposition managed to garner 6 million votes. That is a person with a great following in this nation. We want to have a dignified leader of opposition. I am not basing my contribution on the current leader of opposition though. I propose that, as a House, we should be making laws that will favour us when we are in and out of leadership. The proposed Office of Leader of Official Opposition should ensure that he is even supported with cars to enhance his mobility, whether he wants to go for *maandamano* or official meetings. We need to enhance his mobility, create an Office of Leader of Official Opposition and create a budget to support his undertakings and work.

I will not speak about the two-thirds gender rule but I will speak on the issue of Cabinet Secretaries presenting themselves to this House. One of the roles of Parliament is oversight. It will be good if Cabinet Secretaries come here and we oversee them by asking them questions.

I will end at that because I can see there are very many people who want to support the idea that the leader of opposition needs an office in this nation.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Betty Maina, you stand corrected. Currently, we do not have opposition in this House.

Hon. Joshua Kimilu has been up the list of requests for very long. You may proceed. Hon. Kimilu, you do not have to spend the entire 10 minutes. Have a bite...

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker for your guideline. I thank you for giving me the opportunity. I support the amendments but with further amendments. This is because some of the things that the President has proposed are good while others might not be doable in the current system.



I am very happy about the NG-CDF because if anchored in the supreme law, it will make a lot of sense. It is through the NG-CDF that we have taken students to school, we have improved the standards of living of Kenyans, we have built schools and bought schools buses. The NG-CDF has done a lot in this country. Also, through the NGAAF, our Women Representatives have helped women through table banking. I remember that before I became a Member of Parliament, I ran a programme that helped many people and improved their standards of living. I also support the NGAAF to be anchored in the supreme law.

On the proposal to create the Office of Leader of Official Opposition, it is true that after elections you find that the loser has a big following and it is a challenge for him to walk away empty-handed. I do not know how we are going to do this without going to a referendum. Some of the proposals before us need a referendum. Some of the proposals by the President make a lot of sense and are very important while for others, we need to look at the law and see how to go about them.

Hon. Temporary Speaker, because of the many requests, I want to leave it at that and give my colleagues opportunity to contribute too.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Japheth Nyakundi, the Member for Kitutu Chache North.

**Hon. Japheth Nyakundi** (Kitutu Chache North, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this Motion.

These amendments are very important to this nation, especially the one on creation of Office of Leader of Official Opposition. We have seen the *de facto* leader of official opposition running around without any portfolio or a place to take his grievances. We have seen him in Kisii, Kericho and Kakamega. So, we want to create the office so that he can have a place to take his grievances. This is not for purposes of the current leader of opposition but for ensuring that there are checks and balances. He can also create a shadow government so that the current Government can be put to check...

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

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kajwang' is on a point of order.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Temporary Speaker, you know, according to my rank and seniority, I do not rise on spurious issues but Members on the right-hand side of the Speaker keep on speaking about leader of opposition. Could these Members thoroughly read the Constitution and the Standing Orders because the word 'opposition' is not there. This nomenclature is not there. So, is it in order for Members to keep uttering this word in *The Hansard* every time as though there is somebody called 'leader of official opposition'? As a matter of fact, is this not misleading the House?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Japheth Nyakundi, which opposition are you talking about?

**Hon. Japheth Nyakundi** (Kitutu Chache North, UDA): The one being proposed. Let me go to the second point on NG-CDF.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Nyakundi, you are out of order. Under our current constitutional architecture, we do not have a leader of official opposition.

**Hon. Japheth Nyakundi** (Kitutu Chache North, UDA): I am well guided, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Proceed.

**Hon. Japheth Nyakundi** (Kitutu Chache North, UDA): Thank you, Hon. Temporary Speaker. The NG-CDF has assisted very many kids through bursaries, building of schools and other facilities. We, therefore, want it anchored in the Constitution so that there will be no loopholes anywhere. This will ensure that the NG-CDF assists students in terms of bursaries and building of classrooms.

On the issue of Cabinet Secretaries coming to the House, it will go a long way in ensuring that any questions we may have about roads in our constituencies are answered in a proper manner. I do not want to take much time because there are other Members who want to speak to this Motion. So, I donate part of my time to them.

Thank you so much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Caroli Omondi, the Member for Suba South is recognised.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I am pleased to add my voice to these four major issues contained in the proposal to this House by His Excellency the President.

Let me start with the easier one, on the NG-CDF and the NGAAF. I support these two funds to be entrenched in the Constitution for purposes of ensuring that they are protected and elevated for posterity. I think only one question has been causing the problems we have been going through. That is the role of the Members of Parliament in the management of these two funds. I think it should go on record that when somebody seeks an elective office, they do so on the basis of what we call a manifesto. They present their plans to the people and once elected they are given the mandate to implement that very manifesto. That is the basis upon which leaders are given the power to exercise control of budget, selection of programmes and deciding what should be implemented and given priority. That is the issue that we should really look into – the issue of mandate based on the manifestos that you publish when you seek elective positions.

