

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 19<sup>th</sup> October, 2016

The House met at 9.30 a.m.

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

### PRAYERS

### QUORUM

**The Temporary Deputy Speaker** (Hon. Cheboi): Order! On the face of it, we do not seem to have the requisite quorum. I, therefore, order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Members, we now have quorum and, therefore, business will begin.

### PETITIONS

**The Temporary Deputy Speaker** (Hon. Cheboi): On this particular one, I can see the Member for Gilgil, Hon. Mathenge.

#### ISSUANCE OF WATER EXTRACTION/ABSTRACTION PERMITS BY WATER RESOURCE MANAGEMENT AUTHORITY

**Hon. Ndiritu:** Thank you, Hon. Temporary Deputy Speaker. This is a Report on the Petition by Hon. Abdullahi Mohamed Diriye on behalf of the residents of downstream Ewaso Nyiro River Basin and the management of Ewaso Nyiro River by the Water Resource Management Authority (WRMA). The Petition was presented to the Committee on 31<sup>st</sup> March, 2015. The petitioners' prayers were that the National Assembly, through the Departmental Committee on Environment and Natural Resources, investigates the circumstances under which WRMA has been issuing water extraction and abstraction permits to upstream users in breach of Section 29(4) and Section 32(2) of the Water Act (2002), and intervenes with the relevant authorities to ensure that the permits issued contrary to the provisions of the Water Act 2002 are revoked forthwith, with the view of alleviating the acute shortage caused to downstream users.

In considering the Petition, the Committee held a meeting with the Petitioner, Hon. Abdullahi Diriye. The Committee also held meetings with officials of the Ministry of Environment and Natural Resources and Water Resource Management Authority (WRMA). The

Committee undertook a field visit to Wajir County and held a public hearing forum in Habaswein on 15<sup>th</sup> April 2016.

Following its interaction with stakeholders, and after carrying out a field visit to Habaswein, the Committee made the following observations:- The Ewaso Nyiro used to flow throughout the year until mid 1970s when it started being erratic. The duration of flow has been decreasing through the years. There was a major encroachment of riparian areas on the upstream of the river. Illegal abstractions upstream were causing water shortage to the downstream water users and so there is need to urgently address the issues of water scarcity in Wajir as it could breed conflict among communities. There is lack of information by the community on the causes of the river drying up. There was, therefore, need for information sharing with the community.

The Committee made the following recommendations in response to the prayers of the petitioner: Following its investigations, the Committee established that WRMA follows due process when issuing abstraction licences. However, illegal abstractions and encroachment on the upstream side of River Ewaso Nyiro North Basin were a major problem in the area.

The Committee also established that WRMA was facing challenges in stopping illegal abstractions. Following the finding, the Committee recommends that WRMA collaborates with security agencies to stop all illegal abstractions. Any individual or company carrying out illegal abstraction should be arrested and prosecuted.

The Committee further recommends that the Ministry of Water and Irrigation should construct dams in the middle ridges of Ewaso Nyiro North River. The Ministry should consider constructing the Nantudu Dam proposed by the Ewaso Nyiro North Development Authority. This will ensure that the flow of the river is regulated throughout the year. An inter-agency unit should be established to carry out a forensic audit of the land encroached within the catchment areas, both upstream and downstream, in order to initiate a process of reclaiming the same.

This is now off-the-cuff.

**The Temporary Deputy Speaker** (Hon. Cheboi): What you are going to do off-the-cuff is exactly what you should have done earlier. Ordinarily, you are simply supposed to give a brief. You do not have to go through the details. Now you have gone to the details. So, I would not want you to talk off-the-cuff. In Parliament here, there is no off-the-cuff. Everything is within the Chamber. Since you have started, you can briefly talk about it because there is some history. Proceed and wind up.

**Hon. Ndiritu:** Thank you, Hon. Temporary Deputy Speaker. I appreciate your guidance. The residents, especially the older generation, know that the river used to flow properly. They are blaming WARMA squarely for allowing people upstream to extract water. WARMA sounded so helpless that they have tried to prevent some of those abstractions and extractions. However, they have met a lot of resistance. They were praying for assistance.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Ndiritu, you should wind up there. You will have an opportunity later on that one.

**Hon. Ndiritu:** That is the brief Report. I thank the Committee for giving me this opportunity.

## PAPERS LAID

**Hon. Ndiritu:** Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Departmental Committee on Environment and Natural Resources on the Petition by Hon. Abdullahi Mohamed Diriye on behalf of residents of downstream Ewaso Nyiro River Basin on the management of Ewaso Nyiro water by the Water Resource Management Authority.

## BILL

### *First Reading*

#### THE OCCUPATIONAL THERAPISTS (TRAINING, REGISTRATION AND LICENSING) BILL

*(Order for the First Reading read –Read the First Time and  
ordered to be referred to the relevant Departmental Committee)*

## MOTIONS

#### FREE ISSUANCE OF KENYA POLICE MEDICAL EXAMINATION (P3) FORMS

**Hon. Shimbwa:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that the Kenya Police Medical Examination (P3) form is a legal document that is produced in a court of law as evidence in cases which involve body injury; noting that victims are required to have the P3 form completed by a certified public medical officer; further aware that the victims are charged a fee for this service by the hospitals attending to this particular service; concerned that most citizens are financially challenged hence the medical fee charged by the hospitals, is in contravention of Article 48 of the Constitution on access to justice; deeply concerned that if the situation is left unchecked, it may lead to continued abuse of the poor, delayed justice and possible incidents of unrest; this House urges the Government to ensure that completion of P3 forms is offered free of charge at all public healthcare facilities.

The P3 document is very vital when it comes to filing complaints in courts in this Republic. Accessing this document has been a challenge for so many people especially in areas where we do not have electricity and where people are challenged with regard to ICT access. Cognisant of the Government efforts to go digital, it should not be assumed that all the people of Kenya are empowered and, therefore, have access to ICT.

The National Police Service (NPS) must also cater for the people irrespective of the challenges they face in terms of going digital. We are requesting the NPS to ensure that these documents are available in hard copies in all police posts and stations.

It is also important to note that pursuant to Article 95(2) of the Constitution, this House should deliberate and resolve this issue that is of concern to the people of Kenya. Article 95 of the Constitution states that:-

“(1) The National Assembly represents the people of the constituencies and special interests in the National Assembly.

(2) The National Assembly deliberates on and resolves issues of concern to the people.

(3) The National Assembly enacts legislation in accordance with Part 4 of this Chapter.”

The matter of the P3 Form is of great concern to the people of Kenya. The P3 document has the following sections: Part I, which is supposed to be filled by the police officer requesting for examination of the complainant. It has reference and date. It is then referred to a medical officer of a particular hospital. The form requests for examination of a person, his age, address, time and the alleged offence. The form also contains the extent of bodily injuries sustained by him or her. It is signed by the Officer Commanding Station (OCS).

Part IV of P3 Form is to be filled by the Medical Officer of Health (MOH). It has his reference number, state of clothing including presence of tears, stains, wet or dry, blood and the general medical history including details relevant to the offence, the general physical examination including general appearance, use of drugs, alcohol, and demeanor.

Section B is to be completed in all cases of assault including sexual assault after the completion of Section A. This section contains details of such a situation, shape and the depth of injuries sustained as detailed below, the head and neck, the thorax and abdomen, upper limbs, lower limbs, approximate age of injuries, hours, days, weeks, probable type of weapons used, treatment if any received prior to examination, the immediate clinical results of the injuries sustained and the assessment of the degree of harm. This form is then signed by the MOH.

Section C is to be filled in cases of alleged sexual offences after completion of Sections A and B. The nature of offence and estimated age of person examined. For female complainants, there is description in details of the physical state of any injuries to the genitalia with special reference to labia majora, labia minora, vagina, cervix and---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Mwinyi, it is not right to read through a document. You can just use the document as a reference, so that you can flow nicely.

**Hon. Shimbwa:** Well guided. I was just trying to read through the details of this form so that Members can be acquainted.

The Constitution provides for access to justice. Article 48 of the Constitution provides that the State shall ensure access to justice for all persons, and if any fee is required, it shall be reasonable and shall not impede access to justice. The process of filling the P3 Form starts in the police station, but sometimes takes a lot of time for that to be done. In some cases, a person may be frustrated for two weeks and decide to leave the matter. This is not fair. In some cases, one might even be asked to produce money for the form to be filled by the police officer. All these are extra costs incurred by a victim who is supposed to receive justice, which is accessible and affordable.

In the course of getting this form filled, a person may go back to the police station several times. This includes the cost of transport to and from the victim's residence to the police station. Some police stations are far. We are requesting and urging the Government to make the P3 Form accessible. Police officers should try as much as possible to respond quickly and offer fast services to our people, so that they can access justice with minimum cost if any.

A person requiring these services may face certain challenges like proximity to police stations, access to the internet to download the P3 Form, poverty among our people and delayed justice as a result of frustrations in filling the P3 Form.

There is a lot of abuse from the police. These abuses may result in people taking law in their hands. Once you fail to get justice, the only alternative is to either leave the matter to God

or take it in your hands. In the northern part of the country, communities have engaged in fierce fighting that have left people dead. It is in this spirit that I urge this House to ensure that these abuses are stopped. The “*utumishi kwa wote*” slogan should be put into practice. Anybody who reports matters of bodily harm should be given the attention that they deserve freely. A person reports a private or confidential matter, but some police officers joke and make fun of the complainant, making the victim more aggrieved.

These forms should be filled in good time because certain matters require immediate attention. For example, in cases of rape, the victims are not supposed to stay for more than certain hours before they are seen by a doctor. So, if the filling of this form is delayed, somebody may lose a very important case. Apart from this element of time, there is the issue of payment, where a person is supposed to pay Kshs1,500 for the doctor to fill the form. It is a known fact that it is not easy for the majority of Kenyans to raise Kshs1,500.

As I speak, some students have been sent home because of lack of school fees. Some are not able to go to hospital because they do not have money. So, telling them to pay Kshs1,500 to access justice is very unfair. Some of us can pay for these services, but in most cases, we are not the victims. The victims are the downtrodden citizens who need to be protected by law. The civilisation of a nation is dependent on the observation of law and order by the members of that nation. Citizens must feel that they are protected by the law. If the P3 Form can be accessed by our people free of charge, it will be easy for them to get better services. The courts should protect them where they are aggrieved.

I know of people who have suffered a lot of harm just because the P3 Form was filled after the required time had expired as a result of delay in getting money, getting the police or getting a medical officer to sign the form. This is a very important matter. Our people should feel protected and access the form free of charge.

Our people experience a lot of abuses especially when police officers collude with perpetrators of violence and end up giving advantage to the perpetrators against the aggrieved persons. This is a very serious matter. It is also very painful. The only way we can solve this matter is by allowing Kenyans to access this form free of charge.

This document has been a problem to our citizens for quite a long time. It is high time we brought the problem to an end. Our people should start enjoying their freedom. They should be protected from being harmed by others while undertaking their normal duties in the Republic of Kenya.

Article 29 of the Constitution of Kenya is on freedom and security of the person and it states that:-

“Every person has the right to freedom and security of the person, which includes the right not to be—

- (a) deprived of freedom arbitrarily or without just cause;
- (b) detained without trial, except during a state of emergency, in which case the detention is subject to Article 58;
- (c) subjected to any form of violence from either public or private sources;
- (d) subjected to torture in any manner, whether physical or psychological;”

Sometimes, victims are harmed by police officers who deny the victims access to justice because they know that when justice is done, they will be taken to court. This matter is of great importance and anything that can be done to make sure that this is stopped is welcomed.

I would like this House to support this Motion because we are here to represent the people of Kenya and deliberate and resolve matters that affect them.

I beg to move and request Hon. Gunga of Kaloleni to second the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Be brief, Hon. Gunga, because I realise Hon. Shimbwa has spoken in detail over this issue of the P3 forms. So, just give a small preview and second.

**Hon. Chea:** Thank you, Hon. Temporary Deputy Speaker, for that direction. I second this Motion and, equally, thank and congratulate Hon. Omar Mwinyi, Member for Changamwe, for initiating and bringing this idea to the Floor of the House.

From the outset, this is a very noble and progressive Motion. It is a Motion that seeks to go into the aspirations of the common *mwananchi*. We are talking about a document known as a P3 Form. Those who have been victims at a particular stage in life will agree with me that the P3 Form remains a vital document in the justice system in this country.

This Motion will assist us and the Government at the policy level. It will assist both the national Government and the devolved governments. As we are all aware, the Fourth Schedule of our Constitution has distributed some functions to county governments and others to the national Government in respect of health. The P3 Form is supposed to be filled at our health facilities by a doctor. These days, health facilities charge various fees for this document. Once this Motion is passed, we will proceed to harmonise this situation such that a victim in Kisumu County will receive the document free of charge and the same will happen to a victim in Kilifi County. As it is, the situation is quite unpredictable. Therefore, many people have shied away from having this document filled in.

I must mention that the P3 document, as per the Kenyan law, is required in most sexual related cases and accidents. It is a very important document for use in court. Today, many people have been acquitted for one reason or the other because of this P3 Form. In our courts, cases are dismissed outright because of the absence of this document.

Hon. Speaker, it is an important document. By all standards, we must support this Motion so that this document is granted free of charge. We must look at the procedure of obtaining this document. At the outset, once a victim reports a matter to the police, the P3 Form is issued. It is equally important to mention at this stage that because of several Non-Government Organisations (NGOs), at the police station level, the Government issues the P3 Form free of charge. Due to a lot of advocacy in having this document secured, we realise that the document is obtained on line. One can access it online, move with it to the police station to have it filled and thereafter to the relevant health facility to be filled yet again. The question then is: how many people living in the rural areas are able to access internet services? So, I will still argue that we need to have many of these documents placed at the police stations so that people can easily access them.

On the question of cost, it is important for us to understand that these victims are entitled to justice. Justice should not be expensive. It beats logic that for one to have the P3 Form filled by a medical practitioner one has to pay Kshs1, 500 or more. It is so sad. If we want cases prosecuted and heard on merit without the hurdles of P3 Forms not having been filled, then the case argued for a P3 Form to be filled without any charges is a worthy one and we must support.

There is a growing apathy among medical doctors when it comes to filling this form. In most of these hospitals, they set a particular day and allocate a specific doctor the mandate to fill in a P3 Form. My reading of this Form clearly indicates that it can be filled by a medical doctor or practitioner; it does not specify who in particular. So, we have heard of cases where people go

to hospital and they are asked to wait for a particular doctor who is in charge of filling in the P3 Forms. This is too sad, because at the end of the day some of these matters require fresh evidence. These are the issues that must be addressed.

Our courts must be vigilant. These matters must be heard expeditiously because the apathy among doctors in filling the P3 Forms is as a result of the fact that they fear being witnesses. They are not ready to testify in court when they are required to and so they cause so many adjournments. We also appreciate that they have so much work to do at the hospitals. So, these are issues of concern that I believe if adequately addressed by the Government will go a long way in ensuring that our people get justice.

Hon. Speaker, as you had initially indicated, and Hon. Omar Mwinyi has substantively argued on this, this is a Motion we have to support. I, therefore, second.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Before I propose the Question, I would like to recognise the presence, in the Speaker's Gallery, of Gakuuni Girls High School from South Imenti Constituency of Meru County. The constituency is ably represented in this House by Hon. Murungi. He is seated next to Hon. Barua.

I also want recognise the presence, in the Public Gallery, of Ruai Primary School of Kasarani Constituency, Nairobi County which is represented by Hon. Njoroge.

*(Question proposed)*

Well, I will give the first shot to the Hon. Member for Gichugu.

**Hon. Barua:** Thank you, Hon. Temporary Deputy Speaker for this opportunity.

**Hon. Serut:** *(Inaudible)*

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Members. The Hon. Member for Gichugu will be heard in total silence.

**Hon. Barua:** Thank you, Hon. Temporary Deputy Speaker for protecting me. May I inform the Hon. Member for Mt. Elgon that I was here when the Hon. Temporary Deputy Speaker entered and so I came to this House well before him. Hon. Speaker, that notwithstanding, I thank you for this opportunity to contribute to this Motion.

Hon. Temporary Deputy Speaker as you are aware, the P3 Forms are supposed to be given freely in all police stations. From the experience in our local police stations, and this is something which is common across Kenya, although these forms are meant to be free, they are not available. I would like to emphasise that the P3 Forms should be availed in all police stations. Due to the ignorance of our people, when the common *wananchi* go to a police station in a case of, say, assault, they are forced to pay some money. That is not legal. This is corruption targeting the poor. I will call upon the National Police Service to put in place all necessary mechanisms to ensure that common people from all corners of this country get free services at the police stations. Denial of P3 Forms is denial to access to justice. In some cases such as rape whereby it is not easy to prove, delay in provision and filling of the P3 Forms might lead to miscarriage of justice. This should neither be encouraged nor contemplated. The public hospitals in the counties near police stations should also be encouraged to put mechanisms in place whereby a victim is not denied service just because they cannot afford to pay the Kshs1, 500 which is charged by consultant doctors.

Therefore, because we have many cases of assault all over the country, the public hospitals in Kenya should make an effort of establishing desks whereby victims of crime are attended to. Such a desk should never be manned by inefficient persons at any given time. If the medical examination is not done, say in a case of rape, within a specific time, it may end up being difficult to prove. This actually amounts to injustice to women and yet women of this country must be protected. They must be given justice because they deserve it.

In the first place, I suggest that when rape victims go for medical examinations, they should be examined free of charge. I would like to end my contribution by supporting Hon. Mwinyi's Motion, which is important. I call upon the Inspector-General (IG) of Police, and all those officers serving below him, to ensure that they are available to help victims of crime and assault when they go to seek justice in police stations.

As it is now, Kenyans do not feel free to go to police stations because of the old culture of fearing police officers. Today, police officers are part of the community. All efforts must be made to integrate police service and have a linkage with communities, so that they can work together as partners.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. You have spoken very briefly in five minutes and that is very kind of you. I will give the next slot to Hon. Shidiye of Lagdera.

**Hon. Shidiye:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. This Motion should be supported by every Member in this House. It has come at the right time. Justice delayed is justice denied. Justice is the midwife of peace. Where there is no justice, there can never be peace. The journey to get a P3 Form is laborious, difficult, has many roadblocks and is bureaucratic. You cannot access this document which starts at the police station.

There are no free services there. I want to be very candid. For the common *mwananchi*, even to approach the police station is a big problem. The conversation that took place yesterday at State House was very timely because we need to address the issue of corruption in this country. The President has created institutions. We have the regular police, the Ethics and Anti-Corruption Commission (EACC), the Criminal Investigation Department (CID), very big arms of the Government, National Intelligence Service (NIS), the Administration Police (AP) and many other institutions. The question is: Why are all these institutions not working? We have victims of rape, thuggery, harassment and assault.

When you approach a police station, the first thing the officers on duty ask you is whether you have something. If you do not have it, forget it. That is the reality and it must be addressed. Of course, there are a few exceptions to the rule where you meet a good officer who is willing to help. The journey starts from there. You get a form and pay. Most of the time, *wananchi* do not have the money. The Kshs1,500 should be waived like yesterday, so that people have access to this P3 Form. After that, one goes to court and that is the beginning of another difficult journey.

In the court, the case is delayed and it takes donkey years before one is able to access justice. Sometimes you are told the judge and the prosecutor are not there or the file is hidden by another junior clerk. Let me tell you in this country, until you give something, nothing moves. That is the reality. We must have a special desk in police stations on this matter, a special doctor for victims of rape, assault and many others and a special court. That way, justice will be delivered to the people.



These other conversations and stories will not help this country. We are going nowhere, but mark-timing and that is the sad story. People fear going to police stations. They would rather do the alternative. For we, the Somalis, in the villages, no matter goes to the police station. In my police station in Modogashe, the matter that goes to the police is the most difficult one. A matter is withdrawn from the police and done in *maslaha*, an alternative means of dispute resolution, because nothing ends in the justice system. I am not saying I have lost hope in the justice system, but there is difficulty in accessing justice in this country. You would rather have *kangaroo* court where *wazees* deal with these matters. They listen to both sides, investigate and dispense justice, but if the matter goes to the police, the victim and the assailant have to pay for the service.

At the end of the day, the police become winners and not the common *mwananchi*. It is time we opened this conversation and discussed corruption because the bottom line in all these issues is corruption. I know of people who have left teaching careers and gone to police service. I asked them why and they told me that there is money there. It is important for us not to take things for granted. We now have a new Chief Justice (CJ). We do not only need radical surgery in the Judiciary, but major reforms. We must reach all the villages through small courts.

In the United States of America (USA), I saw they have social groups which discuss matters before they go to court. We need something that is different from the old way of doing things. There must be a paradigm shift in our thinking in terms of providing justice for this country. The old way of doing things might not be as easy as it seems. If you repeat the same thing over the years and there are no improvements and people do not get services or cannot access the P3 Form, it becomes very difficult.

We need reforms in the NPS and the Judiciary. The Kenyan people must be told the truth that when services are provided for free by the Government, they must demand for them. There are other people who believe that in any Government office, you have to pay something. People must also be told that there are free services provided by the Government. It takes two to tango and corruption starts with the common *mwananchi*, who also has to be squarely blamed for it. It is not the institutions, but the reflection of the Kenyan society. Is the society prepared to have good governance and leadership? It also goes up to politics and we have seen it. People come with a lot of money during election campaigns and after that, they do not deliver services.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Shidiye, you are a very senior Member of this House and you have behaved like a very good politician, which you are. You have spoken about everything. We are on a Motion dealing with P3 Forms. You have spoken about the Chief Justice (CJ), corruption and election of Members of Parliament.

I want Members to restrict themselves to the P3 Form being free. You know the Standing Orders are very clear. As I have said, Hon. Shidiye is a very senior Member and he has spoken on everything he wanted to say last week and this week when he got the opportunity. So, can we, please, stick to the P3 Form and its being accessed free of charge? That is the proposal by Hon. Mwinyi. Members should take about two to three minutes to speak on this. It is not something you need to talk about for too long.

**Hon. Shidiye:** Hon. Temporary Deputy Speaker, as I said, this issue ends in the courts. When something happens and you fill a P3 Form, it has to go to the High Court. It is important that justice is done all over. Justice is the midwife of peace. Where there is no justice, there can never be peace. Justice is at the heart of this matter.

With those remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. However, Members, you will now take it from what I said. Hon. Maanzo, I hope you will give a brief legal perspective.

**Hon. Maanzo:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute on this very important Motion.

The P3 Form was originally in the Police Act, which has since been amended to become the National Police Service Act. Though it has not been captured in the new Act, because it only appears in the repealed Act, it is part of the saved clauses, so that it can be formalised. The P3 Form is copied in the old Police Act, but the same form has been retained by police stations to date. Ordinarily, somebody applies for a P3 Form if he sustains an injury in an accident for purposes of lodging a compensation claim with the relevant insurance company, or if one has been injured by a wild animal for purposes of lodging a compensation claim with the Kenya Wildlife Service (KWS). This is now done at the county government level because it would be a guiding document. Also, if somebody has been injured by another person, he will still use the P3 Form for purposes of prosecution of the assailant for causing bodily harm or grievous bodily harm.

The P3 Form is still useful in criminal prosecution as well as in civil prosecution. It is used as a guiding principle when it comes to awarding of compensation. In order for it to be issued, the person who is injured in whatever circumstances has to go to hospital to be examined and obtain some medical notes from a doctor. The police will then issue the victim with a stamped P3 Form. Previously, the P3 Form used to go to the police surgeon who for a long time has only been one. However, with the coming of devolution, there are now regional gazetted officers. It is not every officer who can sign a P3 Form for use in court. If the doctor is not competent and is not gazetted as a police surgeon, it would be an exercise in futility. The P3 Form will still not survive in court. Therefore, it is important for it to be signed by a gazetted officer who will be available to give evidence in court. The same person who is the maker of the document is the one who gives evidence. For example, for a long time, the police surgeon in Nairobi area used to go round all the courts. Therefore, in order for the P3 Form to be effective, the Government should assign that role to several police surgeons. Ordinarily, the officer should be high ranking in the NPS because doctors used to be hired for that purpose. It is good it is strengthened under the new Constitution, so that we have many of them.

The P3 Form is very important because without it, one can be misused, especially where police officers collude with applicants even when the injuries sustained are not sufficient. That is why the involvement of a police surgeon is important. If not properly managed, application of the P3 Form can result in fraud. It can be used fraudulently to provide misleading information if it is easy to obtain without controls. There are issues that surround the use of the P3 Form because it is a basis for compensation and criminal conviction. Therefore, it is important to have it filled urgently.

Ordinarily, one is not charged for a P3 Form. That is why it is now freely downloadable from the internet. If any Kenyan is asked to pay for a P3 Form at any police station, then there is a problem there. However, when one goes to see a private doctor or a doctor from whatever quarters, they will be charged a fee. For you to be issued with a P3 Form, it means that you have seen a consultant. Since it is a private consultancy, you are charged. However, if you go to a Government institution, you must be issued with the document free of charge. This is meant to ensure that Kenyans are served quickly, so that this document can be useful. If death is caused by an injury, the P3 Form must be issued. The criminal procedure is that if an injured person dies within a year, a postmortem report is prepared and then the two documents are tied together. If one is injured by another person and he dies within a year, the assailant is charged with manslaughter or murder.

It is important for Kenyans to be knowledgeable about this particular matter. It is important for it to be implemented, so that justice can be achieved easily by ordinary Kenyans.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us hear the Member for Bureti, whom I hope will give a medical perspective to the debate.

**Hon. Sang:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute on this very important Motion.

*(Hon. Serut consulted loudly)*

Hon. Temporary Deputy Speaker, I do not know why Hon. Serut complains every time you give some of us an opportunity to give an opinion. He does not have to be the one doing it all the time.

I want to start by thanking and congratulating my friend, Hon. Mwinyi. This is a very important Motion. Probably, most of Hon. Mwinyi's constituents have gone through a lot of trouble. Congratulations!

For a very long time, the P3 Form has been issued to victims of various circumstances freely at police stations. What used to happen is that anybody who was injured would report to any hospital for treatment. From there, they would go to a police station to acquire the P3 Form. I would advise my friend, Hon. Mwinyi, that we need to have chiefs, assistant chiefs and, if possible, even village elders issuing the P3 Form to victims of assault or accidents because the form is issued for free. It has been unfortunate that MOHs and clinical officers are the ones who have been mandated by the Act to fill in the P3 Form. It has been unfortunate because majority of Kenyans who have suffered injuries through accidents and other ways have given out something small at our hospitals in order to facilitate medical personnel to travel to court to give testimonies. Most of the time, hospitals do not have money for such purpose. Some hospitals charge Kshs1,000 while others charge Kshs1,500, depending on the distance to be covered. I would advise my friend, Hon. Mwinyi, that we discuss this matter with county assemblies, so that they can factor in their budgets some fee for filling in the P3 Form, so that a health care worker can travel to court to testify, have a meal and then travel back to his work station.

The P3 Form is very important. It has been used in court as evidence for a very long time. In cases of assault, accidents, rape and sodomy, the P3 Form has to be filled, so that, at least, it can be produced in court as evidence so that the assailants can be convicted. It has been unfortunate because most victims in this country are very poor. The young girls and boys who have been raped and sodomised are from very humble backgrounds. Most of the perpetrators of such serious crimes almost always go scot free because most of the victims cannot afford the cost of travelling to the centres where the courts are located to give evidence. Therefore, I suggest that we, at least, discuss this matter with county assemblies with a view to convincing them to factor in the budgets of their respective county governments some money for payment of allowances to health care workers involved in such activities.

Lastly, the P3 Form is a crucial document that should be produced in court as evidence in order for assailants to be convicted. Once again, congratulations, Hon. Mwinyi!

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Irea, what is it? Order, Hon. Sang.

**Hon. Irea:** Thank you, Hon. Temporary Deputy Speaker. The Member is saying that we can have discussions with the county assembly. We cannot have discussions with county

assemblies. County assemblies can enact laws to take care of the P3 Forms payment in their counties. We cannot have discussions because the amount of money county assemblies are allocating for entertainment in their budget is a lot. So, part of the money can be used to cater for P3 Forms. The Member is not in order to say that we should have discussions with county assemblies.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is correct. That is agreeable. The only thing is that you had to add political undertones to that. It was perfect. So, let us leave out the discussions with county assemblies. We can only give them an opportunity to do their work.

**Hon. Sang:** Thank you, Hon. Temporary Deputy Speaker. It was just a suggestion, otherwise I support this Motion. I urge my friend, Hon. Mwinyi, from Changamwe to probably improve on it so that we can have a Bill and eventually an Act of Parliament. This will ensure that Kenyans, especially the poor and the vulnerable access judicial services without any problem.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have Hon. Mwanoyoha, the Member for Matuga.

**Hon. Mwanoyoha:** Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii. Kwanza, ninataka kumshukuru Mhe. Omar Mwinyi kwa Hoja hii aliyoleta kwa sababu ni ya maana sana. Ninasema tumechelewa kwa sababu watu wetu wamekandamizwa kwa muda mrefu sana.

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

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

Ni haki hii stakabadhi itolewe bure kwa sababu tayari mtu amefanyiwa madhara au dhambi. Si vizuri tena atafute pesa anunue stakabadhi hii. Ninawaomba Wabunge walio hapa waipitishie Hoja hii. Jambo hili linafaa lifuatiliwe sawasawa kwa sababu mbali na kuwa unatakikana ulipe ile ada ambayo ni ya Serikali, bila kitu kidogo polisi hawakupatii P3 Form.

Kwa hivyo, ni bora wale wanaohusika wahakikishe kwamba shahada hii inatolewa bure, na iwe bure kweli. Si bure na Serikali ikose kile ilichokuwa ikipata lakini mtu binafsi anapatiwa kitu kidogo ndio atoe P3 Form. Hiki ni kitu ambacho kila mwananchi ana haki ya kupata ili haki iweze kuzingatiwa.

Mhe. Naibu Spika wa Muda, ninaunga mkono Hoja hii ambayo imeletwa na Mhe. Omar Mwinyi, na ningependa itekelezwe mara moja.

Asante.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now have Hon. ole Ntutu.

**Hon. ole Ntutu:** Thank you, Hon. Temporary Deputy Speaker for also giving me this opportunity to, first of all, congratulate my good friend, Hon. Mwinyi for bringing this Motion which is timely.

A P3 Form is a very important document. The problem we have in Kenya is that this form is supposed to be given by the police in the police station before it is signed by a doctor. I think we have had a problem with the process which is very tedious. It also takes time. That is why even for getting that form, you must give--- (*inaudible*). Then when you go to the doctors---

(*inaudible*), you must be charged a certain amount of money for this form. What Hon. Mwinyi is doing is trying to bring sanity to this process.

I want to say that I was really disturbed by this Motion because the people who are supposed to charge money are doctors. We all know that the health sector has been devolved. Our colleague was saying that this Motion is supposed to go to county assemblies so that they can give some money to doctors so that they do not charge people who seek services from them in referral hospitals. This document is very important and you cannot do without it particularly when it comes to assault, accidents, rape and sodomy.

I want to support this Motion by saying that we need to really look at it and see whether urging the Government is enough. We have passed many Motions in the National Assembly where we urge the Government and nothing happens. So, I urge my good friend, Hon. Mwinyi to approach, maybe, the County Assembly of Mombasa so that it can also pass this Motion and it becomes law. This should be replicated in all the 47 counties in this country.

Hon. Temporary Deputy Speaker, with those very few remarks, I want to support. I urge-- (*inaudible*).

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We shall now have Hon. Makali Mulu.

**Hon. Mulu:** Thank you, Hon. Deputy Speaker. (*Inaudible*) The lawyers have spoken and the medical people have spoken too. I think we appreciate the importance of this important document.

From a financial perspective and following up on what Hon. Ntutu has said, we have two options as a Parliament. If we pass this Motion and agree that it is important to fund it, we could give conditional grants to counties the way we do with free maternity and funding for dispensaries. We can actually provide resources to counties as a Parliament. It will specifically be stated that the money is meant for the provision of free P3 Forms. I think that is another way we can do it.

The other option is where the Members of County Assemblies (MCAs), at their own level, can introduce a Motion like this at the counties. If it is passed, the executive part of county governments can budget for this important aspect.

That means it is doable from a financial perspective. I will categorise the challenges with P3 Forms in three parts. One of them is delay. There are very long delays in terms of the public getting this important document. The other thing is the element of cost which Hon. Mwinyi is focusing on. The other issue is insufficient information where the electorates are not informed in terms of how one goes about accessing this important document.

As a Parliament, we need to think seriously on how we ensure that these three issues of delay, cost and insufficient information are addressed so that Kenyans can access this important document without many problems or challenges.

Generally speaking, the challenge we face in accessing these important documents like P3 Form and others is corruption. You will realise that it is very difficult to access an ID card, birth certificate and police abstract in Kenya. What happens is that the officers who are charged with this responsibility always try to create opportunities for rent-seeking. That is what we need to address. How do we address this matter of people who want to make things very complicated that at the end of the day, as a Kenyan, you are forced to give bribes for you to access that service?

As a Parliament, we need to come up with modalities and legal framework to make sure that Kenyans access these documents without much strain. I like the idea of automation where, if

I want a police abstract, I can go to a computer, download and print it and take it to the hospital. However, you will realise that after printing, you still need to go to the police to fill Part One. In one way or the other, you have to have physical contact with the doctor. The more people you interact with, the more money you are likely to be forced to pay. We will go very far if we address issues of corruption in this country.

I got very concerned yesterday when I listened to the debate at the Accountability Summit at State House. It looked like the CEO of this country has been defeated in handling that matter. I want to plead with the CEO of this country to take responsibility in fighting corruption.

**Hon. Serut:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Serut, there is nothing out of order. I just want to let Hon. Makali Mulu know that the President was not giving up. The President was just charging his lieutenants to do what they need to do.

**Hon. Mulu:** It appeared like he raised up his hands and said “I have surrendered”. I am just encouraging him not to surrender.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Mulu, you are discouraged from that pursuit.

**Hon. Mulu:** As I conclude, Hon. Temporary Deputy Speaker, this document is very important. I urge Members to support this Motion so that Kenyans can access this important document for purposes of pursuing their legal matters.

Yesterday Parliament approved the appointment of the Chief Justice (CJ) who we understand is incorruptible. He needs to take advantage of the fact that we see him as having high integrity so that he can ensure that corruption is sorted out in the Judiciary. That will also make it easier for Kenyans to access justice.

I support, Hon. Temporary Deputy Speaker.

Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall hear Hon. Kathuri Murungi. Hon. Cyprian Iringo, you are on top of the list but I ask for your indulgence. I am doing this because there are students from Hon. Kathuri’s constituency who are in the House, and it would be a good thing for him to have an opportunity.

Proceed Hon. Kathuri.

**Hon. Murungi:** Thank you, Hon. Temporary Deputy Speaker. My friend Hon. Iringo was cheering that I am upstanding to speak. He is not complaining.

I want to support this Motion by Hon. Mwinyi. The P3 Form is very essential, especially in determining the extent of bodily injury in case of assault. You heard Hon. Maanzo talk about wildlife compensation. We enacted an Act to enhance compensation in case of bodily injury by wildlife. So, it is a very critical document.

One thing which is coming out clearly is that Hon. Mwinyi is not talking about free P3 Forms from police stations because the form is absolutely free. When I saw this Motion, I talked to my OCPD who sits at Nkubu Police Station and he confirmed to me that the forms are free of charge at police stations. The meat of this Motion is that after the culprits get the forms from the police station, they take them to the Medical Officer of Health (MOH). I do not know whether it is in a private hospital or in a public hospital. When they take these forms for filling, they are charged some money by the hospital. That is the extent of the Motion by Hon. Mwinyi. He is trying to see how these forms can be accessed free of charge even when they are being filled by doctors or the MOH.

What we need to do is for the Ministry of Health to come up with a policy that can make these forms free of charge when they are filled by the MOHs. The Jubilee Government has given free maternity healthcare to mothers. Therefore, the same policy can be developed at the Ministry level. These forms should be filled absolutely free of charge by the MOHs. This can still be channelled through the county assemblies as other colleagues have put it because it is their responsibility now that healthcare is devolved.

It is the responsibility of county assemblies to enact laws that can make this service free of charge, including specifying hospitals in every sub-county and ward which can fill these forms free of charge. We should go further because once the form is filled by the MOH, it is still supposed to be filled by police officers. That is still another issue.

Hon. Temporary Deputy Speaker, we know what happens in these police stations. Sometimes if you go looking for the police officer to sign for you, because it is a particular officer who is assigned that responsibility, it is difficult to see him or her. Even when he is at the station, you will be taken round in circles and told that the officer is not there. This is the case and yet the doctors cannot treat anybody who may have been caught in a fight until you submit the P3 Forms to them. Therefore, there should be enough officers at the police station and not one officer being given the responsibility of signing P3 Forms. This is because this condones corruption. Several officers or those officers who sit in the public relations desk in every police station should be able to fill in these forms for the victims of such injuries. In the Police Service Charter, they have said this is free service. Therefore, it should be seen as free.

Hon. Temporary Deputy Speaker, I want to thank you once again for allowing me to contribute to this Motion. I encourage my friends. I know there are very many cases of injuries in Mombasa. I know Hon. Mwinyi has brought this Motion because his constituents are really suffering. However, I have not heard about such problems where I come from. Therefore, I really support him. I urge my colleagues to join hands with Hon. Mwinyi so that this Motion can see the light of day.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now hear the Member for Muhoroni.

**Hon. Oyoo:** Thank you, Hon. Temporary Deputy Speaker, for recognising me. At the outset, I want to thank Hon. Omar Mwinyi for coming up with this Motion. As they say, experience is the best teacher. Hon. Omar Mwinyi has had problems with law enforcement agencies before, when he was opposing the views of retrogressive governments. Occasionally, he was arrested and sought this document but was not able to get it.

This Motion is coming at an opportune moment when his Excellency the President is giving an indication that he is serious about corruption in this country. These are issues that should be a thing of the past in a society like Kenya where we have had democratic governments for the last 50 years.

Hon. Temporary Deputy Speaker, there is no reason why the Government should impose more levies on citizens, and more so, people who are already overburdened by various taxes. I believe that if we check the statute laws in our country, we will find that this is catered for. All the aspirations of the Constitution and all the programmes of the Government in this country are done with a lot of zeal. However, we always create very little room for supervision, maintenance and oversight. We have police officers and doctors serving at the county and national levels. We also have chiefs who are being paid by the Government. Most of the chiefs who access and distribute P3 Forms live far away from a police station.

The police officers, doctors and chiefs who are public servants demand money from downtrodden people who have already paid taxes. The taxes provide for their salaries or money to enable them run their offices.

This is a very good Motion and I hope that once it is passed, the Committee on Implementation will follow it up and ensure that it is not only passed in letter but it is also implemented so that poor people can access these documents without paying.

With those few remarks, I want to say that this is a good Motion and I want to support the efforts initiated by my good friend, Omar Mwinyi. I also want to take this opportunity to urge our civil servants to serve the interest of the public and not their interest. Public servants have been known to circumvent the law and make a lot of money out of it.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We shall now have the Member for Igembe Central, Hon. Iringo.

**Hon. Kubai Iringo:** Thank you, Hon. Temporary Deputy Speaker. Despite the long wait, I will now contribute to this Motion. Let me thank my colleague, Hon. Mwinyi for bringing it. This document called “P3 Form” is one which is treated as sacred in the police circles to intimidate, solicit funds and to interfere with justice. We need to put these laws in order.

I believe that the victims who require this document initially are traumatised, in pain or unconscious in hospital. Therefore, anybody might take advantage of that situation and make sure that the person seeking it does not get it. The law should be clear on what should be done to this document.

As far as I am concerned, and through personal experience in trying to assist my constituents and friends, this document should be given free of charge by the police. That is why you can even download it.

However to get an officer to fill it is a nightmare. Sometimes it is one officer designated to do the work in a police station. On the day you need a P3 Form, the officer could be attending a court case. You will also face other bottlenecks because the designated doctors who are supposed to handle these documents in a hospital are not in that hospital on that particular day. In addition, you need to pay for it in the hospital.

That is why we are saying that this document should be free from the word go until victims get it into their files in the law courts, where their cases will be prosecuted. This is whether it is an accident, an injury or any other issue. You will find that because of these hurdles a victim will take a long time to get justice. If it is an animal injury or the victims are assaulted or involved in road accidents, it normally takes ages for one to get justice because of the bureaucracy.

I will propose that through the Ministry of Health, a law be enacted to give proper guidelines which must be followed by the victims and those who are delivering these services. This is to the extent that there should be a timeframe within which these documents should be filed and placed where they belong. The timeframe should be from when one is injured, to the time they get a P3 Form filled by the officer in charge to the hospital, brought back for filing in court or where the claim is being done. With a timeframe of that nature, it will keep the officers on their toes to know that they should have these documents ready when they are required.



The law should be clear that these documents are free. They should not be sold or used to solicit bribes. We need more officers in these categories especially in police stations. We need about three officers who will be at the station permanently depending on its size. If one is in the law courts, another at the scene of crime or gone to hospital, there should be somebody else in that desk ready to assist other people who seek these services.

Equally, in both private and public hospitals, we need to have several doctors designated to fill the forms. Filling of these forms requires somebody with technical knowledge about the kind of injury the victim was subjected to and the extent of the injury. Doctors and clinical officers can diagnose these problems. Giving the medical officer in charge of a hospital the sole responsibility of doing this denies a change those people who want these services because he or she will not be there all the time to offer these services.

We, therefore, need more personnel to handle these documents. We also need to be transparent. Laws which are entrenched properly in the Health Act should show that one is given those documents for purposes of treatment.

Finally, let it be made clear that there should be no payment of fees for this form. If there are any fees incurred, then they should be included in the budget of that particular hospital or that institution which offers these services.

Hon. Temporary Deputy Speaker, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well spoken. We will now have Hon. Ochanda.

**Hon. Ogolla:** Thank you, Hon. Temporary Deputy Speaker. Let me support Hon. Mwinyi on this critical Motion. First and foremost, any crime is an act against the State. When we are talking about criminal law and these kinds of actions, it is the beginning of the big process of prosecution. When we make it in a manner that at the first level one pays then in the other stages, there is no payment since this becomes part of evidence and witnesses--- In my view, it is important that the State takes care of all these issues from the beginning to the end. There is no need for a victim who finally ends up being a witness or being with exhibits for purposes of prosecuting an offender paying and yet the entire process of prosecution is handled by the State.

I support this Motion and also stress that there is no need to pay particularly at this time when we are talking about witness protection. We are talking about many changes in terms of our judicial processes. It is important that the person, who in the real sense is a victim, is only a victim when he is reporting at the police station. After that, he is part of the prosecution as a witness.

It is important that at the first stage when one reports a criminal offence, the State is in charge. The idea of paying for a P3 Form sometimes inhibits many victims. When somebody slaps you, breaks your limbs or interferes with you in any manner, the first thing is to go to the police. It is you who is the victim and paying for the P3 Form is not nice. For us to be very effective in terms of handling criminal procedures, it is important that this first level is free. If not, the P3 Form must be replaced with something else that is effective, free and recognised clearly by the Government.

Hon. Temporary Deputy Speaker, this is very close to the problems we have with postmortem in this country. Postmortem costs a lot of money. There are cases where it is very clear that somebody has already been apprehended and so he is either in police custody or is remanded and is waiting for due process to follow. When it is clear that somebody has hacked another to death, then the process of prosecution begins. But here is a case where a dead body is

at the mortuary and yet for you to get the body for burial, you are asked to pay postmortem fees. This is something that also needs to be looked at. The two issues are fairly related. On one hand, when a person is dead you are supposed to pay for the postmortem and on the other hand, if the person was alive, he would be asked to pay for a P3 Form. It is important that the Government looks at this matter seriously if, indeed, we want to be effective in the prosecution of criminal matters. I rest my case.

This is something that we have to support. It does not need to remain as a Motion. Hon. Mwinyi has to move it to another level to become part of the witness protection legislation that we are trying to make. We need to ensure that witnesses are protected and costs slapped on them are taken care of by the Government from the beginning to the end.

Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We shall now have Hon. Gichigi who will give us the legal perspective on it.

**Hon. Gichigi:** Thank you, Hon. Temporary Deputy Speaker. I also wish to begin by commending this initiative by Hon. Mwinyi. As a lawyer, I have interacted with many people who have used this document called the “P3 Form”. For avoidance of doubt, the person we are discussing here is a person who has been involved in an accident. He goes to a police station where the document is supposed to be given free of charge after reporting about the accident or the assault.

Once that document is completed, the person goes for treatment where he presents the form to a medical doctor who is supposed to examine him and indicate the injuries and the current status of that person including the treatment that person has been exposed to. It does not end there. That doctor, during the hearing of the case, is the one who is supposed to present that document.

We have had challenges. To begin with, most police stations, because of corruption will demand payment. It is supposed to be free but some police stations demand payment. Let me not say all police stations. Two, this is a victim of an accident, assault or sexual violation and yet you are telling that person, maybe he is even an infant, that he has to produce some cash. Medical treatment is a problem and so is going to a police station for many people.

The other nightmare for these victims is to get medical doctors going to court to give evidence. I have consulted my colleague, Hon. Mwinyi, and we have agreed that I will move an amendment to indicate that the appearance of the doctors who complete the P3 Forms in court should also be free of charge. Most cases collapse when doctors fail to appear before court when people are unable to meet their fees to appear before court. This is in civil cases, say, accidents and in criminal cases, say assault.

This is an important Motion and we should support it. I wish to share my experience on postmortem. When somebody dies in an accident or homicide and the family goes to a police station, the body cannot be released until a postmortem is carried out.

The experience I have had in Nyandarua is that the hospital charges about Kshs1,000. There is too much corruption in Ol-Kalou Hospital. They charge between Kshs13,000 and Kshs15,000. Some families of these victims have come to me seeking assistance but when I call the hospital, I am told they charge Kshs1,000 only. The truth of the matter is that there is money that is not receipted.

I do not think this is a case concerning my county only because it is happening even in other hospitals. We need to be very clear with postmortem. These are victims who should not be

traumatised more by asking them to pay for a Government service. If the Government is able to give free maternity services, it surely can afford to assist these victims.

As the earlier speaker indicated, this is part of the justice system. If we start by putting roadblocks by asking people to pay for these services, then the whole case will collapse. I am gearing up to propose amendments.

Finally, I want to indicate that there is a habit by the police, especially those in the Traffic Department to use agents of people who have been involved in accidents. The police give the P3 Forms to those agents instead of the victims. So, the agents in turn end up asking for money from the victims. Obviously, that is illegal and it should not happen. That is part of the corruption cartels that we have in the Traffic Department.

I support this and I will be requesting that we amend this Motion so that we include the appearance of doctors in court.

Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We shall have the Member for Suna West.

**Hon. Ndiege:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. From the outset, I support Hon. Mwinyi for coming up with this Motion on the issuance of P3 Form. I believe most of us have gone to police stations and know how the police handle these forms. We need to look at the process of prosecution. Without filing a P3 Form, you are very unlikely to be heard.

The P3 Form is necessary but it should be free. It is not a routine form because it is only filled by a person who has been injured. In many occasions, our constituents ask for money to have this form filled. If the P3 Form is filled by a doctor, we can have a law in place to instruct doctors to fill the P3 Forms for free. It is very sad that, for example, a child has been raped and one is told to look for money so that the P3 Form can be filled. We should have a mechanism of making these forms free. It will not cost the county government a lot of money to make these forms free. The P3 Form is not free at our police stations. Corruption is rampant---

**Hon. King'ola:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Makau, you are indicating that something is out of order and yet you are on phone. I think you are the one who is out of order.

**Hon. Ndiege:** Hon. Makau, we are in the august House. Under the law, a P3 Form is free but at the doctors' level, you pay some fees. You will also not be given this form free of charge at a police station. You will be told that the form is not there, but you will get it upon giving out something small.

I would like to ask public servants to be considerate to Kenyans who seek services at their work stations. We should do a follow up of this law so that Kenyans do not continue to suffer while seeking services at police stations.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Omulele): Let us now hear the Member for Mumias East, Hon. Washiali.

**Hon. Washiali:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice on this Motion that was ably moved by Hon. Mwinyi and seconded by Hon. Gunga. For one to move this kind of Motion, one must have experienced the issues raised there or must be very close to the constituents. You do not come across this issue every other time.

I want to take this opportunity to thank His Excellency the President for hosting the law enforcement agencies at State House, Nairobi and pointing out the weaknesses they have had over time. This is one of the cases where we have had weak enforcement.

The P3 Form should be in the custody of the MOH. If one has been involved in an accident, the first point of call is a health centre. It should be the prerogative of an MOH to assess an injury suffered by a victim and determine whether the case qualifies for one to be protected by law. Such an arrangement would reduce the number of trips that one makes between a health centre and a police station. Currently, one has to go back to the medical centre for endorsement of the same form.

If this Motion progresses into a Bill, I will propose that the P3 Form should be put under the custody of health facilities so that once an MOH or his representative determines that a situation warrants prosecution of the assailant, he can fill in his part and direct the victim to the nearest police station for the due process to take its course. That way, the journey of the victim will be one way.

Secondly, we have had cases of domestic violence. At times when somebody's wife reports an assault at a police station, police officers, who are mostly men, become judges and advise the victim to go back home and discuss the issue at the household level. It is not fair to subject our ladies to that kind of arrangement. If ladies strongly feel that they should be protected by law, they should be issued with the P3 Forms without conditions.

We have the Children Act but there are very few cases where children go to court to report cases of abuse. Lately, corporal punishment is subjected to children in school. Some of these cases qualify for arbitration in court but the children whose rights were violated lacked enough funds to protect themselves.

The P3 Form should be issued to victims of assault and accidents without conditions. These forms are subjected to expensive conditions. Medical facilities charge a fee because of the logistics that emanate from the court cases. At times a doctor is requested to attend a court case which in most cases is adjourned severally. This is the case and yet the numerous visits to the court are not properly taken care of by the medical institution. Just like my colleagues mentioned earlier on, we need to provide for this and I am sure if this Motion is debated at the county level, the county governments will provide funding so that we do not have a problem with medical officers attending courts to defend the victims.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Washiali, I hear you are advocating for the rights of children to access this important document.

Hon. Makau, it is your turn.

**Hon. King'ola:** Thank you, Hon. Temporary Deputy Speaker. I must apologise because I was on a call. Hon. Mwinyi is the Member for Changamwe, and 80 per cent of his voters come from my community. They were telling me to tell him in person that they are very happy that he is fighting for them because issuance of P3 Forms has become a cartel like matter.

At the outset, I must say that issuance of P3 Forms has been misused because it is used as a conduit for corruption. Most Kenyans today face difficulties getting P3 Forms. If you go to a police station or post, you must pay in order to be issued with a P3 Form. Most times, you are sent to certain doctors or dispensaries to have it filled and signed. This Motion is timely. The Constitution talks about fundamental rights and this is one of the rights.

These days, even the insurance industry has taken advantage of P3 Forms not being filled on time to process claims. Accident victims are frustrated and they end up not getting their

payments. The cost of healthcare is very high. If a person gets an accident and he or she has a third party or comprehensive insurance cover, he or she is frustrated when he or she wants a P3 Form. Most Kenyans end up not getting treatment or losing a lot of money because of that.

Hon. Mwinyi must have heard the cries of Kenyans that P3 Forms must be given for free. I support that these forms should be filled in dispensaries and hospital at all levels. Again, I support Hon. Gichigi's amendment that even the doctors who fill these forms must be part of the witnesses so that the cases for the victims can have weight. In case of compensation, it will be easy for most Kenyans.

There is the issue of communication. Most Kenyans do not have information on how to go about getting P3 Forms. It has become a culture that if you have to get a P3 Form, you must have money. If we pass this Motion and let Kenyans have access to information about P3 Form issuance and the whole process, most Kenyans will benefit.

Hon. Temporary Deputy Speaker, I support members who said that even domestic violence victims should also benefit. If a lady reports such a case, the lady and her children get frustrated at a police station. This could be due to lack of knowledge. If it is public knowledge that this is the position that Kenyans are supposed to take when they acquire a P3 Form, it will ensure that justice is done to every person or victims of violence or accident.

This Motion is timely. I will bring amendments so that we see how the doctors who go to courts will be compensated by the Government. This is because there is a cost that goes with it. I cannot be called as a doctor to give evidence in court and I am not compensated. If that is done, then the process will be made easier.

I support this Motion and urge the Government to fast-track it so that P3 Forms are also available at the dispensaries and not only at police stations and police posts.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now have Hon. Joseph Kiuna of Njoro Constituency.

**Hon. J.K. Ng'ang'a:** Thank you, Hon. Temporary Deputy Speaker. At the outset, I thank the Mover of this Motion my friend, Hon. Mwinyi. The purpose of the P3 Form is to produce evidence when victims go to court. At that time, the victims injured through accidents or by criminals are in dire need of assistance. However, in most cases, when people get injured either through accidents or by criminals, instead of being accorded the necessary assistance they are supposed to be given by the police or relevant department, they are neglected and as a result they suffer a lot. They go through a lot of injustice. It is high time we addressed this very serious issue.

In most cases, if you go to a police station to get a P3 Form, you will find that it is not easily available. You have to find a way of convincing the officers to issue you one. The only way is to cough out something. We should look at this and make sure that these forms are easily and freely available at all police stations.

When it comes to medical officers, I wonder how the money they charge is accounted for. In most cases, there is some kind of collaboration between the police and the medical officers. That is where patients get a lot of injustice.

I support this Motion but I request, if it is possible, we make sure that these forms are easily available in police stations and that medical officers are also available to serve needy patients.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now have Hon. (Dr.) Nyikal, the Member for Seme.

**Hon. (Dr.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Motion.

This Motion underlies a very important role in the justice system, particularly the role of the police in the justice system, which as we know is investigation. This form underlies that role of investigation. We also know that, until recently, the police were also involved in prosecution. However, with the establishment of the Department of Public Prosecutions, things are better off. I always wondered how we got policemen to prosecute and operate against lawyers who are better trained. That is something which will soon become a thing of the past. The police also have a role to play in the custody of accused people.

A P3 Form is an extremely important piece of evidence. As things stand now the P3 Form is free because you can get it in the internet. The issue is once you have downloaded it, there is information that should be filled in by the police before it goes to the medical officers who should also fill it in. That is the greatest problem in as far as access is concerned.

The form can be downloaded but getting it filled is a problem. As much as it is free, we are aware that because of corruption, a lot of money changes hands at this level and some of it is not receipted. It is not even revenue to the Government.

The use of a P3 Form requires urgency which, sometimes, is not given. In a case such as rape, if there is delay in filling this form and the evidence is not preserved, it is lost completely. Even if the form is used later on, it is not very useful. The P3 Form is supposed to be filled by a doctor who would later on present it as a piece of evidence in court.

Again, there is a big draw back here because it is filled by medical officers who often work in hospitals. In fact, the police surgeons who are supposed to fill them are extremely few and are only available in Nairobi. Because of this, most of P3 Forms are filled in Government hospitals. It is only on few occasions that people go to look for private doctors.

Hon Temporary Deputy Speaker, doctors who are supposed to fill P3 Forms undertake other duties in hospitals such as treating patients. So, the truth is that many times doctors feel that they are doing work which is not theirs. Later on, they have to present a P3 Form in court still feeling that they should not be doing that work. This is because they are not even supported in terms of logistics, finances and transport. Many a time, they have to travel out of their duty stations and yet it is hard to get financial support.

Hon. Temporary Deputy Speaker, the whole process is in a way weak. Therefore, it does not support access to justice. We know that there is a forensic department which is linked to the police but that department is extremely weak even in terms of investigation. So, that is an area that we need to look into. Things could be much better if we had a strong forensic department dealing with P3 Forms.

The situation is getting worse now that we have devolution. Health is a devolved function and a doctor who is supposed to fill this form is responsible to a county government, while the justice system is a national function. So, there are many problems because doctors may feel they are not responsible because their bosses feel that it is not their function. I do not think the police have power.

Perhaps courts have power to summon a doctor, but that is only if they have filled the form and have been asked to appear before court but have failed. In this case, a judge can issue summons to have the doctor appear before court. However, if they decline to fill the form then who is going to force them? I do not see how the police can force them because this is not their department. We should look at this big short coming.

In my view, we have to develop this Motion further and strengthen the forensic department of the police so that we can have doctors working there. In fact, they need to be trained. There is a bigger problem because sometimes the medical officers who fill the forms are not trained in forensic medicine. As a result, a lot of evidence is lost in the process.

I know we made an attempt to get the Police Pathology Laboratory, but we all know the direction it went. So, that is what needs to be done. Hon. Temporary Deputy Speaker, I know we cannot get police surgeons in each and every hospital where people will seek this service. Therefore, there is need to coordinate well the Police Service and county health services. As at now, this is something that is left at the whim of a doctor.

Many doctors feel that if they do not fill a P3 Form, they have not neglected their duty. That is where the justice system will fail. People cannot get a fair hearing if there is no evidence. This is because the Judiciary only deals with evidence that is brought before it by the police who must get it from medical officers who have filled the forms. So, the whole system is weak.

So, we need to strengthen the forensic department of the police and make the relationship between the police and the county health systems clear, so that a doctor knows that, that is his or her duty. It is like what happens in a postmortem. If you call a doctor to do a postmortem for the police, he or she feels that it is not his or her job. He or she will say that his or her job is to treat people and that he or she is not a police officer.

Hon. Temporary Deputy Speaker, I support this Motion but we need to strengthen and expand it to include the suggestions I have made such as strengthening the forensic department of the police and having a properly structured coordination mechanism between county health services and the police. This is because it will take a long time before we get police surgeons in each and every area of police jurisdiction.

With those remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Omulele): I am really enlightened by submissions by Hon. (Dr.) Nyikal. You have spoken to the quality of the information that goes into this very important document. Having looked at some of them you find that the entry is generally talking about blunt objects having caused injuries. However, we need to talk to the quality of the information that goes into that document that an injured person records his injuries. We shall now have Hon. Jacob Macharia, the Member for Molo.

**Hon. Macharia:** Thank you, very much, Hon. Temporary Deputy Speaker. At the outset, I support this Motion by Hon. Omar Mwinyi. It is a fantastic one. I would like to begin by explaining the woes of many Kenyans. We are aware that whenever Kenyans hear about a fee to be paid for any document in a Government office, most of them do not get there. Many have lost their IDs but when they are told that an abstract costs Kshs50 they do not go for it so that they can get a new ID. Those who go to register for IDs go away when they are told that they need to pay Kshs100 for a photograph.

On the issue of a P3 Form, if there is any case where Kenyans are required to obtain one, most of them are not aware about the procedure to be followed. As a result most of them forego those cases. You will hear them saying: "If it is about a P3 Form, I will leave it."

Hon. Temporary Deputy Speaker, it is important that if a P3 Form is going to be issued to Kenyans, it should be free of charge. There should be some training or capacity building among Kenyans to know what exactly a P3 Form is, how it is issued and who is supposed to issue it? This is because it is shrouded in mystery when Kenyans are told that it should be given by a police doctor.

Most of the times this is shrouded in mystery when a Kenyan is told that it is issued by a police doctor and to most Kenyans' imagination a police doctor is biased. The moment one says a police doctor is going to issue this, most Kenyans think it is not going to reflect the way it is supposed to be.

Therefore, I support this Motion. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. Hon. Richard Onyonka, you have just come in. What is out of order?

**Hon. Onyonka:** Hon. Temporary Deputy Speaker, my apologies. I pressed the intervention button by mistake.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. I thought so.

**Hon. Onyonka:** If you allow me to speak, I will appreciate.

**The Temporary Deputy Speaker (Hon. Omulele):** No. You have just come in. You will have to wait for a little while. I give this opportunity to Hon. Alice Chae, the Member for Nyamira.

**Hon. (Ms.) Chae:** Thank you, Hon. Temporary Deputy Speaker for an opportunity to also support this Motion. Where I come from, there are so many problems which my people are facing and they need assistance.

I thank Hon. Mwinyi for this Motion. It is going to make P3 Forms free. The notion in the minds of the people is that the P3 Forms are charged. Accessing these forms from the police stations has been an issue. The questions asked to the people who need these forms are wanting.

A specific example is that of people who have been assaulted and mostly rape victims. They do not get it easy. The questions the women are asked by police officers keep them away and they do not get assistance. I understand that the form has got three parts. The first part is supposed to be filled by the police officer and the second part by a medical officer or practitioner who has carried out the examination to give the medical details of the injuries sustained. Therefore, if there is no understanding on the part of the police officers about the public who need these services then they will not be assisted.

I request the police officers to understand that their work entails serving humanity. They need to be humble and receive these people with courtesy. They should assist them get justice. This is simple assistance that the Government is supposed to give its people. I understand the P3 Form is a legal document which is produced in court if victims accuse perpetrators or report the injuries they have sustained. You find that sometimes police officers refuse to fill these forms. So, what is the process? As I have said, the process should be made clear so that if a person is injured he or she should be rushed to hospital or to the police station to get a P3 Form. Should one receive treatment or file the accusation first?

Sometimes there is confusion as to whether one should get treatment and later fill in the P3 Form in the police station or go to a practitioner or medical officer to fill the form. This form is again supposed to be returned to the police station because it is a legal document which is going to be used as evidence in court against the perpetrator. I support what the Member for Seme said, that we need to strengthen the forensic department of our police department so that doctors and police are available. Also the coordination between the police and hospitals should be made clear. We should let the people know that the P3 Forms are free. When they are told to pay, they should know that the police officers or the doctors want to be bribed. Again, remember that you can go to a practitioner who needs to be paid consultation fees. That means you pay that in order for you to be examined.

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



**The Temporary Deputy Speaker** (Hon. Omulele): Very well spoken. I have heard you talk about technical barriers of access to justice using this form. We shall have Hon. Johana Kipyegon.

**Hon. Kipyegon:** Thank you, Hon. Temporary Deputy Speaker. I also want to make my contribution on this particular Motion by Hon. Omar. I only wish that he does not leave this matter to rest in shelves of this House or the archives of Parliament. I really hope that he follows it up and brings an amendment to the Bill which concerns the P3 Form. We will have a law that will guide or force the concerned authorities to ensure that they deal with this matter comprehensively.

I hope that at the time he brings it as a Bill, I will second it. The P3 Forms are required when one is attacked, involved in a fight, rape cases and accidents. These are very fundamental issues because when dealing with rape and defilement cases especially on minors, sometimes these young children are frustrated when they try to get this form, which they are supposed to use in court to file their cases.

I think that there are some few things in this country which are very cheap, but the Government has not paid serious attention to them. I must applaud the Government for making maternity services free in most hospitals. The only problem is that sometimes there are no hospitals to go to. Even if some of these services are free, at times it is hard to access them. The Government must make medical care completely free. Although, we know there are some particular treatments which are very expensive, but they should be made free to a certain level. There are some treatments which do not cost much, but at times you find patients are unable to access medical care because of small charges.

I wish the Government would make postmortems free because sometimes they are needed at a time when nobody is prepared and you need these particular documents. Not only postmortem documents should be made free, but also burial certificates and others. They should be made easier to access so that when people are aggrieved or want to access these documents they can do so without many problems. As much as the State has also tried to make filing of cases almost free, sometimes you find that filing some cases becomes a headache. We need to make this service accessible just like what the Constitution states that justice must be easier and accessible to everybody. Sometimes, payments make people not to access justice because there are some hurdles which people go through to get justice.

There are also services which the State should make easier to access and free, for example, issuing of identification cards, registration of births and deaths, and certificates and passports especially for students.

These are the services that the Government must ensure are rendered for free. Sometimes it becomes hectic for people who want to be issued with national identity cards yet the individuals are born in Kenya, with both parents being Kenyans. It becomes very difficult for one to acquire a registration certificate. It has become especially hard for *wananchi* to access registration services. Sometimes people have to travel for 10 to 20 kilometres to access the certificates. We must make it easier for people to get the P3 Form, especially in areas where people seek treatment. People should be able to have P3 Forms filled, when necessary. We should also devolve the distribution points of the P3 Form to the dispensary level so that we do not force people to travel distances of 10 kilometres to have such forms filled in.

Hon. Temporary Deputy Speaker, some of us come from counties where even accessing a dispensary is a problem. For example, in my constituency, the highest level of hospital is a health centre, and there is only one such facility in the entire constituency. I do not know if the county

government has upgraded any of the dispensaries to increase the number of health centres to two. You can imagine a whole constituency with a population of over 100,000 people. We do not even have a sub-county hospital. The only health facilities we have are dispensaries. Therefore, getting these particular forms filled in is difficult. That is why I think it is prudent for the State to ensure that they make it possible for *wananchi* to access these services. This is because these are services that you do not readily access when you need them. They are services which circumstances force you to seek.

Just like other countries, Kenya is aspiring to join the Second World. Of course, we are in the Third World. Kenya is emerging as one of the fastest growing economies in this region. We are almost attaining a Second World status. The only thing that is hampering this country is corruption. If this country had gone the Magufuli way, especially given that Kenyans are very hardworking people, we would have attained a First World status. People in the First World countries enjoy free medical care and other essential services.

I must congratulate one of the county governors of this country although he has so many political wars to fight. It is the only county where a governor has managed to give people aged 65 years and above free NHIF medical cover. They have also managed to give people in the same age group cash transfers. It is only the Governor of Bomet County who has achieved that in the whole country. Although he has so many wars, I must give credit where it is due. What he has done is an example that other county governors in this country should emulate so that both men and women aged 65 years can access free NHIF medical cover. The NHIF medical cover costs only Kshs2,500 per family. At times it goes to as low as Kshs1,500. That is not something that this country cannot afford. This country can afford to lose billions of shillings every year through corruption.

Most of the projects that are being undertaken cost billions of shillings. Every Government project worth Kshs10 billion loses about Kshs3 billion through corruption – a sufficient amount to purchase NHIF medical cover for our elders who are 65 years old and above to enable them access medical care. If you go to private hospitals, at times you get a bill of Kshs300,000. These are poor people. They do not have any earnings.

I wish this country could take the right direction so that we can take care of our citizens, on whose backs we ride. We demand that they vote for us by making them to go to polling stations to vote in a new government, Members of Parliament and governors after every five years. Why should we not reward them with things like free NHIF medical cover and make P3 Forms readily available, and enabling them to easily acquire national IDs, birth certificates and death certificates, when they require them? Why do we not enable students who are due to travel abroad for further studies to easily acquire passports? Why do we normally charge them Kshs4,000 as if they belong to the working class of our society? You can even charge us Kshs100,000 as Members of Parliament since we are working. Why charge a student who wants to travel abroad Kshs4,000 passport processing fee? What the President was trying to say yesterday, although he said it in a different way, is that corruption is manifested in the Civil Service. Where this money gets lost is not in the private sector. You have never heard of any bank ----

**The Temporary Deputy Speaker** (Hon. Omulele): Very well, Hon. Johana. We shall now hear Hon. George Omondi of Alego Usonga.

**Hon. G.W. Omondi:** Thank you, Hon. Temporary Deputy Speaker. I will be very brief in discussing this Motion.

Yesterday we saw His Excellency the President go ballistic and saying that he was very frustrated because nothing is working as far as fighting corruption is concerned. I sympathise with him because Kenya is made of the rich and the middle class. That is why you see nobody at any particular stage thinking about access of justice by the poor. The passage of this Motion will go a long way to make sure that the poor also access justice. A poor member of our society is denied justice simply because he cannot afford Kshs1,500. Because he cannot raise that amount of money, the P3 Form will not be signed for him despite the fact that he may be badly injured. That means he will not access any justice at all.

What I am saying is that in this country nobody thinks about these people because this country is for the rich and the middle class. For the top class, Kshs1,500 is nothing. They can pay even 10 times the amount. For example, recently, somebody in my constituency was cut with a *panga*. When the family of the victim got in touch with me, I asked them why they could not report the matter to the police. They told me that in order for the police to record their statement, they need to look for “something” small. That was before they got to the Kshs1,500 for filling in the P3 Form so that they could access justice. For the police simply to take your statement indicating that you have been cut by somebody, you need to look for around Kshs3,000. These are some of the things we should be looking at. The poor are being denied justice simply because they are poor.

The Government has gone ahead, in some cases, to provide free legal representation to people who cannot afford to hire lawyers. It is only in order that the free medical examinations proposed in this Motion by Hon. Omar Mwinyi are approved so that people can access justice, just like the criminals who now access justice because the Government provides for them. Hon. Nyikal talked at length about the problems we face. The Government of Kenya can afford to recruit a police surgeon for every county, who will then move around the sub-counties as per a publicised tour programme to sign P3 Forms to enable people access this important service. We know the ones which are going to be most needed and are urgent like in rape cases. Those can be fast-tracked so that each and every county can have a police surgeon so that there is no backlog.

The problem we have in this country, as we have said, is corruption. Even if this Motion is passed, will it work? What we need to tackle before all these things happen is corruption. We will put them in place, pass them over here and say they are now for free and we have police surgeons in each and every county, but they are still going to look for something small. This something small can only be afforded by me and other people like you, and not the common man. Let us put our feet down and fight corruption in this country, so that all those small things can be seen to be working.

On the issue of cash being given out to the older people, it is also not working. That is because the cash is being given and the person who is giving it also wants something small. That is corruption. Even in the small National Government Constituency Development Fund (NG-CDF) that we give, we end up giving somebody Kshs5,000 to take their children to a day school. But a CDF committee member is looking for Kshs2,000 out of that Kshs5,000. Corruption is killing this country and it is frustrating our economic development. Before you invest, you must put something aside for corruption and yet, you did not factor that into your cash flow.

As I support this Motion, I recommend and request that all of us fight corruption. Let His Excellency the President not cry that he is being frustrated. He has the powers to chase away those guys at the Ethics and Anti-Corruption Commission (EACC). They are people who give names and yet, nobody is taken to court after that. They spoil people’s careers. Let His

Excellency get rid of those fellows. If we get rid of those fellows, people will see there is something wrong and the small fish will stop being corrupt.

With those few remarks, I support this Motion with recommendations that we do it, but we sit on corruption and fight it until we clear it.

Thank you, Hon. Temporary Deputy Speaker.

*(Hon. Kipyegon stood up in his place)*

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. Hon. Johana, you were heard in silence. You will allow others to also be heard. We shall have Hon. David Kangogo, Member for Marakwet East.

**Hon. Bowen:** Thank you, Hon. Temporary Deputy Speaker. Thank you for giving me this opportunity to add my voice to this important Motion, and thank Hon. Mwinyi for bringing it.

The P3 Form has been a big issue. It has been a big problem to many Kenyans. Even where there are obvious issues like someone being assaulted, a child or woman being raped; with enough witnesses and evidence; at the police station, police officers will tell you they cannot proceed until you fill the P3 Form.

Sometimes, the victims of that nature are unconscious. Someone may be in hospital and cannot even recall what happened, but they still need to fill a P3 Form.

This is a timely Motion. We need to pass it so that we have many Kenyans accessing justice in this country.

Given Article 48 of the Constitution on access to justice, we should make this very important form free so that any one, at any given point, gets it. It should not matter where one is. If I am travelling from Mombasa and I have an incident somewhere on the way, I should be able to go to any police station, fill my P3 Form and get assisted.

Like someone has said, apart from the P3 forms, there are so many other things that we need to put in place, like the issue of identity cards and pressing machines for identity cards. People are still travelling far; some from even Turkana and Mombasa. All those identity cards are done here in Nairobi. It would be proper that the line Ministry decentralises the issuance of identity cards so that many Kenyans can access them. This will be good. You can imagine a case where an identity card is taken back home and you find that the names in the identity card are of a woman, but the image is a man. It takes almost three or four months to make that correction. That is because you have to fill those documents again and they have to be sent all the way to Nairobi for the corrections to be made.

There is need for this country to have an integrated identity card which can be used as a voter's card, identity card and driving licence. We should have everything integrated in one system. If you check most of the wallets of these Members of Parliament here and outside there, you will find that they have an identity card, a voter's card, a National Hospital Insurance Fund (NHIF) card, a National Social Security Fund (NSSF) card and even the biometric cards for this House. As you walk around, you have a big wallet and someone thinks you have a lot of money. But it is full of cards like the Automatic Teller Machine (ATM) cards and many others. So, there is need to have an integrated system where you have one card serving all those functions.

The President admitted that---

**The Temporary Deputy Speaker** (Hon. Omulele): Mr. Bowen, are you suggesting that your ATM card should be integrated together with your identity card?

**Hon. Bowen:** Not really. It is the common ones like the driving licence, the NHIF card and NSSF cards. For financial cards, that may be a bit separate.

This morning, the President admitted that he is a frustrated man and that corruption in the country is massive. It is exactly what is happening and it trickles down to the police stations. Even if those forms are made free today, you will still go to the police station and you are told: "We do not have copies. We are still waiting for them from the headquarters." It is because they want something small from you so that they can give you the forms.

As I speak, as a Member of Parliament for Marakwet East, we have a problem. It is still on the issue of corruption, the police and security. In the Kerio Valley of Elgeyo Marakwet County, men, women and children are living in caves. The insecurity in Kerio Valley is worse than ever. The police are patrolling the roads, but the people are dying.

In the Supplementary Budget, this honourable House gave out money to the Kenya Police Reservists (KPRs) to be deployed in those areas. Up to date, that money has not been released. We voted that money here in this House, but people are suffering in Kerio Valley. We are burying three people this weekend, who are victims of cattle rustling. To this Government, it is business as usual. State House is holding conferences of this and that. The other side of the Government is doing their own things. Maj-Gen. Nkaisery is walking around giving threats to Members of Parliament on this and that and yet, people in my constituency and Elgeyo Marakwet County are dying.

It is the same corruption we are talking about here. This House appropriates over Kshs100 billion to the Ministry of Interior and Coordination of National Government and that money is wasted in the name of buying security equipment. That security equipment cannot reach Kerio Valley to protect my people against banditry. At the end of the day, there are so many reports in this House.

I am in the Public Accounts Committee (PAC). We have tabled so many Reports in this House about massive corruption in the Government, especially in the security docket, but nothing has been done. Instead of even reducing the budgets of those ministries, we are told to increase them and pass them using the tyranny of numbers in this House. I am very annoyed this morning because the runaway insecurity in my place is not a concern to this Government. People are moving from one part of the constituency to another conducting *Harambee*, and there are people who are dying in Kerio Valley and no one bothers. If we are told that the people in Kerio Valley do not matter, then I can stand before this House and ask Members to come before my people, do *Harambee*, buy our own guns and bullets and fight as if we do not have a Government.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Bowen, how relevant is that to the Motion before us?

**Hon. Bowen:** Hon. Temporary Deputy Speaker, I was talking about corruption because it has really finished this country. It has also affected our security.

In concluding, I want to thank Hon. Mwinyi. We want to see the Committee on Implementation of this House do its work. We pass many Motions of this kind, and they need to be implemented to the letter. It should not just be an opportunity for us to talk here. I want to ask the Mover to develop this Motion into a Bill, so that we can bring an amendment to the National Police Service Act to make this document free.

I support, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall hear Hon. John Waluke, the Member for Sirisia.

**Hon. Koyi:** Thank you very much, Hon. Temporary Deputy Speaker. I want to start by telling Hon. Kangogo that he should withdraw his last statement; that he will tell his people to buy guns and protect themselves. That is not the Motion we are contributing on.

I want to thank Hon. Omar Mwinyi for having brought this Motion. It is a very fundamental Motion and I support it. This country needs all of us. We need those police officers because they are very important. They are our brothers and sisters. Many of us have contributed by saying that the police are bribed to give out P3 Forms. I was asking my neighbour if it is true that the police sell P3 Forms and he said yes. But there is no proof. If you ask somebody to say how much money he or she has paid to get a P3 Form, you will get nobody.

Members of Parliament should not rely on hearsay to contribute on the Floor of this House. If it is done, my suggestion is that we should pass the law so that it goes the military way. In the military, every department has an officer in charge. If it is medical, they have doctors. If it is education, they have teachers. The police should apply that. The forensics department should have medical officers so that when we pass a law here saying that the Government Printer should print enough P3 Forms to be given to the police in the forensics department, it can be done. This will ensure that if somebody wants a P3 Form, he or she will just go to the police forensic department and get it for free. Let it be strict. Sometimes, people disregard the laws in this country, but we need to reinforce that the P3 Form must be free of charge for the Kenyan citizens, so that they can get the services that they are supposed to get. There is no evidence from any of us here who can say that he or she went to a police station and bought a P3 Form.

I support this Motion and I thank Hon. Mwinyi for bringing it. Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now hear Hon. Ngunjiri, the Member for Bahati.

**Hon. Ngunjiri:** Thank you, Hon. Temporary Deputy Speaker. I want to support the Motion because it is very important. I also want to thank Hon. Mwinyi for a job well done. We are touching the lives of the poor person. When we talk about P3 Form, that is where corruption starts.

As we handle this issue, we should also remember that, that is where corruption starts. When we say that P3 Forms are being sold in the police stations, I have realized some of those things are even happening in my constituency. Maybe, the police are not selling the P3 Forms, but the brokers in between the police and the public are the people who sell those forms. We should also not condemn the police completely. We also need to make sure that things are done the way they are supposed to be done.

When somebody loses his mother, father or a friend and then you start asking them for money and they are in pain; that is not good. They are told for instance: "For the postmortem to be done, you must give money." That is where corruption starts. Those doctors are being paid by the Government. We need to strengthen this Motion to make sure that Kenyans get the services they deserve.

An Hon. Member said – and I want to support him - that, if the Government is paying for maternity fees, then when somebody is leaving us, we must make sure we are giving the services to the family who are left behind. We need to strengthen this. Hon. Mwinyi, you have done well. That is where corruption starts.

I also want to take this opportunity to tell Members not to divert from what we are discussing and go to something else. This Motion is very important for all of us. It is out of order for an Hon. Member to start saying that we need to raise money to buy guns - although that is

your work, Hon. Temporary Deputy Speaker. When you say we raise money to buy guns, it is completely different.

I have also heard some Member saying that the President was crying. I did not see the President cry yesterday. This is completely something different. The President was addressing Kenyans on corruption. Those are the issues we support as Members of Parliament. We need to fight corruption. I do not know where the issue of the President crying came in this Motion. This is something completely different. The President was addressing Kenyans on corruption and Hon. Mwinyi is talking about the problem of corruption.

As Members of Parliament, we are here to make sure we pass Bills that will help Kenyans. We have a big problem in our constituencies. People come to us crying that they have lost members of their families. They request us to help them with money for postmortem. We do not have that provision in the NG-CDF. In the end, that money comes from our pockets. That is a disaster. We need to strengthen these laws so that they can work smoothly. Let us not divert issues. If the Motion is good, let us stick to it and see how we can help. This is a very important Motion.

Hon. Mwinyi, I am so happy because you have touched on the lives of the poor. Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We will now have Hon. Richard Onyonka.

**Hon. Onyonka:** Naibu Spika wa Muda, kwanza, ningependa kutoa ahsante zangu kwa Mhe. Richard Makenga ambaye alikuwa mbele yangu katika orodha, lakini amenikubalia nizungumze kwa sababu nina mahali ambapo nahitajika baada ya dakika 15.

Pia, ningependa kutoa asante zangu kwa Mbunge mwenzangu Mhe. Omar Mwinyi kwa sababu Hoja hii ni ya heshima sana. Mambo tunayoyazungumzia ni yale ambayo hayawahusu wananchi ambao hawajiwezi. Ni mambo ambayo saa zingine tunayaangalia na kusema hakuna haja ya kuyashughulikia; tuyaangalie yale mengine makubwa. Jambo la kuwa na hati mtu akiumia ama akipigwa ni muhimu. Lazima mtu aende hospitali achukue ile hati ambayo itatumika kortini kama kuna kesi. Hati hii lazima iandikwe na daktari na itaonyesha vile mtu ameumia. Hili ni jambo muhimu na ni jambo ambalo tumeliachilia kama Wabunge na lilifaa kuangaziwa hapo mbeleni. Hiyo ndiyo sababu ambayo imenifanya nikaseme kuwa ndugu yangu Mhe. Omar Mwinyi amefanya vizuri kuleta Hoja hii, ili tuizungumzie na tueleze Wakenya ili waelewe kwamba kuna mambo fulani ambayo imefika wakati lazima tujihusishe nayo na kujaribu kuyarekebisha ama kutoa suluhu. Ni mambo nyeti ambayo yanawasumbua wananchi wa kawaida.

Kama vile ndugu zangu wamesema hapa, mtu akifariki, kupata ile hati ambayo daktari ameandika ili kuwe na upasuaji wa kuonyesha ni nini kilichosababisha mtu huyo kufariki ni ngumu sana. Hati hiyo inaonyesha sababu ambazo zilimua mtu huyo. Yaweza kuwa aliumia, ama alikua mgonjwa ama kwa sababu nyingine. Kazi yetu sisi Wabunge imekuwa ni kuzika watu. Ni shida sana kwa familia masikini kupata Kshs6,000 za kulipa daktari ili afanye upasuaje. Upasuaji huu lazima ufanyike kwa sababu hati ya upasuaji huhitajika kabla ya kumzika mtu.

Mambo hayo mawili yana uhusiano. Wabunge wenzangu wamesema ukitaka hati ya matibabu kwa hospitali, haiuzwi. Ningependa kuwaelezea wenzangu wajue kuwa wakati huu ukienda kwa hospitali, utaambiwa kuwa hati hiyo haiuzwi. Ukiwa Mbunge, hauwezi kuulizwa pesa hizo.

**The Temporary Deputy Speaker** (Hon. Omulele): Mhe. Richard Onyonka, nataka kukukumbusha kwamba uko na dakika mbili kabla tumwite mwenye Hoja kujibu.

**Hon. Onyonka:** Ahsante. Nitaharakisha ili nimalize. Lazima tuhakikishe kuwa wale wafanyikazi wa Serikali wanatoa hati hiyo kwa wananchi wa kawaida bila kutoa pesa.

Lazima tuhakikishe kuwa polisi hawatawaitisha pesa wananchi wakati hati inatolewa. Madaktari pia katika mahospitali wasiitisha mwananchi wa kawaida pesa wakati wanaenda kupimwa ili hati iandikwe .

Kwa hivyo, ningependa kumaliza kwa kumwomba ndugu yangu Mwinyi alete Mswada ili iwe sheria ya Kenya. Hiyo itahakikisha kuwa kila mahali kama hospitali, kortini ama polisi, hamna pesa ambazo wananchi wa kawaida wanaitishwa kulipa ili wapewe vyeti hivyo.

Ahsante sana. Pole kwa kuchukua muda mrefu.

**Hon. Kisang:** Thank you, Hon. Temporary Deputy Speaker, for giving me these few minutes to---

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. William Kipkemoi, you are out of order. We will now call upon the Mover to reply. The interest has been immense. I want to thank the Members for the interest that they have shown. We still have a list of about eight Members who are interested in speaking to this, but you know our time. The time is limited by our Standing Orders. I would have loved to give everybody an opportunity to speak, but it is time for the Mover to reply. You are free to approach him; he may wish to distribute some of his time so that the Members who have showed tremendous interest in this can have a word. Hon. Mwinyi.

**Hon. Shimbwa:** Thank you, Hon. Temporary Deputy Speaker. I thank the Members for the contributions they have made and the support they have given to this Motion. We are here as Members of Parliament to represent our people in matters that affect them directly. This is one matter that is of concern. There are issues that we need to bring to the attention of this House. One is the arbitrary arrest of members of our public. I am sure every Member of Parliament has such issues in the constituency. The law is very explicit that the arrest should be made where a crime has been committed. Nevertheless, those things are going on unabated. We need to come up, as Members of Parliament - and not as helpless people, but people who have the mandate of the people - to make sure that such things stop forthwith.

We have heard several contributions from our Members. They are all valuable. I know we have some colleagues who still want to contribute. I would wish to give some two minutes to my brother Makenga, one minute to my brother Ababu, one minute to Barchilei and one minute to Onyura. At least, we share so that each one can contribute.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Mwinyi, one minute to the gracious lady.

**Hon. Shimbwa:** You are welcome, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): So, we will start with the lady. Hon. Grace Kiptui. You have one minute before we move on to Hon. Richard Makenga.

**Hon. (Ms.) Kiptui:** Thank you, Hon. Temporary Deputy Speaker. Thank you, Hon. Mwinyi for considering us. We have said a lot about this Motion. I rise to support it. During my yesteryears as a practising advocate, we used to come across issues that *wananchi* had when they were referred to go and collect documents. Most of them may not know where traffic doctors are. That is a great challenge. We should not burden our people while acquiring those procedural documents. They should get those forms for free so that they can smoothly move to the next level of seeking justice.



**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Richard Makenga.

**Hon. Makenga:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to thank Hon. Mwinyi for the two minutes he has donated to me to speak on this important Motion.

This Motion looks at the vulnerable and helpless people in the society. Access to the P3 Form should be free. With 50 years of Independence, we should embrace technology. We should have a way of making that form accessible to doctors. We should just put the P3 Forms on the website so that it is accessible to everybody. The doctor must be qualified to have the authority to sign the P3 Form.

As I support the Motion, I would like to thank the President for coming out very passionately to talk about corruption in our country. He should continue fighting the vice.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Barchilei.

**Hon. Barchilei:** I want to be brief. We need to have one special doctor in each of the counties to review the P3 Forms.

Secondly, we have allocated the National Police Service (NPS) enough resources. They should buy advanced photocopy machines for all the sub-counties so that our people can get the P3 Forms free of charge. The Jubilee Government is digital. We should avail those documents on the website so that doctors can download them free of charge and fill them.

On insecurity, we have allocated enough resources to Hon. Nkaissery to employ the Kenya Police Reserve (KPR) officers. Why is he still dilly-dallying? Insecurity in Elgeyo Marakwet County is claiming so many lives. People are now living in caves. If he is not going to employ KPR officers, we should re-vote that money to another agency.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Onyura.

**Hon. Onyura:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. This document should be easily accessible, available and easy to fill. It might be a simple document, but it is very important in the process of seeking justice.

The same spirit and principle should apply to other enabling documents; for example, the national ID, police abstract, birth certificate, death certificate and burial permits. Those documents are free under the law, but there are so many hidden expenses in acquiring them. We should help our people to acquire those documents for free so as to bring down the cost of living. Such documents should be free.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Ababu.

**Hon. Ababu:** I would like to applaud my brother, the Member for Changamwe, for this pro-people and pro-vulnerable Motion. One, there is nothing in the law that makes the P3 Form available at a fee. We need a regulation by the Ministry to declare in certain terms that, that service is free.

Two, we should do this within the broader agenda of reforms in the health sector. I have sponsored a Bill that should be coming to this House very soon; the National Health Insurance Bill which, if enacted, will provide a broad platform to provide public insurance facility for vulnerable Kenyans across the board.

I urge this House in advance that, even as we discuss this Motion, we should make it part of that broader agenda to reform the health sector and make healthcare available, accessible and affordable to the vast majority of our people. Actually, every citizen in this land should---

**The Temporary Deputy Speaker** (Hon. Omulele): We shall have Hon. Barchilei. You have one minute.

**Hon. Barchilei:** Thank you, Hon. Temporary Deputy Speaker as well as the Member for Changamwe Constituency. I rise to support this Motion. On that matter, I want to say that free issuance of P3 Forms is possible because the Government has shown its ability. The Government is able to do this because we have free issuance of identity cards. The Jubilee Government has also provided free maternity services. Definitely, as per the Motion by Hon. Mwinyi, I believe the Government will give free P3 Forms to the people.

I am the Member of Parliament for Soy Constituency. I am a farmer too. I believe that the Government will also consider giving free fertiliser to farmers in Eldoret, so that we can provide enough food to this country. I want to tell the President that, as he gives free P3 Forms as per the Executive Order, he should give the farmers---

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Mwinyi, you have one minute to finish what you have to do.

**Hon. Shimbwa:** Thank you, Hon. Temporary Deputy Speaker. I thank my colleagues who have contributed. I am delighted and moved by the passion that Members have shown to the Motion. I believe, out of their contribution, we will ensure that doctors will be available and the courts will also give priority to cases of assault and rape so that victims can be given the treatment they deserve - unlike in the current situation where somebody defiles a minor and he is left free because the courts are not ready or the doctor is not available to fill the P3 Form. This is a basic human right and Kenyans should be accorded that facility. The law is explicit that the dignity of a person must be maintained at all times. When a person is assaulted or raped, the dignity has already been shattered. Therefore, he or she must be compensated by the act of the law.

The law of this country should be seen to protect the citizens. The police should only be there to enforce it. The law must be there to ensure that our people are protected.

I beg to reply.

**The Temporary Deputy Speaker** (Hon. Omulele): Next Order!

#### SUPPORT FOR YOUTH INNOVATION BY GOVERNMENT

**The Temporary Deputy Speaker** (Hon. Omulele): Let us have Hon. Isaac Mwaura. Hon. Isaac Mwaura not being available, we shall defer this Motion to when it can be listed in the Order Paper.

THAT, aware that there are many talents amongst the youth of this country; having noted that this talents have been severally displayed through various inventions and innovations by the youth in platforms such as the Science Congress and the Annual Youth Innovation Week; concerned, that most of these discoveries do not go beyond making sensational newspaper and electronic media stories; noting that most of these innovations are aimed at addressing the problems that afflict us as Kenyans on a daily basis; further concerned that there is inadequate enabling legislation and administrative measures to support these innovations; cognizant of the fact that the Kenya Vision 2030 seeks to make our country an industrialized middle-income economy in the next 14 years; aware of the immense potential for wealth creation and job opportunities that such innovations would generate if well-developed and commercialized; also recognizing that our imports are well in excess of Kshs. 1.3 billion shillings, a gap that would be narrowed if we had our own local production, this House urges the

Government to support youth innovation by creating an innovation fund and a national incubation system, among other measures.

*(Motion deferred)*

Next Order!

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE  
MATTERS RELATING TO GMOS

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Wilber Ottichilo.

**Hon. (Dr.) Ottichilo:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that the Government banned the importation of Genetically Modified Organisms (GMO) imports in 2012; further aware that the Ministry of Health which initiated the ban has consistently maintained that GMO foods are not safe for human and animal consumption; considering that no tangible evidence on the same has been provided; cognizant of the fact that local and international scientific institutions and stakeholders have consistently endorsed the use of GMO foods as a necessary measure for the present and future food security in the country; concerned that the National Bio-Safety Authority (NBA) established under Bio-Safety Act was not involved in the decision to ban the use of GMO foods in the country; concerned that the country continues to lose millions of shillings monthly in lost business opportunities related to GMO products; further concerned that research on bio-technology and bio-safety has stalled; this House resolves to establish a Select Committee to comprehensively investigate and inquire into all matters relating to GMOs, consider and review all related research findings, make recommendations and table its report within ninety (90) days, and approves the following Members to constitute the Committee:-

1. The Hon. (Dr.) Wilber Otichilo, MP – Chairperson.
2. The Hon. Japhet Kareke Mbiuki, MP.
3. The Hon. Rachael Amolo Ameso, MP.
4. The Hon. Ejidius Njogu Barua, MP.
5. The Hon. Sunjeev Kaur Birdi, MP.
6. The Hon. Timothy Moseki Bosire, MP.
7. The Hon. Joyce Akai Emanikor, MP.
8. The Hon. James Wambura Nyikal, MP.
9. The Hon. Florence Kajuju, MP.
10. The Hon. Robert Pukose, MP.
11. The Hon. Cecilia Chelang'a Ng'etich, MP.
12. The Hon. Florence Mwikali Mutua, MP.
13. The Hon. Rachael Koki Nyamai, MP.
14. The Hon. Francis Chachu Ganya, MP.
15. The Hon. Harrison Garama Kombe, MP.
16. The Hon. Ferdinand Wanyonyi, MP.

17. The Hon. Richard Katemi Makenga, MP.

Hon. Temporary Deputy Speaker, this is a highly technical subject. I would like to have some time to explain to the Members of this House what Genetically Modified Organisms (GMOS) are. It is something that Members need to know to be able to debate. Secondly, I need to let the House know the available legal and regulatory framework on GMOs in Kenya. Third, I need to inform the Members of this House the origin of the ban of GMO crops in Kenya and the impact of that ban. Fourth, I need to inform this House more about the Report that was generated by the Ministry of Health through a taskforce in 2013 and its implications.

I need to inform the House the efforts that have been made by the Departmental Committee on Agriculture, Livestock and Co-operatives on this subject. This is because it has been a matter of concern to them. Finally, I also need to inform this House why this Parliamentary Select Committee on genetically modified crops is important, because it hinges on food security of our country.

As you are aware, this country is having a major challenge with food security because of changes in weather. As you have heard from the print and electronic media, most of the areas in North Eastern and Coast are suffering from severe drought, which is causing a lot of pain to the people in those areas. We have seen livestock dying and people going without food for a whole week. So, the issue of genetically modified crops is so essential and that is why this House needs to know the details about those crops and why they are necessary, and also the risks involved.

Everything we do in life has benefits and risks. This House must be well informed about this, as we make a decision on whether as a county, we should promote genetically modified crops or not. It will depend on well scientifically presented information to this House. I see time is moving very fast and allow me to say what genetically modified crops are.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Ottichilo, even if we adjourn today, you will still have time. I think this is a very important topic.

**Hon. (Dr.) Ottichilo:** Hon. Temporary Deputy Speaker, let me now slow down because I was moving fast because of time. Genetically modified crops are nothing new in science. It is where we have crop breeding through a simple biological process. For example, you can take pollen from maize or any other crop, and put it on another crop of the same variety, but of different genetic composition. You, therefore, end up with a good crop variety. Plant breeding is part of genetically modified crops. The only difference is that in plant breeding, it takes a long time to remove pollen or a gene from one crop to another of the same variety. It also takes a long time for you to come up with a new hybrid crop.

With the advent of technology, it is now possible to remove a gene or that small part of an organism that makes it and transfer it to another crop. That hastens the process of breeding and you end up with more superior crops to the old ones. Otherwise, in normal life, the crops we grow have wild relatives. For example we have wild millet which is a relative of millet. It has certain qualities and, if you cross the wild and domesticated millet, you end up with a better quality which may be resistant to various diseases. I just want to make this clear because this is a very complicated subject and I want Members to understand it. It is just like breeding animals. When you want to take your animal for breeding---

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Ottichilo, I agree with you that this is a subject that we need to pay very close attention to. You will have a balance of 10 minutes when the Motion appears again on the Order Paper. You will have time to finish what you are saying.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.