Hon. Temporary Speaker, on gender parity, the calculation should be 290 as opposed to 290 plus 47. You cannot exercise affirmative action on an affirmative number, which is the 47 Members of Parliament who are elected as affirmative action. We should be calculating the deficit of the female Members of Parliament on the basis of the 290. A third of 290 will be 87 Members. From 87, we then deduct the 47 County Women Representatives, whose places in the National Assembly are already guaranteed. This leaves us with a deficit of 40 seats for women. This is the number that we should be looking for during every election cycle. Then we have the 12 nominated Members of Parliament whom as a matter of rule should be preserved on a priority basis for female candidates, especially those who have run and become number two in their respective roles.

That is what the political parties should do. I do not think political parties should have a big problem with this because after all they are private members' clubs which are funded by public funds. So, they should be compelled to take certain actions. Political parties are not different from Nairobi Club or Gor Mahia Football Club. In the case of political parties, they get funding from the Exchequer. If you add the 12 then the shortfall will be about 28 Members. My view is that the 28 should be secured by political parties being required to issue direct tickets to women in safe electoral areas on a prorated basis, depending on the strength of the party. That is how they do it in other jurisdictions. There are safe seats and every party knows where their safe seats are. So, in their nomination process, at least the 28 should be prorated among political parties and each should nominate women for elective contest in their safe electoral areas.

Hon. Temporary Speaker, let me now go to the difficult issues. On the issue of Cabinet Secretaries coming to Parliament, we have a lot of confusion understanding the political system we have. We have three major systems of governance – parliamentary system, presidential system and mixed system. In France and Tanzania, there are a mixture of parliamentary and presidential systems. In 2010, we made a very clear choice to either have a pure presidential system, which we have, or a parliamentary system. Those were the only choices. The mixed mongrel that we would have was contained in the earlier Kilifi Draft, which was not what we had in 2010.

In a parliamentary system, members of the Executive are appointed from amongst Members of Parliament but in a presidential system they are not. In a presidential system, members of the Executive, who comprise of Cabinet Secretaries, have no business in being Members of Parliament and sitting in the House. They should appear in Parliamentary Committees where they should be interrogated. Members of Parliament who have questions for Cabinet Secretaries should appear before the relevant Committee, whether they belong to that Committee or not. They can appear as friends of the Committee and interrogate the particular Cabinet Secretary. Therefore, the solution lies in strengthening the rules of how Committees function relative to Cabinet Secretaries coming to answer questions when summoned by Parliament, and not necessarily inviting them to be Members of Parliament. This will weaken the role of Committee Chairpersons. So, I do not support the idea of bringing Cabinet Secretaries to Parliament.

Hon. Temporary Speaker, secondly, the idea of establishing the Office of Leader of Official Opposition is a misnomer. Since there is no opposition, we cannot have a leader of opposition in this House. We can only have the Leader of the Majority Party and the Leader of the Minority Party. As I said, there is constitutional logic – what the French call *raison d'être*. For all these systems, there is logic from the beginning to the end. What we are trying to do is to cut and paste things while we are still suffering from a hangover of the British Parliamentary System, which is not what we should be discussing now. So, let us make a choice, as Hon. Lang'at has said, to either go back to parliamentary system or make it pure like in the British System or we have a pure presidential system like we have it now, which is the American System.

I am very suspicious that we want to institutionalise the role of leader of opposition. I see it being created as a preserve of some communities and I am very reluctant to support it. I do not support that proposal. There is a very simple solution. In the United States of America, if you vie for elections and you lose even by one vote...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Caroli Omondi, which community are you reading through this position?

**Hon. Caroli Omondi** (Suba South, ODM): I will only say that certain communities have held the opposition role for a very long time while others have not.

*(Laughter)*

**Hon. Jessica Mbalu** (Kibwezi East, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): What is out of order, Hon. Jessica Mbalu?

**Hon. Jessica Mbalu** (Kibwezi East, WDM): Hon. Temporary Speaker, with all due respect, can the Member substantiate which are these certain communities since I want to support this debate, especially on two-thirds gender rule, NGAAF and NG-CDF? Which are these two communities?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker, thank you very much. One only has to look at the history of Kenya from 1963 to date to know which communities have held the presidency and which ones have not. I do not have to explain it. It is there in black and white. You just have to look at the history and you can count those who have had it and those who have not.

Hon. Temporary Speaker, we need to clearly understand how presidential systems work. You offer yourself as a candidate on the basis of a manifesto. When you are elected, you are given the mandate to implement it. That mandate is personal to the person called the

president. In the USA, he exercises that authority himself. That is why the Cabinet assists the president in that country.

In a parliamentary system, it is a bound or collective mandate. You go as a group of parliamentarians and seek the mandate. When you win, you come to implement it. The leader of that group, who is first amongst equals, is called the Prime Minister. He exercises that authority on behalf of others. That is why it is Government by Cabinet. We need to understand all these things and then agree that probably the best route to deal with these issues is, first, to have a national audit of the Constitution. Then we have another convention to review what we need instead of having piecemeal amendments here and there.

Thank you very much, Hon. Temporary Speaker.

### ADJOURNMENT

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 7.03 p.m., the House stands adjourned until tomorrow, Wednesday, 1<sup>st</sup> March 2023 at 9.30 a.m.

The House rose at 7.03 p.m.

*Published by*  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi