

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 1st September, 2016

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

Hon. Members: Hon. Members, I have a number of communications to make. You will be required to note the day and the time for each event.

LAUNCH OF SDGs IN KENYA

Hon. Members, I wish to inform the House that I am in receipt of a letter from the Executive regarding the planned official launch of the Sustainable Development Goals (SDGs) in Kenya.

As you may recall, the Government of Kenya was instrumental in the development of the SDGs. It is, therefore, keen to fast-track domestication and operationalisation of this new global development framework. I also hasten to state that several delegations from relevant parliamentary committees and caucuses, such as the Disaster Risk Reduction Caucus and the Parliamentary Caucus on MDGs, participated in the deliberations that developed the SDGs. It suffices to say that the Legislature's strategic position in governance is necessary for enactment of enabling legislation, appropriation of funds for implementation of this important framework and exercising oversight over the implementation, among other roles.

Hon. Members, to this end, the Executive, through the Ministry of Devolution and Planning, will convene a forum of key stakeholders to build awareness on the SDGs and officially launch the SDGs in Kenya. The launch is scheduled to take place on Wednesday, 14th September, 2016 at the Safaricom Stadium, Kasarani, from 9.00 am and will be presided over by His Excellency President Uhuru Kenyatta.

In this regard, I hereby draw the attention of the House to this important event and invite all hon. Members to attend and, more particularly, those caucuses that are mentioned above, which participated in the development of the SDGs.

Thank you.

IMPLEMENTATION OF NTSA (OPERATION OF MOTOR CYCLES) REGULATIONS, 2015

Hon. Members, this Communication relates to a matter that was raised by the Member for Kiharu, Hon. Irungu Kang'ata, on the alleged implementation of regulations by the National Transport Safety Authority (NTSA).

As I indicated yesterday, there is various ways by which the regulation-making authorities may deal with regulations soon after they are gazetted and, more particularly, the requirement by the Statutory Instruments Act for the tabling of those regulations or any other regulations in the House within seven days.

I want to confirm that NTSA did not table before this House the NTSA (Operation of Motorcycle) Regulations, 2015, for ease of reference. The Cabinet Secretary for Transport and Infrastructure transmitted the gazetted NTSA (Operation of Motorcycle) Regulations, 2015 to the National Assembly for tabling as required under Section 11 (1) of the Statutory Instruments Act, 2013.

As usual, the Regulations were referred to the Select Committee on Delegated Legislation for scrutiny to see whether they conform to the Constitution and the enabling Act, pursuant to which they are made or any other laws of the country and the principles of good governance and rule of law.

The Select Committee on Delegated Legislation held a meeting on Friday 19th June 2015 to scrutinize the said Regulations through which the Committee approved the Regulations having observed that the Regulations are in accordance with the Constitution, the parent Act and other written laws of the country.

Pursuant thereto, there was no need for the Committee on Delegated Legislation to table a report. In keeping with our Standing Order No. 210(4) (a), those of you who have copies of the Standing Orders could be looking at them so that the hon. Member for Kiharu may rest. Standing Order No. 210(4) says as follows:—

“(4) If the Committee—

(a) resolves that the statutory instrument be acceded to; the Clerk shall convey that resolution to the relevant state department or the authority that published the statutory instrument.”

Therefore, there is no need for tabling the Regulations. They can only be tabled here if the Committee does not accede to the statutory instrument, in which case the Committee may recommend to the House that the Assembly resolves that all or any part of the statutory instrument be annulled. The rest is provided under that Standing Order.

Therefore, the Member for Kiharu is advised that the Clerk of the National Assembly communicated to the Director-General of NTSA on 30th June, 2015 that the Regulations conform to the requirements of the Constitution, the parent Act and all other relevant laws of the country.

Therefore, their implementation violates no known law, unless the Member for Kiharu has imagined some recent ones.

Indeed, hon. Members, it is fair to commend the Committee on Delegated Legislation. It shows that the Committee has been working. It is only that the methods of doing their work are not always by reports here.

I will do the other Communication at the statement stage.

PETITIONS

ILLEGAL EXISTENCE OF NUMEROUS POLICE POSTS AND POLICE BARRIERS ALONG WEST POKOT—TRANS NZOIA BORDER

Hon. Speaker: It is reported that the Member of Kacheliba Constituency has a Petition, Hon. Mark Lomunokol.

Hon. Lomunokol: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity.

I stand to present a Petition on behalf of Hon. Moroto. It is by the Pokot Indigenous Population (SUK community) on the existence of numerous police posts and barriers along the border between West Pokot and Trans Nzoia Counties.

I, the undersigned, on behalf of the residents of West Pokot (SUK Community) County, draw the attention of the House to the following:—

THAT, in the recent past, several barriers and police posts have been introduced and stationed at the border between West Pokot and Trans Nzoia Counties;

THAT, it is estimated that 12 more police posts have been put up with a capacity of 500 Kenya Reserve Police (KPRs), contrary to the initial 5 designated in 1963 by H.E. the Late Mzee Jomo Kenyatta, EGH, the first President of the Republic of Kenya. Three were to be in Trans Nzoia and 2 were to be drawn from West Pokot respectively;

THAT, the primary reason for putting up those police posts in the said areas is to curb insecurity cases between West Pokot and Trans Nzoia Counties, with specific reference to cattle rustling;

THAT, the existence of those police posts and consequent barriers has caused unnecessary fear among residents of both counties due to unfounded allegations of insecurity from either side, thus fuelling hatred and bad blood between the two communities;

THAT, Chapter Four of the Constitution on the Bill of Rights, specifically Article 21, outlines the fundamental duty of the State and other state organs to observe, respect, protect, promote and fulfil the rights and fundamental freedoms, which the Petitioners feel they have been denied, especially the right to association under Article 36;

THAT, efforts have been made to have the stations removed by the relevant authorities but to-date, the plight of the residents has not been addressed;

THAT, any future plans by Government authorities to put up such an initiative in the area should factor in the consent of the county representatives as the voice of the people to promote mutual understanding and ownership;

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body;

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security:-

Recommends investigation to be conducted with regards to the issues raised in this Petition with a view to make appropriate remedial measures to address the plight of the Petitioners; and,

Make any other order(s) deemed fit in the circumstances of the matter.

And your humble Petitioners will ever pray.

Thank you, Hon. Speaker.

Hon. Speaker: Are there any comments on this Petition by Hon. Ali Rasso?

Hon. Dido: Thank you very much, Hon. Speaker. I rise to add my voice to that Petition. This Petition regards security. What we keep on seeing nowadays is confusing. Is it the counties which are responsible for security or the national Government authorities in those counties? This is because in the County of Marsabit where I come from, people are gradually taking over security duties of the national Government by coming up with something called "conservancies". Then, they are placing the KPRs in those conservancies. For me, that is like militarising those counties or areas. The national Government must take responsibility.

It is necessary that the Committee looks at why certain posts are necessary and who are the individuals manning them. Are they from the national Government or the counties as it were?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Daniel Maanzo?

Hon. Maanzo: Thank you, Hon. Speaker. Security in the country is not really the concern of those particular areas, but for all areas. I am sure most Members, including myself from Makueni, have been building police posts even using the Constituencies Development Fund (CDF). It is because security is very important. But, under the Constitution, it is under the national Government. There has to be a proper method of coordination between the

counties and the national Government. The main goal is to secure Kenyans wherever they are in the Republic of Kenya. I support the Petition.

There has also been the role of KPRs who are at some point misused. Now, it could be very important so that we can detect wherever there are people who are causing insecurity, including the terrorists.

I really support the Petition. I would like to participate in the Committee of the Whole House so that we can give ideas. Nowadays, security can even be monitored through electronic systems and social media, among other areas. It is no longer just the traditional insecurity, but an advanced one. There are many other methods of monitoring, and not just building fences or conservancies across the country.

I support the Hon. Member and thank you for the opportunity to contribute to this one. Thank you.

Hon. Speaker: I hope the Member for Kacheliba, because you brought your Petition directly, you intended it to be referred to the Departmental Committee on Administration and National Security. I just want to advice that in future, I must see the Petition. I need to know whether it should go to that Committee or which one.

Next Order!

PAPERS LAID

Hon. Speaker: Let us have the Vice-Chair of the Departmental Committee on Finance, Planning and Trade, Hon. Nelson Gaichuhie.

Hon. Gaichuhie: Hon. Speaker, I beg to lay the following Papers on the Table of the House today Thursday, 1st September 2016:-

The Reports of the Departmental Committee on Finance, Planning and Trade on:-

- (i) The consideration of a Public Petition to amend Article 231 of the Constitution regarding portraits on notes and coins issued by the Central Bank of Kenya (CBK).
- (ii) The consideration of a Public Petition to amend the Accountants Act No. 15 of 2008.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Chair of the Committee on Regional Integration, Hon. Kajuju.

Hon. (Ms.) Kajuju: Hon. Speaker, I beg to lay the following Paper on the Table of the House today Thursday, 1st September 2016:-

Report of the Select Committee on Regional Integration on its consideration of the East African Legislative Assembly Reports and Bills

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Speaker, before we proceed, allow me to recognise the presence of students from the following institutions:-

Jimsay Academy in Nairobi County in the Speaker's Gallery and Muhoroni Success Primary School from Muhoroni Constituency from Kisumu County. They are all welcome to observe the proceedings in the National Assembly.

Next Order!

STATEMENTS

Hon. Speaker: Before we go to statements, I have a Communication to make. Member for Kiharu, please find it in your space to relax, including the member for Emurua

Dikirr. Member for Emurua Dikirr, recently, there was some good news about some intentions.

(Laughter)

CONSIDERATION OF THE ELECTION
LAWS (AMENDMENT) BILL, 2016

Hon. Speaker: Hon. Members, this Communication relates to consideration of the Election Laws (Amendment) Bill 2016.

Hon. Members, you will recall that yesterday, Wednesday 30th August 2016 during the afternoon Sitting, during the Second Reading of the Election Laws (Amendment) Bill, 2016, the Member for Kisumu Town West, Hon. Olago Aluoch, rose on a Point of Order seeking direction from the Speaker on matters arising out of the debate. Specifically, he sought determination on whether the Members could propose amendments to the Bill in light of the Communication from the Speaker with regard to further amendments to the Report of the Joint Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC). The Member additionally sought direction from the Speaker on whether it would be proper for the House to continue debate on the Bill in its present form, which according to the Hon. Member, does not conform to the Resolution of the House on the Report of the Joint Committee on matters relating to the IEBC with regard to the recommendation to restrict candidates seeking political offices from changing parties – an act commonly referred to as “party-hopping”. Hopping like grasshoppers.

(Laughter)

Hon. Members, on the question of proposing amendments to the Bill, I am guided by the Communication issued on Thursday, 25th August 2016 on the consideration of the Report of the Joint Parliamentary Select Committee on matters relating to the IEBC. On that day, the Speaker did direct as follows and I quote:-

“May I reiterate that Report in itself makes recommendations, but whose actualisation lies in the passage of the two Bills. It is, therefore, in place of the House to look into itself and decide whether to engage in the current processes or await the Bills which will undoubtedly go through all the stages, including Second Reading, and consideration of any amendments at Committee stage, in accordance with the Standing Orders.”

From the foregoing, it is quite clear that any prescription on amendments in the Communication only applied to the consideration of the Report of the Joint Parliamentary Select Committee. Members of the House are, therefore, at liberty to propose amendments to and, indeed, to amend the Bill in the usual manner as provided for under the Standing Orders. Indeed, I dare say for clarity that members are even at liberty to propose amendments to the Constitution itself. That should settle that first issue.

Hon. Members, on the second issue on whether it is proper for the House to continue debate on the Bill, allow me to revisit the resolution of the House on the Report of the Joint Parliamentary Select Committee on matters relating to the IEBC. You will recall that the Hon Olago Aluoch had successfully moved the House to resolve to delete sub-paragraph (7) of Paragraph 659 of the Report relating to the recommendation to “restrict candidates seeking political offices from changing parties” – an act commonly referred to as “party-hopping”.

During the debate on the adoption of the Report and also in the Point of Order that is the subject of this Communication, the Hon. Member argued that the recommendation in the

Report and Clauses 8, 9, 10, 11 and 12 of the Bill contravene the political rights of an individual by prescribing timelines that restrict the individual from either changing parties or standing as an independent candidate in contravention of Article 38 of the Constitution and the freedom of association.

Hon. Members, the Constitution and legislation passed by this House outline a clear framework for the enjoyment of political rights and the place and regulation of political parties in our democracy respectively. Article 38 of the Constitution provides, and I quote—

“(1) Every citizen is free to make political choices, which includes the right—

- (a) to form, or participate in forming, a political party;
- (b) to participate in the activities of, or recruit members for, a political party; or,
- (c) to campaign for a political party or course.

(Applause)

(2) Every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for—

- (a) any elective public body or office established under this Constitution; or,
- (b) any office of any political party of which the citizen is a member.

(3) Every adult citizen has the right, without unreasonable restrictions—

- (a) to be registered as a voter;
- (b) to vote by secret ballot in any election or referendum; and,
- (c) to be a candidate for public office, or office within a political party of which the citizen is a member and, if elected, to hold office.”

A clear reading of Article 38 reveals that the political rights are not absolute, but are subject to reasonable restrictions, some of which are contained in the Constitution itself. The Constitution empowered Parliament to legislate on the regulation of the enjoyment of political rights, including prescribing any reasonable restrictions. Indeed, Article 82(1) of the Constitution, in this regard, provides—

“(1) Parliament shall enact legislation to provide for—

- (a) the delimitation by the Independent Electoral and Boundaries Commission (IEBC) of electoral units for election of members of the National Assembly and county assemblies.
- (b) the nomination of candidates.
- (c) the continuous registration of citizens as voters.
- (d) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections and
- (e) the progressive registration of citizens residing outside Kenya, and the progressive realisation of their right to vote.”

Hon. Members, as you may recall, the Tenth Parliament in line with the requirement under Article 82 of the Constitution passed the Elections Act, 2011 to regulate among others the procedure for the nomination of candidates by political parties. Indeed, the Act currently obliges political parties as well as persons intending to stand as independent candidates to submit various documentation to the IEBC within stipulated timelines. Generally, it regulates

the activities of political parties and candidates in the period before an election. The Act requires parties to-

- (a) Conduct primaries at least forty five days before the general election at section 13.
- (b) Submit their membership lists to the Commission at least forty five days to a general election provided for at section 28 and
- (c) To submit their nomination rules to the Commission at least 90 days before the general election at section 27.”

Further, Hon. Members, the Constitution itself prescribes a timeline that “locks out” independent candidates from being members of a political party. Article 85(a) of the Constitution provides-

“Any person is eligible to stand as an independent candidate for election if the person –

- (a) is not a member of a registered political party and has not been a member for at least three months immediately before the date of the election.”

Hon. Members, it is therefore evident that the timelines contained in the Election Laws (Amendment) Bill, 2016 are not new or unusual. The timelines and indeed the rest of the Bill constitute proposals placed before the House for consideration, adoption, amendment or rejection. I must note that in addition I have scrutinized the Bill and I do not find any provision that may be interpreted as violating the fundamental rights and freedoms afforded under the Constitution, including the freedom of association and political rights. This, as I have previously ruled, does not preclude any individual from seeking a determination of the constitutionality of the provisions of the Bill after its enactment in the High Court as the body mandated to interpret the Constitution and other laws under Article 165. Please be guided accordingly. I thank you.

Next Order.

STATEMENT

LONG RECESS

Hon. A.B. Duale: Hon. Speaker, I beg to give the statement on behalf of the House Business Committee and pursuant to provisions of Standing Order No.44 (2)(a).

On behalf of the House Business Committee I rise to give this statement.

As usual, the House Business Committee met on Tuesday this week. At the outset and without anticipating debate, I wish to remind Members that the House is scheduled to proceed for a long recess commencing tomorrow as per our calendar. As a result of this, the House Business Committee has not scheduled any Business for next week.

The following business will be accorded priority after our recess if the Motion for adjournment is carried this afternoon.

1. A review of the calendar of the House to allow the consideration of the budget related items in a timely manner looking at the August 2017 General Election.
2. The Committee of the whole House for the following Bills will be done once we are back from recess
 - (i) The Public Finance Management(Amendment)Bill 2015
 - (ii) Kenya Defenses Forces (Amendment) Bill 2015
 - (iii)The proceeds of Crime and Anti Money Laundering (Amendment) Bill 2015.
 - (iv)The Bribery Bill 2016 and,

(v) The university (Amendment) Bill 2015

The House will also consider several Private Member Bills and Motions and the pending Senate Bills.

I now wish to lay the statement on the table of the House.

Thank you Hon. Speaker.

Hon. Speaker: Hon. Members, it is my hope that everybody is in possession of the current Order Paper titled “Supplementary1”. I want to point out the reason why it is titled Supplementary1. It is because as contained in my latest communication and as indeed, I promised yesterday, several Members have proposed amendments to the Election Laws (Amendment) Bill.

Some of those amendments are being formatted by our legal department so that they are in a language that respects the decorum and dignity of the House. So, they will be coming to the House a little later. I know that there is need for at least every Member to have a look at them and apply themselves appropriately. Therefore, for the time being, we will proceed with this Supplementary Order Paper No. 1. If we can clear the Business appearing as No. 10, then we can go into Committee with regard to the Kenya Regimental Territorial Force Repeal Bill and the Election Offences Bill then if we finished that, report to the whole House and if the time is still not before 6.30 p.m. we can then allow the Hon. Leader of the Majority Party to move any other business before we move to committee to consider that other Bill which has got numerous proposed amendments by Members as well as by the Committee.

So, I hope that we will have a similar staying power as yesterday to consider the Business as is slightly to be churned out.

Next Order.

PROCEDURAL MOTION

APPROVAL OF A SITTING AT 6.45 P.M.

Hon. A. B Duale: Thank you, Hon. Speaker, I beg to move a Procedural Motion

THAT, pursuant to the provisions of Standing Order No. 30(3)(b) this House resolves to hold a sitting today Thursday, 1st September, 2016 commencing at 6.45 p.m. for the purpose of considering urgent Business before the House.

This is a straight forward matter and it is a safeguard Motion. If we finish our Business by 6.30 p.m. then we are okay particularly the two Bills. However, in the event that some of us did our PG yesterday and some have been called to some places today. Yesterday they were accusing me. At least we had breakfast so the other baba in the political arena has spoken.

If we finish the Bills, then we will not go to the next Session. Last evening, you were with me here and it was very interesting. We did very well and we were over 100-plus Members of Parliament (MPs) until 8.30 p.m. This was something which was very unique and shows that MPs are serious people.

The Chairlady of ODM - Homa Bay County - is talking to me from the other side. Can I ask the man who works under her - Hon. Kaluma, to control her? You know he is her *mtu ya mkono ndani ya hii Nyumba*. So, you can talk to her. This is just for safeguard and I want to tell my colleagues that this is our last day. Let us finish the business so that we can have the month of September to go and deal with our constituencies, National Government Constituencies Development Fund (NGCDF) matters and our families.

I beg to move this procedural Motion and ask my counterpart, Hon. Nyenze, to second.

Hon. Nyenze: Thank you, Hon. Speaker. I rise to second this Motion. It is good to pass those two very critical Bills which have been negotiated. It is only fair that by the rise of the House today, we complete that job. With those few remarks, I second.

Hon. Speaker: The Member for Samburu, if you could take a seat quickly or just freeze! The Member for Kiminini, if you could allow us to finish this!

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Members, I also must commend you and the House for yesterday's Sitting that started at 6.45 p.m. There were far too many Members. I wish it was possible to allow in the Standing Orders that Members will be sitting at 6.45 p.m. onwards. It looks like that is the time when Members are able to apply themselves better. I congratulate the Members.

MOTION

RATIFICATION OF THE DEFENCE COOPERATION AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA
AND THE GOVERNMENT OF THE UNITED KINGDOM

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Co-operation, laid on the Table of the House on Wednesday, 6th July, 2016, and pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Co-operation.

(Hon. Gethenji on 19.7.2016)

(Resumption of Debate interrupted on 1.9.2016 – Morning sitting)

Hon. Speaker: Chair of the Committee.

Hon. Gethenji: Hon. Speaker, I beg to move. No! I beg to reply.

Hon. Speaker: You beg to reply. Member for Kwanza, you are too thirsty. Stay a bit for one minute and we will be through.

(Question put and agreed to)

BILL

Second Reading

THE PUBLIC FUNDRAISING APPEALS BILL

Hon. Speaker: Order, Members! I think it is fair to appreciate that this Bill originated in the Senate and has been with the Departmental Committee on Justice and Legal Affairs for a long time. Therefore, I would want you to apply yourselves to it fully so that we can accommodate the rest of the business.

Hon. Chepkong'a, do not deal with that Member.

Hon. Chepkong'a: This Member thinks that he has left some *mira* here. I am trying to advise him that it was banned in the United Kingdom (UK) and that the treaty has already been passed. So, he should wait for another day.

Hon. Speaker, I beg to move that the Public Fundraising Appeals Bill (Senate Bill No.28 of 2014) be read a Second Time.

(Loud Consultations)

Hon. Speaker: Order Members! Please lower the decibels. The consultations are too loud. Hon. Abass, this Bill is important. Look at its title, The Public Fundraising Appeals Bill (Senate Bill). That is the more reason why many of you ought to pay great attention to the Mover as he begins to move. Proceed, Hon. Chepkong'a.

Hon. Chepkong'a: Thank you, Hon. Speaker. Let me alert the Members that they need to be very keen. This is a very important Bill. Some people may lose their jobs for participating in certain activities which they think are noble. This Bill outlaws those activities. So, they better listen. Some of the activities that they may be intending to participate in, if this Bill becomes law, they will cease to participate in them.

The principal object of this Bill is to provide for the establishment of regulatory mechanisms at the national and county levels, which oversee the conduct of fundraising appeals to provide for the licensing, regulation of fundraisers and the promotion of transparency and accountability in the conduct of fundraising appeals. The philosophical underpinnings of this Bill and its rationale seek to replace the Public Collections Act Chapter 106 of the Laws of Kenya that was enacted in 1960 and has been amended severally.

This is part of the relics of the colonial past and so, we are seeking to replace this Bill. We are also seeking to align this Bill with the new Constitution which was passed in 2010 and the devolved structure contained in the Constitution of Kenya. The law as it is at the moment. The Public Collections Act Chapter 106 is not sufficiently passed to address corruption tendencies associated with voluntary contributions famously known as '*harambees*'. Further, the Public Collections Act excludes from its purview charitable and religious purposes and yet, this forms a large component of *harambees* as well known in Kenya.

The Bill is based on the need to reduce the culture of dependency *that harambees* have inculcated in the society, extending even essentially private affairs to the larger public. As you know, *harambees* as currently known have been misused. Members of Parliament are even invited to pre-wedding *harambees*. This Bill seeks to create a framework within which some of those fundraising appeals or *harambees* are regulated, so that the ones for private use are outlawed and those for public use are licensed.

Many of those Members of Parliament, if they were listening, find that fundraising cards contain their names even without their consent. This Bill seeks to outlaw that practice. For example, at times, I find my name appearing on so many fundraising cards without my knowledge and I am told I failed to attend and yet, I was not informed. I always ask: How was I informed? This Bill seeks to outlaw such kinds of practices by creating a mechanism in which the person seeking to conduct a fundraising gets a licence at the county level. If you want to conduct a fundraising or *harambee*, you must apply for a licence and you must contact all those persons you want to participate in the fundraising.

This Bill seeks to engender accountability and transparency in the conduct of public fundraisings. The Bill seeks to establish a Fundraising Appeals Committee which, among other things, will regulate and monitor the conduct of all fundraisings or *harambees* and establish mechanisms for the promotion of transparency and accountability. It also creates County Fundraising Appeals Committees whose functions include regulating, monitoring and evaluating fundraising appeals within the county. It defines fundraising appeals, indicates who can undertake fundraising appeals and lays out the procedure for applying for permits, conditions to be fulfilled and consequences of not following those conditions. It also defines and excludes private fundraising appeals from its provisions. It also stipulates that records and accounts of fundraising appeals must be maintained at all times. At times, we conduct fundraisings and no one keeps records. At times, people disappear with the monies collected. So, we want to ensure that the monies collected from the public are accounted for. The Bill also makes provision for regulation of fundraising appeals at the national level. The Bill, therefore, concerns county governments in terms of Article 110 of the Constitution. It has already been passed by the Senate. The Bill emanates from the Senate.

As enunciated in Clause 3 of this Bill, the objects and purposes of the Act are to provide a structured process for conducting fundraising appeals and for making contribution in relation to a *harambee*. It also provides a regulatory framework as I have stated for transparency and accountability. It also protects the public from fraudulent, misleading and coercive fundraising appeals or *harambees*. It establishes a framework of standards for persons and entities involved in the conduct of fundraising appeals. It also provides a framework for the establishment of social development funds and such other funds and investments that may provide sustained economic income for the benefit of the public.

Finally, this Bill seeks to provide a platform for the provision of fiscal incentives as a means of encouraging donations and voluntary contribution in relation to fundraising appeals. This Bill seeks to provide some incentives to persons who seek to be generous. Those people who want to be engaged in philanthropy in terms of contributing from their investments will be able to make the monies you have contributed as part of your returns to KRA. This is a very important Bill because it seeks to establish a legal framework within which *harambees* or fundraising appeals can be conducted.

This Bill establishes a national committee that will regulate fundraising appeals across the country. The functions of the national committee include collaboration with the County Executive Committee (CEC) members in the performance of their functions as enshrined in this Bill. It will also oversee the conduct of fundraising appeals. It will receive and vet applications for issuance of a licence to conduct a public fundraising appeal where such appeal is a national appeal or is publicly made to members of the public in more than one county. Thirdly, it will also investigate any complaints of misuse of funds raised through a fundraising appeal or any other such issues that may relate to the conduct of a fundraising appeal or a *harambee*. It will also establish mechanisms for the promotion of transparency and accountability in the conduct of fundraising appeals. Those are the functions of the national committee that will regulate fundraising appeals.

The Bill also gives the national committee power to call on any person to provide any other additional information concerning a fundraising or *harambee* that they intend to conduct within their area of jurisdiction. It also provides grounds for vacation of office by members of the national executive committee. The Bill also seeks to establish and provide for the roles of the CEC members. This Bill proposes to establish county executive committees where people who want to conduct fundraisings or *harambees* will apply for licences.

The functions of the county executive committee include receiving, vetting and processing applications for issuance of licences for the conduct of public fundraising appeals or *harambees* within the county. It will also regulate the conduct of fundraising appeals

within the county. It will also investigate complaints and misuse of funds raised through fundraisings or harambees or any other issues that may relate to the conduct of fundraising that has been conducted or to be conducted in their areas of jurisdiction.

Clause 15 of the Bill seeks to classify the various categories of fundraising appeals, that is, private and public. The Bill defines both categories of fundraising appeals. In the public fundraising appeal, the Bill indicates that it is solicitation made by a fundraising manager to the members of the public or a section of the public for a public benefit that is to be licensed under this Act, whereas private fundraising appeals consist of solicitation made by a person or class of persons on behalf of a person or class of persons to the members of the family or relatives of such person for the benefit of the person seeking to raise those funds. So, the Bill makes it very clear what a public fundraising appeal and a private fundraising appeal are.

In Clause 17, the Bill seeks to exempt certain categories of solicitation from licensing or from the purview of this Bill. The Bill, in particular, seeks to exempt the soliciting or receiving of any money or benefit in relation to any raffle, lottery or other activities, authorized or permitted under the Betting, Lotteries and Gaming Act or any other relevant law. The other one that this Bill seeks to exempt is the collections or donations meant for religious purposes. For example, tithes or offerings that are contributed in churches will not be licensed under this Bill.

Merry-go-rounds are also exempted in this Bill. Merry-go-rounds are not so popular in this House and that is why many Members are not listening. They are exempted from the purview of this law. Employees within a company have merry-go-rounds where they raise money for themselves. That will not be included in this Bill. It is expressly exempted from the application of this law.

The Bill in Clause 19 provides for categories of persons who may conduct a fundraising. In Clause 20, it seeks to prohibit or restrict the participation of public and state officers and elected leaders in fundraising functions or conducting fundraisers during their term as Members of Parliament, governors, President or Deputy President. This Bill will prohibit members who are State officers from conducting or participating in fundraisers or *harambees*. It will not only restrict Members of this House from participating in *harambees* during elections--- That is a separate matter where you ban Members of Parliament, governors, and members of the county assemblies (MCAs) from conducting fundraisings. That is in the Election (Amendment) Bill and it is for a period of six months. I know there is a proposal in the offing that seeks to extend the period to eight months. This is a permanent one so that during your tenure as a Member of Parliament, you will not be allowed to participate in fundraisings, unless you do so through proxy without being known. The Bill also seeks to outlaw the conduct of fundraising without a valid license. Once a licence has been issued, there are conditions that are attached to it and the law is express. If you breach any part of that licence, the County Executive Board (CEB) can revoke that licence. Once it is revoked, you will not be allowed to conduct a fundraising appeal or to conduct a *harambee*.

Fundraisings appeals that are conducted that do not violate any law will be allowed to be carried out. Any fundraising appeal that is inconsistent with this law or any other law, including Chapter 6 of the Constitution, will not be licensed; neither will it be authorized under this law.

The Bill, in Clause 24, seeks to outlaw corrupt tendencies or practises by Members of the Executive Committee both at the national and the county level. That includes soliciting for monies for them to perform their functions. It criminalizes such activities by outlawing it and making such conduct and behaviour criminal. Anyone who will be found guilty will be charged and sentenced for a period of about five years, depending on what the court decides.

Clause 27 provides for the duration within which the licence that a person has been granted will run for. Once that license expires, you will not be allowed to conduct a fundraising appeal unless you apply or renew that license. It will only be used for that particular purpose and for a certain period.

The Bill also provides that once a licence has been issued, it can also be cancelled for good reasons. Before a licence is cancelled, the law, in Clause 31, provides for due process to allow the Board to hear from the licensee why he or she is in breach of the conditions of the licence. Due process will be undertaken before the licence is cancelled. Where a licence has been cancelled, the person is expected to abide by the cancellation terms of that licence. That is the general gist and tenor of this Bill.

I, therefore, move it for Second Reading and I would like to request the Deputy Minority Leader - my very good friend - Dr. Wamalwa to second.

Hon. Speaker: Hon. Wamalwa, you are seconding.

Hon. Wakhungu: Thank you, Hon. Speaker; I rise to second this important Bill. I wish Parliamentarians were listening because this Bill is coming at the right time when we have so many fundraisings back home. During this time of elections, some people want to reap where they have never sowed. It is important that we have a clear framework that is going to guide this. I want to thank the Senate for coming up with such an important Bill. Some of us are where we are today because of *harambees*. This was the motto that was there at Independence. Of course, we appreciate that *harambees* are very important. Unfortunately, some *harambees* are being abused. We struggle so much from our little resources to add value. It could be a hospital case and you find that the money has been misappropriated. We are humbly requesting the Committee that is going to be put in place to process the applications on time.

We have done *harambees* in churches. Much as we have exempted tithes from the provisions of this law, we still need a clear clarification. Other than receiving the normal offerings, churches also conduct *harambees*, which have not been exempted. My suggestion is that when conducting a *harambee*, it must apply for that particular license. At times, we go to the constituency and find 100 cards mentioning us as the chief guests without having been consulted. If you do not go there for the *harambee*, you are told that you will not be voted in. That means it is being abused. It is against the spirit of *harambee* that was there in the 1960's. *Harambee* means coming together and pulling together. Even to get a child is a *harambee* because you are pulling from both sides to help. It is important that the issue of accountability is guaranteed.

In terms of framework, we have the private and public fundraisings. It is mostly in public fundraisings that this is abused. We have gone to *harambees* to assist, say, a student, who is going to India or some other country. Four months down the line, you find the student doing a parallel programme at Mount Kenya University. How do you follow up on such an issue for the sake of accountability? When you apply for that licence, I know there will be the element of bureaucracy. It is important that the Committee that will be put in place looks at it on a need basis and on the aspect of urgency. It might be a noble idea that needs some quick attention. As we approach elections, there is some specific timeframe that *harambees* should not be allowed, particularly to those who are going to contest because it will serve as bribery.

Hon. Speaker, we must have a clear timeframe that, as we approach the elections, particularly the Elections Offenses, we must know at what time to the elections we should allow the participants or candidates to participate in *harambees*. It will look like bribery.

In Kiminini, we will continue doing *harambees*. Some of us are where we are today because of the *harambees*. But we do not want the noble idea to be abused by some greedy people who want to benefit themselves. I do not want to talk too much because it is a straight forward Bill.

I request Hon. Members to support. I second. Thank you.

Hon. Speaker: Hon. Wamalwa forgot that the Elections Act, 2011 specifically - and I am sure Hon. Dalmus Otieno would remember that that is one of the first laws they passed after the promulgation of the Constitution - says that you do not conduct *harambees* eight months to the elections date. That is already catered for.

(Question proposed)

The Leader of the Minority Party.

Hon. Nyenze: Thank you, Hon. Speaker for giving me an opportunity to contribute to this very important Bill. I rise to oppose it in totality. The reason for opposing is that the poor Kenyan will suffer most. We know *harambees* have contributed to the education of some of us who are seated in this august House. We know the people we represent suffer very much. They always call for *harambees* to pay hospital bills, to settle funeral expenses and to build schools and churches. We know in Kenya there is unequal distribution of resources. If we regulate fundraisings through this Bill, it will be very difficult and expensive for the common man in the village to be going to the county level to apply for a permit to conduct an *harambee*.

I urge Hon. Members of this House, for ease of doing *harambees*, to oppose this Bill in its totality so that the common Kenyan who cannot even afford fare to go that place where they will be looking for people to approve that *harambee* will be saved.

When I look at this Bill, clause by clause, I see Hon. Members are complaining of having very many *harambees* and I understand they are not consulted on some of the *harambees*. But their names are put in the cards. But, let us look at the plight of Kenyans; that poor Kenyan in the rural area whose child has died and in that confusion calls neighbours to raise funds. When someone is mourning that he or she has lost a wife, husband, child or close relative the one they loved most, do we subject them to go and look for a committee somewhere to go and approve that *harambee*? We will waste time and we will cause more suffering to the bereaved. That is one of the reasons I oppose this Bill. I want us to maintain the *status quo* whereby it is free and easy to summon people who are near you to tell them what has happened and they congregate to help their friend. If we support this Bill, it would take a lot of time. We have seen it with the local administration. Whenever you go for an approval of something either to a local chief, you will find that they are not available and you do not want to break the law. What are we subjecting poor Kenyans to?

The Fund Raising Appeals Committee will only stress the time for those *harambees* to take place. This regulation will always make things very difficult for the people who are suffering. We have lived in this country for a long time and Public Collections Act addresses most of those things. Those additions we are bringing that for any fundraising to take place, there has to be permission or you have to appeal to get permission, would be subjecting Kenyans to a lot of suffering. Some of those things cannot wait like someone who needs kidney dialysis and is critically ill and the hospital is waiting for that money before they can admit that patient. The patient cannot be admitted before a deposit is paid. That patient comes from a very poor family. Do we go looking for the appeals board or the committee to grant them permission? In all fairness, we live in Kenya and we are not equal. Most Kenyans are not as privileged as we are. In fact, to put food on the table is very difficult.

I appeal to Hon. Members of this August House that the Public Fundraising Appeals Bill should be stopped at its bud and should never see the light of the day because it will put an extra burden to Kenyans who are already suffering.

With those few remarks, I oppose.

Hon. Speaker: Hon. Member for Nyandarua.

Hon. (Ms.) Muhia: Thank you, Hon. Speaker for giving me the opportunity to participate in this Bill. I was seeking some information from my friend Hon. Nyokabi. At the outset, this is a good Bill because politicians have mainly been misused. The spirit of *harambee* has been diverted and everything is *harambee* today.

I am bothered by who will implement this. During the last elections, the same law, though it was not very clear, said that *harambes* were not to be conducted eight months to the main elections. But you could still participate in the *harambees*.

I ask, through the Departmental Committee on Justice and Legal Affairs, if this can also appear in the Election Offences Bill like Hon. Chris Wamalwa has suggested.

(Loud consultations)

Hon. Speaker, the Members are too loud. I cannot hear myself.

Hon. Speaker: Hon. (Ms.) Tobiko and Hon. Bosire, you are in breach of Standing Order No.103. You cannot stand in front of the Member contributing.

Hon. (Ms.) Muhia: Thank you very much, Hon. Speaker. Even though this Bill concerns every other Kenyan, it mostly concerns us as politicians. It is high time that we guide the country as leaders in terms of framework. We need to put in place a law that will provide guidance so that people do not just wake up today or tomorrow and decide to hold a *harambee* and yet, there is no transparency or integrity and it is during election time. Today, people compete about who gives more during *harambees* and who attends the most *harambees*.

It is so sad for us Members of Parliament representing counties because we have several constituencies to cater for. You can attend four *harambees* in one Sunday. By the fifth *harambee*, a master of ceremony (MC) says that so and so is not in this *harambee* which means that he or she does not need their seat. It is harassing, intimidating and we feel misused. You cannot be omnipresent and attend all the *harambees*. The perception on the ground is that you should be able to attend all the *harambees*.

With those few remarks, I support the Bill and urge Members to support it. We need a framework so that we can move this country in the right direction.

Hon. Speaker: Let us have the Member for Ruaraka. Are you not contributing to this Bill?

Hon. Kajwang': Hon. Speaker, when you mentioned my name in volume, you were a little high, I thought that I had made a mistake and so, I was about to go under the table. As you know, I respect you very much.

I support this Bill. The problem we have in this country is the people themselves, namely the voters. We have decided to turn our votes into a money-minting machine. A vote now costs a lot of money. Because you know you will vote for someone, you must call a *harambee*. The churches are worse. They have devised ways of bleeding money out of everybody and everything that they can find. Today, you will find this bishop calling for this. Tomorrow, you will find a bishop from *Legio Maria* calling for something else. You are overwhelmed. There are so many application forms on your desk. If you do not contribute to any of them, you will be on your way out of the House. If politics are economic merchandise, the voters may as well tell us how much we have to pay so that we get those seats. If they want people who are corruption-free and who will not touch their money and do the things which they do not want, they must mean what they say. They must walk the talk.

I thank Prof. Nyong'o, a man I highly respect, for tabling this Bill. Many of us do not have the guts to say so because we fear going home. Professor knows that things are different. He has been here for a longer time and so, he can speak with authority. There is nothing you gain by pretending to have money which you do not have, and trying to dish it

out where it is not needed. Let the Government do its bit which is to develop the country. Get your money and promote good things such as helping out widows who need assistance. That is because they do not have husbands or orphans who do not have parents. However, you should not promote churches. Let those guys go to churches which have already been built. There are so many churches which have already been built. Why is everybody building a church and yet, they cannot even fill the ones which already exist?

I support the Bill.

Hon. Speaker: Let us have Hon. Katoo ole Metito.

Hon. Katoo: Thank you, Hon. Speaker. I must confess that I have just seen this Bill. I am not convinced that we should support it as a House for the following reasons. Just look at Clause 20 of this Bill. We should not support it in the current form.

Clause 20 states that an elected or nominated Member of Parliament or a County Assembly shall not participate in a fundraising function or conduct a fundraising activity during his or her term as a Member of Parliament. Clause 20 (2) states that a person who contravenes the provisions of this section shall be liable to a fine not exceeding Kshs800,000. This Clause alone does not allow me to support this Bill for one reason. Why are we exempting Members of Parliament or elected officials from participating in social welfare activities of assisting communities, while we open it up for other people to fundraise? We are becoming self-centred. We are trying to shield ourselves from what is happening in the society. If we are not careful, this Clause may work against us for the following reasons.

We are not barring the other political hopefuls - our opponents - from participating in those fundraisings. Once you are elected for five years, you are completely out of touch with what is happening in the society. Today, there may be a fundraising in aid of someone who wants to further his education. Tomorrow, there may be a fundraising in aid of somebody who has some medical bills and is from your constituency. There could be an emergency in your constituency for very needy people. Just because they have elected you and given you the honour of representing them either at the county assembly or National Assembly, you are not supposed to assist them. If we really want this Bill to pass, when we go to the Committee of the whole House Stage, the relevant committee of this House, namely, the Departmental Committee on Justice and Legal Affairs, should propose amendments to prevent us from looking like we are shielding ourselves from participating in social welfare activities in our societies.

However, there are good elements in the Bill like the need to control, monitor and promote accountability in fundraising appeals. This is a welcome move. As much as we are telling everyone who seeks a fundraising appeal to be accountable and transparent, we should not in any way fail to do the same. Suppose today it is a close family member of a Member of Parliament who is in need of a fundraising appeal and yet, you cannot participate just because you are an elected Member of the National Assembly or County Assembly. I urge the House to strongly object to this Bill in its current form. There is no one in this society who has it all. We all need one another. We must build churches. Those are the houses where we go to worship. Even your own house must be maintained from time to time. At times, our schools call for *harambees* to construct more classes.

You are the leader of that constituency and yet, you cannot participate in helping them construct those two classrooms or even buy a school bus just because a law has been passed in this House to stop you from doing so. We should have control measures to control public spending when we deal with fundraisings. Those controls should ensure that there is transparency on the usage of those funds. There should be a good schedule that ensures that we do not have 10 fundraising appeals in a day in only one constituency. For purposes of being part of that society, I will not refuse to participate in such fundraising appeals.

Because of those reservations, I oppose.

Hon. Speaker: Member of Parliament for Balambala.

Hon. Aden: Thank you, Hon. Speaker for giving me the opportunity to contribute to this important Bill. I support it because as a nation, we must look for means and ways to get sustainable development in our country. We must not make our people struggle with basics of life as we have seen them do. In my view, that is a better way to address real issues such as healthcare and education. We end up making our people look like beggars because of *harambees*. We should address their problems from a different angle. In this era of devolution, we have the Constituencies Development Fund (CDF) and county government funds and we can address important issues in our society. It is high time we think of universal healthcare and free education. By doing that, we will wipe out issues of seeing people struggling to pay school fees and literally walking around like beggars with forms and cards to raise money for school fees or healthcare for their loved ones.

Harambees are not sustainable. As we develop, our society is now more capitalistic. The era of thinking and caring for the community in terms of financial welfare is becoming smaller and for that reason, the State must now take over those responsibilities. We must deal with the *harambees* menace.

In some cases, *harambees* have been subject to abuse. They have been used by many people who use different names to raise funds for other purposes. If funds raised under very difficult circumstances are being abused, then controls proposed by this Bill are very good.

I must say here that this Bill does not entirely cancel *harambees*, but it says that they should be regulated. It also provides that there should be mechanisms for complaints and abuses so that the National Committee for Fundraising Approvals can look at the merits of the issues being solicited for funds. They can then approve them accordingly. There are also mechanisms for handling complaints.

I want to say that the *harambee* menace has been the root cause of corruption in this country. For example, with the kind of salary that I earn, where do I get money to contribute Kshs1 million in *harambees* every weekend? We must ask ourselves that question? It would certainly not be from genuinely earned sources. Politicians are 'soft' and they are sometimes compelled to attend those *harambees*. They end up looking for ways to get that money and, in my view, those are some of the root causes of corruption.

I have always told the people of Balambala that they must learn to live within their means, either from an individual or a society point of view. That spirit must be followed.

Hon. Speaker, I beg your indulgence before I say something: This is a House of records and yesterday, when I was out of the Chamber, I am told that somebody claimed that he will come to vie in Balambala Constituency. I want to say very clearly that every Kenyan is free to contest anywhere. It will go into history though. My friend on the other side now wants to leave the town to vie in the village since he refers to us as rural politicians. No one should lie to this noble House that there is a clan issue in Garissa County. Votes are determined by the Kenyan people democratically.

(Applause)

I want to set records straight and tell whoever leaves their constituency to come to mine that, we will make a special Internal Displaced Person (IDP) Camp and take care of them until August, 2017. We will then resettle them back to Garissa Town.

(Applause)

Hon. Speaker: Member for Balambala, just a minute. Hon. Members, if you must cheer, please do it in a dignified way. You are making it impossible for anybody to hear what Hon. Aden is saying.

(Hon. Ng'ongo consulted loudly)

Hon. Mbadi, I do not entertain in jest. If you must cheer the Member, do so in a manner that shows decorum.

(Applause)

Hon. Speaker: You must stop now. We want to hear what the Member of Parliament for Balambala is saying.

Hon. Aden: In relation to *harambees*, I never thought that I will ever organise for a fundraising event but, in August, 2017, I will invite all of you to raise funds to resettle IDPs back to their homes. I am happy that there will be a law to govern that particular fundraising.

Hon. Speaker: Hon. Abdikadir, are you talking about August, 2017?

Hon. Aden: Yes, Hon. Speaker.

Hon. Speaker: Hon. Aden, is it before or after 8th August 2017?

An. Hon. Member: It will be before 8th August 2017.

Hon. Speaker: If it will be before, then you will be in trouble unless you amend the law right now.

Let us now hear from the Member of Parliament for Emurua Dikirr.

Hon. Kipyegon: Ahsante sana, Mhe. Spika kwa kunipa nafasi hii kuchangia Mswada huu. Ningependa kupinga Mswada huu. Tumefanya raia wa Kenya kuwa maskini kupitia sheria tunazopitisha hapa. Tumeruhusu watu katika ofisi za Serikali kuiba pesa ili kupeleka kwenye *harambee*. Hivi sasa, hawana pesa ya kupeleka watoto wao shuleni ilhali tunaunda sheria ya kutukataza kuwasaidia.

Mhe. Spika, hii ni sheria ambayo Nyumba hii haitakikani kukubali iundwe. Hii sheria tunaunda hapa haifai kuundwa hata na Wawakilishi wa Wadi. Nikuulize Mhe. Spika, mtu ambaye anajifanya ana pesa na anajua raia huko nyumbani wana shida, anaundaje sheria hii? Siwezi kusema napeana pesa kila wakati. Hata mimi huwa na shida mpaka natumana Kshs5,000, Kshs2,000 au Kshs6,000. Ile shida ile raia wako nayo huko nyumbani---

Hon. Speaker: Lakini usiniulize mimi!

(Laughter)

Usiseme unaniuliza kwa sababu sitakujibu. Changia mjadala.

Hon. Kipyegon: Mhe. Spika, unajua raia wako na shida nyingi sana. Ukisoma jumbe tulizonazo kwa simu, utapata mtu anakuambiaz: “Mtoto wangu yuko hospitalini.” Mwingine anakuambia: “Kuna maiti imekawia kutolewa huko mochari iletwe nyumbani.” Hawana pesa. Mwingine anakuambia: “Mtoto wangu amefukuzwa kwa shule. Hana pesa.” Mwingine anakuambia: “Bw. Spika, wajua sisi hatuna hizo shida kwa sababu tunapata pesa.” Kwa nini tunataka kuwa watu ambao hawataki kusaidiana na wengine? Kwa nini tunakuwa wachoyo hadi kutoa ile kandururu kadogo tunako ndio watu wengine wajimudu ni vigumu?

Nilifikiria ninatoka familia ya matajiri, nikiwa kijana mdogo. Lakini ikafika wakati nilikuwa nataka niende ng'ambo kusoma. Wacha nikuambie! Watu walichanga, wakachanga na kuchanga. Wakati nilirudi, kuna mzee mmoja alinionyesha mti aliouza alete kwa mchango wangu. Haukuwa umekatwa. Halafu, unaniambia nikatazwe kuchanga. Hata kama niko na ndururu ama shilingi kumi, pia nitampelekea anayemtuma mtoto ng'ambo.

Hatutaki sheria kama hizi. Tuunde sheria inayosaidia Kenya hii. Tunatoka sehemu ambazo watu wanatoa mamilioni ya pesa kila wikendi. Kuna shida gani? Hawa ni watu wameshindwa kufanyia raia kazi. Sisi tumesema: “Kwa sababu wameshindwa kufanyia raia kazi, wacha wazilete hizo pessa kwa michango.” Hivyo, itakuwa tumetumia ile pesa angeleta kufanyia kazi.

Napinga hii sheria kabisa. Ningependa hii Nyumba isiwe ya kupitisha sheria mbaya. Tutumie hii Nyumba kujenga nchi yetu. Hakuna hatia kuchanga. Hakuna sheria yoyote kwa hii Nyumba ama kwa Katiba inayokataza na kusema ni hatia kufanya mchango. Uchaguzi unakuja. Utasikia kila hoteli Nairobi hii, iwe Inter-Continental au Laico Regency, Wajumbe wanaunda michango yao ya kuwasaidia kuwania viti. Hata Marekani wanafanya hivyo. Yaani, unataka usaidiwe kuchanga pesa za kwenda kuzunguka kutafuta kiti na hutaki kusaidia mama asiye na hata ndururu ya kupeleka mtoto shule?

(Applause)

Najua sheria hii ililetwa kutoka upande ule mwingine. Lakini, tuikatae ikifika hapa, tafadhalini. Hata rafiki yangu Mwenyekiti wa Kamati ya Kiidara ya Haki na Masuala ya Sheria aliyeleta huu Mswada hapa namuuliza autoe.

Mhe. Spika, unajua umaskini si kitu unajiitia. Mwenyezi Mungu hajataki yeyote kuwa maskini. Hakuna mtu Mwenyezi Mungu alimtuma duniani na kumuambia: “Nenda uwe maskini.” Umaskini unaletwa na shida. Shida moja ni kutokuwa na rasilimali. Shida ya pili ni viongozi wanaokataza wananchi kupata au kufikia rasilimali za nchi hii.

Kwa sababu tunataka michango iendelee, ile sheria ambayo labda tungekubali ni inayosema michango ifungwe miezi sita au mitano kabla ya uchaguzi. Saa hii, nimechaguliwa na raia. Raia wana shida. Eti naambiwa nisiende kwa michango miezi miwili au sita baada ya kuchaguliwa. Huenda mtoto wa mtu yuko hospitalini. Wengine wanafaa kupelekwa India kwa operesheni halafu tunaambiwa hatuwezi kuwachangia kwa sababu tu Wajumbe! Wewe ni Mjumbe wa nani kama huwezi kusaidia hata mtoto anayepeleka hospitali? Wewe ni raia aina gani uliye nacho na hutaki kusadia wengine?

Napinga. Napinga nikisema lazima turuhusiwe kusaidia watu wetu walio na shida katika nchi hii. Tuko na pesa iitwayo “bursary”. Tunajaribu kugawa hiyo pesa. Ukigawa, unagawa hadi iishe. Lakini, kuna wengine wameshindwa kupata. Wengine wanapata lakini haijatosha kulipia karo. Hapo ndio tunachukua fursa hii tuseme twende tuchangie na kuwalipia.

Ningependa niseme napinga huu Mswada. Tunakemea aliyeleta Mswada huu. Atafute Mswada mwingine wa kuleta kwa hii Nyumba.

Napinga. Ahsante.

Hon. Speaker: Hon. Member for Makueni Constituency.

Hon. Maanzo: Thank you, Hon. Speaker. I also stand to oppose this proposed law. The reason---

Hon. Speaker: Sorry, Hon. Maanzo. I will give you one minute. Allow me to recognise the presence, in the Public Gallery, of pupils and students from the following institutions:-

Technology Primary School, Kiharu Constituency of Murang'a County; Mwangoji Primary School, Mwatate Constituency in Taita Taveta County and St. Augustine's High School in Elgeyo Marakwet County. You are welcome to observe the proceedings in the National Assembly.

Proceed, Hon. Maanzo.

Hon. Maanzo: Thank you, Hon. Speaker. The reason I want to oppose this law is because it is a little difficult to legislate on morals or good conduct. If it was not for

fundraising, I would not be a Member of this House today. I would have probably perished and died in Makueni while I was young. But, the daughter of the Queen of England called Princess Ann used to conduct regular fundraisings in evenings to raise money to educate me and others at the Starehe Boys Centre and School. If they were not willing to give, 15,000 boys and many others in this country through the Save the Children Fund, we would never have been educated. For that matter, it is a little selfish for leaders to legislate against donations. The donor should be aware of fraudulent seekers of monies from the public.

Therefore, it will be a little difficult to legislate in a matter whereby a person is willing to assist. When they are not able to assist, it is okay. Nobody forces them to.

The spirit of *harambee* is what has built this county for many years. It is only that the fundraising, with the laws which we already have, have been monitoring the electioneering period, which is likely to be abused. Ordinarily, when it comes to churches, it is a place of God and God is a judge of church leaders who raise monies for the wrong purpose and steal monies fundraised for the development of sanctuaries or places of worship. Therefore, it is a matter which should be left to an individual to decide whether they want to do it or not. For good morals and what is encouraged in most religions in the world, it is to give. In fact, my experience Hon. Speaker - and I have also seen it is yours - the more you give, the more you are blessed. If you visit hospitals today, there are some helpless people who are sick. They did not invite sickness. A little bit of fundraising helps them to reach medical care. Not everybody is able to be insured against sickness and other things.

When I was elected to Parliament, there was a young lady who had died. Her body was in a mortuary for three months. When I was elected, the family came here and approached me. We could not raise a total of Kshs700,000 of the Kenyatta National Hospital (KNH). So, we fundraised a little bit. Then, I wrote to the KNH. When they assessed the case, they accepted part of that bill. That is how that family managed to bury their loved one. With that body hanging there, left in a morgue in Nairobi, the family would never settle. So, this being a moral issue, we need to leave it to the leadership. I want to believe that the laws which exist are sufficient to take care of exploitative fundraising during the electioneering period.

You will see that members who are in public service or elected have been excluded. The aspirants conduct fundraisings from the first year to the fifth year we are serving. That will definitely disadvantage those Members if that was the idea or if it was a law. We cannot legislate against giving the less fortunate. I believe even in the Islamic Religion, you are encouraged to give alms to the poor. You are encouraged to give and to donate. A person who is donating should be cautious not to be conned or exploited. This Bill has already been drafted. Maybe, we draft it again or during the Commute of the whole House, we reorganise it. I think giving is a good thing. Fundraising is a good thing. All that should be done with good morals within the existing laws which we already have. The giver should not be forced. They should give what they have. They cannot give what they do not have. I oppose and I thank you for the opportunity you have given me to oppose this Bill.

Hon. Speaker: Member for Kiharu.

Hon. Kang'ata: Thank you, Hon. Speaker. Let me say that giving is very positive. Therefore, to that extent, I would not want to support a Bill that appears to criminalise the act of giving, particularly when it comes to the issues relating to medical fundraising. In my own opinion, I would advise the person who came up with this Bill to exempt what we call medical *harambees*. They are very touching. In my assessment, I do not think we have strong social insurance scheme to support all kinds of problems which affect our people.

However, I belong to the school of thought that there is no country that can develop on the basis of *harambees*. I strongly believe that there is a tendency of those fundraisings creating what we call a neo-patrimonial state. That is a state where we do not treat citizens as

people who have rights, but as clients who we can only empower by giving them some money. To that extent, I have a problem with a situation where people want to give out and shout about it. Why is it that we cannot give money in *harambees* in confidence or give a donation without shouting about it?

The former President Mwai Kibaki, truthfully speaking, did a very good job. He was not known with this culture of giving out contributions in *harambees*. I also know that if we politicise *harambees*, poor people can never become Members of Parliament because we are now going to start evaluating leaders on the basis of how much money they have. So, you find a poor person can never become a Member of Parliament. He can never become a Member of County Assembly (MCA), which is very unfair. We need to evaluate people on the basis of leadership skills and not how much they can give through *harambees*. In any event, how much money can we give out to *harambees* and sustain development? Most likely, it is an iota of the problems which our people are facing. I belong to the school of thought that it is the State that should be allocating resources and not individuals. Of course, it is also unfair that you, as a leader, at times, may find a situation where a person is so desperate that it is so inhuman for you to fail to support that person, but why shout about it? The Bible says blessed is the hand that giveth than the one that taketh. It also says very clearly that you should not go shouting about your goodness. Why can you not give it in silence? I recall very well a verse in the Bible where Jesus was talking about three people who went to pray. He was saying that one person went there saying how he helps poor people and how he does so many things in public. Jesus was very unhappy with such kind of a person. You could see in his teachings Jesus was very unhappy with such kind of a person. You could see in his teaching Jesus was very clear that when you want to do good, do not shout about it. God is going to bless you without you going to a public market and saying how you have done good things. In my assessment, this idea where politicians go giving out money and shout about it is not only morally indefensible, but it should also be encumbered by a law. To that extent, the spirit of the law makes some sense. Yes, we should proceed with *harambees*. I support this idea of helping poor people, but this issue of politicising *harambees* will never make this country go forward. We are creating a neo-patrimonial state. Our people do not have rights. We are just buying their loyalty. We will let people make political decisions based on their leadership decisions.

We brought the National Government Constituencies Development Fund (NG-CDF) because of the culture of *harambees* that was pervading this society. As a Member of Parliament, they realised there was no way we can afford to grow our society based on this culture of *harambees*. So, you bring an institution called NG-CDF where, if the people have a problem, they apply and when you allocate resources, you can demand for accountability. You know where that money is coming from as opposed to *harambees* where, when you make demands to me, I can decide that I will steal to get money to give you in *harambees* so that you can be happy.

In my opinion, I take a middle stand in this thing. It is true. There are situations where as a human being, you need to support others through *harambees*. However, on the other hand, this culture of *harambees* is creating what we call a neo-patrimonial state, where people do not have rights. You are treating them as if they are your clients. In my assessment, I urge that we amend this Bill and only allow medical *harambees*. But if you want to go and give out contributions, you should do it in private and confidential manner. You should put your money in an envelope just like Jesus said. Jesus was very clear that when you are doing well, do not shout about it. Let God bless you without you saying you have given millions. We may be creating a loophole for corruption and Kenya will never go ahead.

With those few remarks, I urge Members to somehow take the middle stand.

Hon. Mirenga: On a point of order, Hon. Speaker.

Hon. Speaker: Do you have a point of order? Do you know what an intervention is and what a point of order is? You want to contribute. I am following the list. Let me call the next person on the order who is Member for Mwingi Central. That is the way it is.

Hon. Mirenga: On a point of order, Hon. Speaker.

Hon. Speaker: What is out of order? Member for Kisumu Central, you are not very regular in contributions. Maybe, you want to say something now.

Hon. Mirenga: Thank you, Hon. Speaker. Allow me to suggest that the Mover be called upon to reply so that we dispense with this boring Bill that, obviously, the whole House, as you can see, is agreeable to the fact that we need to just defeat it so that *harambees* can go on. The author of this Bill can style up and help the community.

Hon. Members: No!

Hon. Speaker: Hon. Obura, I appreciate that you realise there is heavy business that is before the House. However, on the other hand, it is not something that we can wish away when you have 41 Members queuing to contribute to a Bill. I hear you. You are absolutely right that there is some serious business that needs to be transacted. I have just instructed the Clerk's Department to get me an update on the stage of the amendments. Once we know that they are ready, I will use my other power to stop debate on this Bill to another date so that we can get into that other business.

Hon. Mirenga: Thank you, Hon. Speaker. You may reduce the time to three minutes.

Hon. (Ms.) Nyasuna: Three minutes.

Hon. Speaker: The Member for Homa Bay, you cannot say "three minutes" when you are seated there. It is never done that way. Let us hear the Member for Mwingi Central.

Hon. Mutambu: Thank you, Hon. Speaker. Actually, the Member for Homa Bay has taken almost two of my minutes. I stand to oppose this Bill for simple reasons. All of us come from different backgrounds and not every community has the means like the other. I was listening keenly to my good friend, Hon. Kajwang' who supported this Bill. It is very easy for a Member from Hon. Kajwang's constituency to walk to Lake Victoria and fish a few fish and make some money out of it. However, most of us have come from a background whereby we have been educated using money contributed in *Harambees*. Our country's motto and Coat of Arms is "*Harambee*", unless we remove it and kill it then we start making these laws.

We are forgetting where we have come from. We are breaking laws in this House which tend to suggest that those who have been helped or those who have come from certain backgrounds - I do not want to revisit the issue of party-hopping - should help. Most of the people who are here have gone to school through *Harambees* and now they are telling us to stop contributing for others.

The people I represent from Mwiki hardly make their ends meet. Most of them live under 10 USDollars a month and they cannot afford to take their children to school. This Bill is going to deny me an opportunity to help that poor child go to school. I thank Hon. Katoo ole Metito for telling the Members of Parliament, other elected leaders and civil servants not to contribute and we leave it to the people who want to challenge us to terrorise us for four years, making their names known all over by doing *Harambees* while I am gagged. I cannot even stand anywhere in a congregation and contribute anything to the community. If I do so, I will be tarnishing my name. So, I oppose it for that simple reason. Regulations must be there and we will support them. However, to say that we are going to bar Members from contributing or doing *Harambee*, you will not see most of us in this House come next general elections. People have taken advantage of those who are contributing to the development of the society and that is the way to gauge a leader nowadays and before.

Mzee Jomo Kenyatta used the word "*Harambee*" everywhere, which means "pooling together and putting resources together", whether it is financial or material. If we are barred, we are going to victimise poor people who need to go to school. When we talk of the

National Government Constituencies Development Fund (NGCDF), the money we get cannot educate each and every child in our constituencies. We divide that money and still we have members of the public in need of bursaries. So, this is the only way to cushion and ensure that poor people are assisted because not all of them are able to cater for their needs. The only way to cushion is through *Harambees*. It is not possible for those children who come from poor backgrounds to stop approaching their MPs or elected leaders to help them. We are doing this for a clique of poor people. Rich people like our Chairman and Hon. Wamalwa are stingy and cannot give Kshs10,000. Let people give. It is my money, allow me to give what I can give. If I do not want to give, let it be. I strongly oppose this.

Hon. Chepkong'a: On a point of order, Hon. Speaker.

Hon. Speaker: No, there is nothing out of order. What is out of order, Hon. Chepkong'a?

Hon. Chepkong'a: Thank you Hon. Speaker, Hon. Mutambu claims that I cannot give even Kshs10,000. He needs to be in my constituency, that is very injurious to my character. This Bill is in this House because it has come from the Senate. It is a Bill that was sponsored by Hon. Anyang-Nyong'o and it is in this House because the Senate cannot pass a law by themselves, all laws must come here. Since the Departmental Committee on Justice and Legal Affairs is the right place where this Bill is domiciled, we are the ones who have therefore brought it. Whether I agree with the contents or not, it must be moved. So, for people to arrogate the negatives in the Bill to my person is wrong. I am not the sponsor of this Bill. The sponsor of the Bill is Sen. Anyang'-Nyong'o. It is important that we debate with facts.

Thank you.

Hon. Speaker: Hon. Mutambu, that does not need a response. Unfortunately, that is not the way things are done here. Member for Igembe Central

Hon. Kubai Iringo: Thank you, Hon. Speaker for giving me this opportunity to contribute to this Bill. At the outset, I find this Bill good but I have my reservations on it because its intent, to some degree, is to put some people on top of others. In this country *Harambees* have been conducted since the time of our founding father of this nation. Even the Coat of Arms of our country has the inscription of the word "*Harambee*" and it is a name which is not only an English or Swahili name but it is domiciled in our vocabulary and books.

Unfortunately, these *Harambees* have started to be abused especially by those people who are calling for the same. Some even go out of their way to ask for *Harambee* because they have been contributing to others and they say: "why do I not organise a *Harambee* so that I can get a kick back?"

When somebody calls for a *Harambee* he or she will get money depending on how many friends he or she has. If you are needy, you might find nobody coming to your *Harambee* and maybe your needs will not be met. If you wanted to educate a child in school and you want Ksh50,000 you might end up getting Kshs10,000 because nobody knows you. However, somebody who is popular can get hundreds of thousands. Some people want that money to buy a cow or car. So, this one is an abuse in its own way. We have a myriad of churches and once one pastor calls for a *Harambee* to buy a car, all the other pastors will go for the same and all of them end up in MPs' offices asking for money.

This is where this Bill should look into. It should be clear and put limitations. It should state how much should be contributed say in one month.

I support the Bill, in that one must state why and how much money they want. Once that money is raised, one needs to account for it. We cannot ignore medical bills and other needy cases. Many people who have been to school and are senior people in this country today, including even some Members of this august House have benefited from

Harambees. Maybe it is because they came from poor backgrounds and at the end of the day they needed the support from the public to go to school.

Looking at this Bill, especially Clause 20 it limits those who should conduct *Harambees* during their term as MPs both elected and nominated and Members of County Assemblies (MCAs). That is discriminatory. If all the elected and nominated MPs and MCAs in their five-year term are not allowed to contribute to *Harambees* and their opponents are left in the field, that will be very unfair and we will be locking out the leaders from their people, unless everyone is locked out, so that the Bill can qualify and become acceptable.

In the same spirit, this Bill is leaving out governors. Unfortunately, I hear it is a senator who brought this Bill because he wants to become a governor. So, he wants to be going to *Harambees* and the MPs will not go so that we can be bashed by the electorate. Also, it has allowed the President and the Deputy President to conduct *Harambees*. I do not see why elected leaders should not conduct *Harambees* while the same Bill allows the President, Deputy President and Governor. That clause in itself makes me feel that this Bill is not in good faith and that is why it needs to be amended. If it is with the Committee of Hon. Chepkong'a, I hope they have come up with amendments to rectify this.

Without amendments, I oppose it.

Hon. Speaker: The Member for Mbita.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Speaker. I would be very hesitant in supporting this Bill in its current frame. I can see it is very futuristic because it looks at an ideal society where we have very few poor people, an effective Government which is properly structured and functional and in that futurist society there will be no need for fundraisers.

But, because we come from communities that are largely poor, most of them rely on fundraising. Unfortunately, we have very many unscrupulous people who have used this process of fundraising to con the public and especially leaders through fundraisings. There is no way any leader in Kenya can distance themselves from fundraising.

As we speak, I can give you the average deaths in Mbita Constituency per weekend as a minimum of 15, totaling to about 60 people per month. There is no fund, NGCDF or otherwise that helps the public deal with the deaths. I have been in a situation where I was utterly shocked because there are times the public used to tell me, "*Mhe*. this is a very pathetic case." I did not understand because some of us when we have Kshs.3,000 we burn it over a drink and do not think much of it.

Most of those people cannot afford money for a coffin, or a dress for the dead to be given a decent burial. There is one case that remains completely etched in my memory. As I was campaigning I was told there was somebody who had died up the hill. We climbed up there and she had been in her house for two days because there was no transport to take her to a morgue, there is nothing. To-date when I think about it, it was a very pathetic case. When dealing with that case, that is why I want to disabuse Hon. Mutambu when he says that in my community, we put fish and remove water.

The fishing communities are some of the poorest communities in this country especially because of dwindling stocks of fish and the changing policies on fisheries in Kenya. Aqua culture has moved to other parts of the country whereas our areas have been left to rely on nature. Nature is not very friendly. Indeed in the morning, I was cracking a joke on my face book page and said that "The Jubilee Government is utterly corrupt, they have even corrupted the weather, and today in Nairobi, the weather is completely cold." It was on a light note but that is the reality we are living in.

We have very pathetic situations with extremely poor people and within that context you cannot have a structured fundraiser where you have a national and county office. I would have to add another role to my legislative role which is to seek permission from a national

office for Mbita people every week. I have told you in Mbita I have 60 people dying per month and I am not exaggerating. Half of my salary goes to funerals. I am sure the Member who represents the county of Homa Bay, Hon. Gladys will tell you the same. We have a very high mortality rate. I am just talking about funerals; it is not realistic what we are providing here.

On the other hand, we are also faced with another challenge, sometimes I am called for 15 fundraisings in one weekend and the next weekend I have one or two. As an MP, I would really love it if we had a more structured way of assisting communities with fundraisings but not in the framework within which it is provided.

If you also look at Clause 20, it excludes MPs, MCAs and governors, but leaves the President and Deputy President, other officers and our own opponents who will be going around fundraising while you sit and watch. We did not come to watch buildings in Nairobi. We are politicians; my opponent will not be fundraising in Mbita while I pray like the Hon. Member has told us 'God be merciful'. I am a Christian of both SDA and pentecostal extract. In both I am told to be very humble in giving. But, since I got into politics, I have learnt to put humility while fundraising because if I am humble God will be merciful to me but the public will not be equally as merciful as God. They will send me back home.

I must fundraise and say how much I have fundraised and given, if you are in the business of politics that is the reality in Kenya. We must say what we have given. If you are not saying it your opponent will be busy saying and the rest will say *Mhe*. is not helping us while others are helping us. We cannot pretend we are in competition while leaving others going ahead for us.

We understand the challenges the Senators are going through. The counties are extremely large and I really sympathise and empathise with them. If I can feel it as an MP who has a smaller geographical area, I know how much more they must be feeling with a wider geographical area. This is not the way to go about it. What they need to do is to persuade us. We have allowed them through this Parliament to have a little money to do some work. If that is not sufficient, they need to plead for more.

We cannot have a situation where we shot ourselves in the foot. I personally will not support it in its frame but I would wish to support it with absolute amendments providing a simpler structured way at the village level and constituency level at the highest. There is no reason of putting a fundraising committee at the county level. It should stop at the constituency level and should be less formal. If you are fundraising for money, why put a committee which you are going to pay? We need that money for fundraising. If the Government has so much money, it should put it in cash transfers.

This weekend I was in Mbita Constituency and the old men from Usawo to Ngodhe and everywhere in Mbita were asking me where the cash transfer of that area is. Give that money you want to pay this committee to elderly people, orphans and vulnerable children and to bursaries. We cannot put administrative structures to add money to people who are able while we leave poorer people. I will only support the Bill with amendments. Without amendments, I cannot support it.

Hon. Speaker: The Member for Githunguri.

Hon. Baiya: Thank you Hon. Speaker, for giving me an opportunity to contribute to this Bill. The basic principles of this Bill are, indeed, laudable and should not just be dismissed. In this regard, I would want to thank the Senate and Sen. (Prof.) Anyang'-Nyong'o. It is true the initial spirit of *Harambee* was very lofty and noble, but going by current experiences, it is clearly untenable any more, especially for leaders, to rely on the mechanism of *Harambee* because there is very clear conflict of interest.

Looking through the evolution of corruption in Kenya, the idea of *Harambee* is very much related to it. The country knows how much they pay a Member of Parliament, Member

of County Assembly or any other public officer. We know why we employ those people. They have very clear functions outlined in various pieces of legislation and the Constitution. In the case of Members of Parliament, it is not to use their salaries to support their constituents because their salaries are inadequate. It is to develop policies, programmes and procedures that will help the country overcome poverty, provide medical healthcare and support those programmes such that the contribution of *Harambee* becomes less. When you have a situation where a Member of Parliament or MCA elevates himself to be the main contributor, the question arises: Where do you get this money?

We have seen a culture where a person uses the resources available to the office and divert them from being public resources. Those resources become available to him or her as a person to donate as *Harambee* contribution. The problem with that kind of political system is that it is very retrogressive. It seeks to perpetuate poverty so that the givers can become the benefactors and, therefore, continue to get support. We would want a country where we have solved the problem of poverty so that we do not have to contribute to *Harambees*. Even if one intended to contribute to all the funerals in the constituency, the amount required cannot come from the individual's pocket or lawfully generated resources. It therefore begs the question: Where do you get the resources that are far above your regular and normal income to donate?

Therefore, for us to contribute to good leadership in this country and to ensure that leadership is not based on how deep your pockets are but is based on your ability to generate proper policy and you are able to contribute positively towards helping alleviation of poverty and problems, we should control contributions in *Harambees*. That is why the principles of this legislative proposal are noble and ought to be supported, of course, with relevant amendments. We want to know those who give whether they are also able to contribute in terms of taxation for national development through paying taxes. For instance, if you were to look at some of the key contributors in this country, you will find they are the same people who have been responsible for the failure of very critical programmes that would be very helpful to this country. Now that we are devolving resources to the counties, we are opening a Pandora's Box for those who are in charge of public resources to also dish them out through *Harambees* rather than implement programmes that will have long-term and meaningful effect in the alleviation of poverty in this country.

For those reasons, I beg to support this Bill. But it should be improved at the Committee of the whole House stage. This is part of leadership and integrity principles. It should be strengthened and not weakened.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, there are still 31 more requests for contribution to this Bill. I am sure many of you have received what I had indicated to you as Supplementary Order Paper II. I have seen it being distributed. We are not adjourning that debate in terms of Standing Order 96, but under Standing Order 40, we are reorganising business for the convenience of the House so that we now move to business appearing as Order No. 9 in the Supplementary Order Paper II. Staff are requested to make sure that they distribute this Supplementary Order Paper II.

Hon. Members, should there be more time when we conclude and there is need for us to continue with this debate, then we will go back to it.

(Debate adjourned)

Do I get it that sufficient copies of the Supplementary Order Paper II have been supplied? Then I can call the Clerk to read the next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Muturi) left the Chair]

IN THE COMMITTEE

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

THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL

The Temporary Deputy Chairman (Hon. Omulele): Hon. Members, we are now in the Committee of the whole House, for the consideration of the Kenya Regiment (Territorial Force) (Repeal Bill), National Assembly Bill No.39 of 2015.

(Clauses 2 and 3 agreed to)

(Title agreed to)

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

The Temporary Deputy Chairman (Hon. Omulele): Before we go to Clause 1, Member of Kiminini has something to point out that is out of order. What is out of order?

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Chairman. I want to seek your direction in terms of the Order. When you look at Order No. 9, that is, Committee of the Whole House, (i) is about the Kenya Regiment (Territorial Force) (Repeal Bill). But inside the body, the first one is the Election Offences Bill. Which one are we referring to?

Hon. Members: There are no amendments.

Hon. Wakhungu: Are there no amendments? You cannot just say there are no amendments.

The Temporary Deputy Chairman (Hon. Omulele): You have the Order Paper with you.

Hon. Wakhungu: Which Order Paper are we looking at? Is it Supplementary Order Paper 1 or the second one? We are getting confused. We need clarifications.

The Temporary Deputy Chairman (Hon. Omulele): Yes, Hon. Member. That is what I am trying to do. There are three order papers. There is the initial one, and then the second Supplementary Order Paper. You will notice that there are no amendments at all to this particular Bill.

Hon. Ng'ongo: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Omulele): What is out of order, Hon. Mbadi.

Hon. Ng'ongo: Hon. Temporary Deputy Chairman, even without amendments, the Bill has to go through the Committee of the whole House. If that was the first one, we should have disposed of it in the normal manner without amendments, then go to the next one unless the Chair has decided to re-arrange and have the Election Offences Bill and Elections Laws.

The Temporary Deputy Chairman (Hon. Omulele): That is precisely what we have done, Hon. Mbadi. We have gone through the Bill, clause by clause. That is exactly what we are doing.

Hon. Ngóngo: Then I am misled by Hon. Chris Wamalwa. I thought you passed the Bill.

The Temporary Deputy Chairman (Hon. Omulele): Hon. Chris Wamalwa had not seen it on the Order Paper I believe, but we have gone through all the clauses.

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Omulele): I now call upon the Mover to move reporting.

Hon. Bunyasi: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Omulele): Before the Mover takes the Floor, what is out of order, Hon. Bunyasi?

Hon. Bunyasi: Hon. Temporary Deputy Chairman, I am just seeking your guidance. We are looking at the Kenya Regiment (Territorial Force), but I do not see any reference to any amendment at all. Where are you reading from when you call out Clause 2 or Clause 1?

The Temporary Deputy Chairman (Hon. Omulele): Hon. Bunyasi, you are right. There are no amendments to this Bill. It is because this Bill is repealing a law that we have. That is why there are no amendments to it. It is a straightforward one.

The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, it is not only this one. If the Members of the Committee have no amendments to a Bill, nothing will be shown on the Order Paper. It is not only this one. You will not see any amendment by either a Member or the relevant Committee and that is why the Chair is just putting the Question. These are basics.

The Temporary Deputy Chairman (Hon. Omulele): Hon. Members, let us move on. Let us have order.

Leader of the Majority Party.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Kenya Regiment (Territorial Force) (Repeal) Bill, National Assembly Bill No.39 of 2015 and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairman (Hon. Omulele): Hon. Members, we shall now move on to the next business, which is the Election Offences Bill, National Assembly Bill No. 38 of 2016 in Committee of the whole House.

THE ELECTION OFFENCES BILL

(Clauses 3 and 4 agreed to)

Clause 5

Hon. (Ms.) Odhiambo- Mabonna: Hon. Temporary Deputy Chairman, yesterday I indicated that in Parliament we play both legislative and political roles. Exercising my political role this afternoon, I withdraw all amendments to this Bill.

(Applause)

(Clause 5 agreed to)

(Clauses 6, 7 and 8 agreed to)

Clause 9

The Temporary Deputy Chairman (Hon. Omulele): There is a proposed amendment by Hon. David Ochieng.

Hon. Members: He is not in the House.

The Temporary Deputy Chairman (Hon. Omulele): He is not in the House. So, the amendment is dropped by reason his being absent.

(Proposed amendment by Hon. Ochieng dropped)

(Clause 9 agreed to)

Clause 10

The Temporary Deputy Chairman (Hon. Omulele): There is a proposed amendment by Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona: I withdraw.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona withdrawn)

(Clause 10 agreed to)

(Clauses 11 and 12 agreed to)

Clause 13

The Temporary Deputy Chairman (Hon. Omulele): There is a proposed amendment by Hon. Alice Wahome, Member for Kandara. She is not in the House. By reason of her absence, that proposed amendment is dropped.

(Proposed amendment by Hon. (Ms.) Wahome dropped)

(Clause 13 agreed to)

(Clause 14 and 15 agreed to)

Clause 16

The Temporary Deputy Chairman (Hon. Omulele): Hon. Millie has an amendment.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Chairman. You notice my proposed amendment was to insert the word “lake” which was erroneously omitted. Even in the previous clause it was something demeaning women. I get that a lot in the constituency. I will push these amendments later but for now I withdraw them.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona withdrawn)

(Clause 16 agreed to)

(Clause 17, 18, 19 and 20 agreed to)

(Clause 21, 22 and 23 agreed to)

Clause 24

The Temporary Deputy Chairman (Hon. Omulele): Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona: Again, I had proposed some amendment that would encourage internal party discipline but in the spirit of collective agreement I withdraw it.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona withdrawn)

(Clause 24 agreed to)

(Clause 25 agreed to)

Clause 2

The Temporary Deputy Chairman (Hon. Omulele): Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Chairman. Again, it is on the same vein. This amendment was speaking to party discipline. In the same spirit, I withdraw.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona withdrawn)

(Clause 2 agreed to)

Hon. (Dr.) Pukose: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Chairman (Hon. Omulele): Hon. Pukose, what is your point of order?

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, I respect Hon. Millie but her statement that it is in the spirit of the two Houses is wrong. We know that *baba* said that all the amendments must be dropped. I wanted her to accept that it is on the instructions of *baba* she dropped the amendment.

The Temporary Deputy Chairman (Hon. Omulele): Hon. Pukose, she has already done what she has chosen to do. Let us proceed.

(Loud consultations)

Hon. Members, the consultations are a bit high. It is done. Let us make progress.

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Omulele): Hon. Members, we have completed that short Bill. I now wish to call the Mover to move reporting.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Election Offences Bill, National Assembly Bill No.38 of 2016 and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairman (Hon. Omulele): Hon. Members, we will now progress to the third item of business which is before the Committee, namely, the Election Laws (Amendment) Bill (National Assembly Bill No.37 of 2016).

*[The Temporary Deputy Chairman
(Hon. Omulele) left the Chair]*

*[The Temporary Deputy Chairlady
(Hon. (Ms.) Shebesh) took the Chair]*

THE ELECTION LAWS (AMENDMENT) BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, we are in the Committee of the whole House to consider the Election Laws (Amendment) Bill (National Assembly Bill No.37 of 2016).

Clause 3

Hon. Chepkonga: Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended by deleting Clause 3 and substituting thereof the following new Clause in subsection (1) —

- (a) deleting the proviso to paragraph (a);
- (b) inserting the following new paragraph immediately after paragraph (a)—
 - “(ba) in the case of a referendum, between the date of the publication of the question and the date of the referendum”;
- (c) deleting subsection (3A); and
- (d) deleting subsection (3B).

(Hon. Kipyegon consulted loudly)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Ng’eno, if you want to lobby, please, do so in the manner that is allowed in the House. Do not shout across the aisles.

Go on, Hon. Chepkong’a.

Hon. Chepkong’a: Hon. Temporary Deputy Chairlady, we are seeking to clean up the Bill. Instead of the word “means”, it should be the words “capture of any of the following”. We are amending the terminologies. It should not read “biometric means”. It should read “biometric captures any of the following”. That is all.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, can we have order in the House?

(Hon. Ng'ongo walked along the gangways)

Hon. Mbadi, please, take your seat. If you cannot keep decorum, you will be removed from House and you will not achieve what you want.

Hon. Members, we are in Clause 3. Hon. Chepkong'a has an amendment to Clause 3.

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, this amendment seeks to introduce what was contained in the Election Laws (Amendment) Bill No.3. The Select Committee just talked about an election. We have made reference to a referendum. The amendment makes a provision in the case of a referendum, between the date of the publication of the question and the date of the referendum. We are importing what we have in Election Laws (Amendment) Bill No.3. That is all.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and negatived)*

(Clause 3 agreed to)

Clause 4

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 4 of the Bill be amended in sub-clause (2) by deleting the expression "of" and substituting therefor the expression "by".

We are just removing the word "of" and replacing it with the word "by".

(Question of the amendment proposed)

*(Question, that the word to be left out be left out,
put and negatived)*

(Clause 4 agreed to)

Clause 5

(Clause 5 negatived)

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, if you do not pay attention when you have the Order Paper in front of you, you will not get what we are doing. When I read the amendment, you were busy discussing and shouting across the aisles and then you ask me what we are doing. Keep up with the Table.

We are in the Committee of the whole House and we are going clause by clause. You have just rejected Clause 5. That is not how we conduct business. If you feel we have made a mistake, use the Standing Orders to return Clause 5. That should teach you to pay attention.

Hon. (Ms.) Nyasuna: On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Wanga, what is your point of order?

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Chairlady, I request that you repeat Clause 5. There were a lot of consultations and we were unable to follow. Please, repeat Clause 5.

Meanwhile, the mood of the House is that we will not accept any amendments to these Bills. I would like to request the Chair of the Departmental Committee on Justice and Legal Affairs to kindly drop his amendments in the spirit we had since the Election Offences Bill so that we dispense of this business.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Leader of the Majority Party, please, propose that we rescind the decision of the House with regard to Clause 5. I hope that will encourage decorum as we go forward.

Hon. A.B. Duale: Hon. Temporary Deputy Chairlady, from now we will be very quiet. I propose that you rescind the decision of the House with regard to Clause 5.

*(Question, that decision on Clause 5 be rescinded,
put and agreed to)*

Hon. (Ms.) Odhiambo-Mabona: On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): What is your point of order, Hon. Millie?

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Chairlady. I am following you very keenly. However, I get confused when you mention Hon. Chepkong'a and he does not stand to move or drop his amendments. We get confused on whether to say yes or no.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Member, he did not have an amendment.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Chairlady, you mentioned him so it is a bit confusing. Maybe you should proceed a little slowly so that we know when he has an amendment. I am following you.

(Clause 5 agreed to)

Clause 6

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): There is an amendment to this clause by Hon. Chepkong'a.

Hon. Chepkong'a: Thank you, Hon. Temporary Deputy Chairlady. These amendments come from the Departmental Committee on Justice and Legal Affairs. These are not Hon. Chepkong'a's amendments. I have no authority to withdraw any amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Chepkong'a, you are the Chairman of the Committee.

Hon. Chepkong'a: I have no authority to withdraw any amendments. This House is at liberty to express itself. This Bill was referred to the Departmental Committee on Justice and Legal Affairs. If you did not want it referred to us, you should have gone ahead to the

Third Reading. You do not have to shout at me. This House referred this Bill and I am given instructions by the Speaker to deal with it in the manner that we usually do. I am bringing it in the spirit of parliamentary legislation-making.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Chepkong'a, please, move your amendment.

Hon. Chepkong'a: I beg to move:-

THAT, Clause 6 of the Bill be amended —

(i) in sub clause (5) by deleting the words “the National Assembly and the Senate” and substituting therefor the term “Parliament.”

(ii) by inserting the following new clause immediately after clause (5) —

“(5A) Parliament shall adopt the report submitted under subsection (5) within twenty one days.”

(iii) by deleting sub clause (6) and substituting therefor the following new sub clause.

“(6) The Commission shall implement the recommendations of the adopted audit report within a period of thirty days and submit its implementation report to Parliament.”

We are saying that as soon as the audit report is tabled in the House, it should also be considered. It should not just be tabled and implemented. We are saying that the House cannot legislate itself out of the business of oversight. We are not telling you to mutilate the Report. We are only saying that this House cannot legislate itself out oversight.

If they refuse to pass it, then do not refer anything with regard to this.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Chairman, do not pre-empt debate.

(Question of the amendment proposed)

(Question, that the words to be left out be left out put and negatived)

(Clause 6 agreed to)

(Clauses 7 and 8 agreed to)

Clause 9

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): We have two amendments on Clause 9, one by Hon. Kipyegon and another one by the Chairman of the Committee. We will start with the amendment by Hon. Kipyegon.

Hon. Kipyegon: Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended by deleting clause 9.

I would like to beg the attention the House for its indulgence. I know that there has been a serious acrimony based on amendments that have been dropped. I would like to beg our friends, that we know their problems to allow us to move these amendments. This is a draconian and offensive Bill. It is just like the one that Hon. Olago moved. I am told this part was sneaked by one person that we all know about and has given orders to somebody here.

Hon. Temporary Deputy Speaker, Clause 9 was imported from Clause 28 in the previous Act which stated that every party should submit the list of members and not

nominees, 90 days to the election. Clause 9 of the Bill states that nominations should be done 60 days before elections. The 30 days when your name would have been forwarded to a particular party, this party was sneaked in by people who want to strangle others. When you are humiliated during nominations, you will have no other opportunity to move to any other party.

We should delete this part so that we move to the original Act which was stating that we submit the list of Members 45 days before elections.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and negated)*

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, we also have an amendment by Hon. Chepkong'a.

Hon. Chepkong'a: Thank you, Hon. Temporary Deputy Chairlady, as a result of the defeat of Hon. Kipyegon's amendment, mine becomes obsolete. I beg to withdraw my amendment.

(Proposed amendment by Hon. Chepkong'a withdrawn)

(Clause 9 agreed to)

Clause 10

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Clause 10 has proposed amendments on 10A and 10B. We will start with proposed amendment on 10A by Hon. John Waiganjo.

Hon. Waiganjo: Hon. Temporary Deputy Chairlady, I beg to drop my amendment.

(Proposed amendment by Hon. Waiganjo dropped)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 10 of the Bill be amended—

- (i) in sub-clause (2) by inserting the expression “(4)’ appearing immediately after the words “Article 88.”
- (ii) in the proposed new sub section (2D) by deleting the word “selected” and substituting therefor the word “nominated.”
- (iii) by inserting the following new sub section immediately after the proposed new sub section (2D) —

“(2E) without prejudice to section (2D) a political party may elect to rely on the Register of Voters in conducting the nominations.

(2F) Where the Commission receives multiple requests under subsection 2, the Commission shall conduct and supervise the nomination of candidates for presidential, parliamentary or county elections for all the requesting political parties—

- (a) on the same day.
- (b) in the same polling centres; and

- (c) in different polling streams for each participating political party.”
- (iv) by inserting the following new sub section immediately after sub section (2E) —
 “(2F) Parliament shall appropriate monies for the effective implementation of this section.”
- (v) by inserting the following new section immediately after section 31—
 “31A. Each political party shall ensure that not more than two-thirds of the persons contesting are of the same gender.”

The import of this is that each political party is expected to nominate not more than two-thirds of the persons of the same gender contesting in the party primaries. I just want to state the rationale. The Supreme Court---

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, please listen to the Member on the Floor.

Hon. Chepkong’a: The Supreme Court requires this House to put in place measures to achieve provisions of Article 27(8) of the Constitution. For those of us who support gender parity rule, I want to see women in this House opposing this Bill. This amendment seeks to support participation of women in elections.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Leader of the Majority Party.

Hon. A.B. Duale: Hon. Temporary Deputy Chairlady, this House received a Bill in the name of Duale’s Bill. You cannot solve that matter through an Act of Parliament, and more fundamentally quoting the Supreme Court. Is the Supreme Court properly constituted in terms of gender? Kenyans must ask this question. Just before Chief Justice Willy Mutunga resigned, there were only two ladies out of the seven members of the Supreme Court. Let us be honest. The Supreme Court is there and it is going to give another advisory opinion. Let us not legislate.

I oppose.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Junet.

Hon. Nuh: I want to oppose the amendment proposed by Hon. Chepkong’a. The issue of gender is a constitutional matter. He should not bring it through the backdoor in this Election Bill. This is a very important Bill. This is a very serious matter.

I oppose it.

(Loud consultation)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, if you want to catch the Temporary Deputy Chairlady’s eye, it is not by shouting. If you want to rise on a point of order, you know the process. I will see you on the screen. If I do not, it does not matter how loud I am hearing you. You will not catch my eye.

Complete, Hon. Junet.

Hon. Nuh: Hon. Temporary Deputy Chairlady, I was saying that the issue of the two-thirds gender rule cannot be achieved through nominations, the way Hon. Chepkong’a is

putting it. People come on their own volition. You cannot force parties to have two-thirds of a gender. It is a constitutional matter. You should not bring it through the backdoor.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Member for Wajir County?

Hon. (Ms.) F.I. Ali: Thank you, Hon. Temporary Deputy Chairlady. I support Hon. Chepkong'a's amendment. Gender is a constitutional matter. We are overhauling the Independent Electoral and Boundaries Commission Bill and I support. This will be very unfair to the men and women of this country if we drop this amendment proposed by the Chairman of the Departmental Committee on Justice and Legal Affairs. Kenyans are watching us.

I support it. Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Member, your point is made.

*(Question, that the words to be inserted be inserted,
put and negatived)*

Hon. Members, we now have another amendment.

(Loud consultations)

Please, pay attention. We now have another amendment on Clause 10(b). We have amendments from five Members. We have an amendment from Hon. Ng'eno, an amendment from Hon. Kang'ata, an amendment from Hon. Kaluma, an amendment from Hon. Ferdinand Waititu and then an amendment from the Chairman of the Departmental Committee on Justice and Legal Affairs.

So, we will start with Hon. Ng'eno's amendment.

Hon. Kipyegon: Hon. Temporary Deputy Chairlady, I wish to state here clearly that I have been trying to lobby Members. Most of them are telling me "*Baba amesema*". Seemingly, I could be the only one who is an orphan.

I wish to withdraw and clearly state that I am a very sad person today because some "*Babas*" have spoken.

(Proposed amendment by Hon. Kipyegon dropped)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Kang'ata? Hon. Ng'eno has dropped his amendment.

Hon. Kang'ata: I beg to move:-

THAT, Clause 10 of the Bill be amended in paragraph (b) —

(a) in the proposed subsection (2B) by deleting the words "twenty one" appearing immediately after the words "at least" and substituting therefor the words "forty five";

(b) by inserting the following new subsection immediately after the proposed subsection (2B)—

"(2Ba) For purposes of settling disputes that may arise from a party primary, a political party shall hold its party primary at least fourteen days before the nomination day."

(Loud consultations)

Essentially, what I am seeking---

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, please listen to amendments by Hon. Kang'ata.

Hon. Kang'ata: Well, the issue is about appeals. After the party primaries, you need to give candidates some days to finish---

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Kang'ata, move the amendment first.

Hon. Kang'ata: I have.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Sorry. I think there was too much consultation. Move the amendment so that people are clear then you can explain.

Hon. Kang'ata: I beg to move:-

THAT, Clause 10 of the Bill be amended in paragraph (b) —

(a) in the proposed subsection (2B) by deleting the words “twenty one” appearing immediately after the words “at least” and substituting therefor the words “forty five”;

(b) by inserting the following new subsection immediately after the proposed subsection (2B)—

“(2Ba) For purposes of settling disputes that may arise from a party primary, a political party shall hold its party primary at least fourteen days before the nomination day.”

I am just asking Members, once you have party primaries or nominations; you need to create a window for aggrieved parties to appeal to the Independent Electoral and Boundaries Commission (IEBC). They should be 14 days within which, after nominations, candidates are given a period within which to appeal. That is it. I have nothing else.

If you want to appeal, support my proposal. It is that simple.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and negated)*

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Kaluma.

Hon. Kaluma: Hon. Temporary Deputy Chairlady, the Bills we are discussing came out of negotiations and the leaders of those---

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Kaluma, move the amendments first and then explain.

Hon. Kaluma: I have said that it is good. *Baba* has spoken. *Baba* says it is good. I am---

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Kaluma! Put off his microphone. Hon. Members, Hon. Kaluma has dropped his amendment. Let us go to Hon. Waititu.

Hon. Members: Put him on record.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): I have said it on record for him because he did not listen when I was giving direction. Follow instructions, Hon. Kaluma. Go directly to dropping.

Hon. Kaluma: Hon. Temporary Deputy Chairlady, *Baba* has read this Bill and confirms it is good. I drop any amendment to it.

(Proposed amendment by Hon. Kaluma dropped)

(Laughter)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Waititu.

Hon. Ferdinard Waititu: Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended in Clause 10(b) by inserting the following new subsections immediately after the proposed new subsection (2D) —

“(2E) Notwithstanding subsection (2D), where the Commission supervises the nomination of candidates by the political party under subsection (2), a candidate for a presidential, parliamentary or county election shall be selected by persons whose names appear on the Register of Voters.”

“(2F) Subject to subsection (2), the Secretariat of the Commission shall be responsible for conducting and supervising the nomination of candidates by the political party for presidential, parliamentary or county elections in accordance with Article 88 of the Constitution.

“(2G) The day that political parties conduct party nominations shall be a Public Holiday.

In the first one, I seek to make it mandatory for the nominations to be done by use of the IEBC registers. In the second one, I want to make sure that nominations are done on a public holiday. The day the nominations are done must be a public holiday.

(Question of the amendment proposed)

*(Question, that the words to be inserted be inserted,
put and negated)*

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, we still have Hon. Gikaria’s amendment.

Hon. Gikaria: Hon. Temporary Deputy Chairlady, I drop my amendment.

(Proposed amendment by Hon. Gikaria dropped)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Thank you, Hon. Member.

(Clause 10 agreed to)

(Clause 11 agreed to)

Clause 12

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): We have two amendments. One is by the Chair of Committee and the other by Hon. T.J. Kajwang’. Let us start with Hon. T. J. Kajwang’.

Hon. Kajwang’: Thank you, Hon. Temporary Deputy Chairlady. Even before I move this amendment, I have been pressing my intervention button and you said that the only way by which you are able to know that somebody is on a point of order is by seeing your screen. I think something must be wrong with my card.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. T.J. Kajwang', she was checking whether we can see an intervention with your name and we cannot see. I think there must be a problem because your name does not come under intervention. However, go ahead.

Hon. Kajwang': Thank you. I wish to drop my amendments as contained in the Order Paper.

(Proposed amendment by Hon. Kajwang' dropped)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Thank you. Hon. T. J. Kajwang' has dropped his amendment. Therefore, I go to the amendment by Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, clause 12 of the Bill be amended by—

- (i) renumbering the existing provision as sub-clause (1);
- (ii) inserting the following new sub clause immediately after sub clause (1)

“(2) The party list referred to subsection (1) shall be signed by the national chairperson, the secretary general and the organising secretary of the political party.”

This amendment is contained in the Election Laws (Amendment) Bill No. 3, which has already passed the Second Reading and was approved by this House. So, this House has approved it.

So, I am not introducing something that the House has not approved. The House has approved it and it was a proposal that came from the Independent Electoral and Boundaries Commission that the party list that is referred in the law shall be signed by the Secretary General, Chairperson and the Organising Secretary and this was as a result of the confusion that occurred in 2013.

The House expressed itself and passed it in Second Reading. Thank you

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Member for Saku, do you want to speak on this? Hon. Manje do you want to speak on this?

Hon. Kajwang': On a point of order.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): I will give you your point of order.

Hon. Manje: There is an observation that I have made. I plead with the House to allow some of these changes. Although *baba* said there should be no change even a comma, but we have to clean up this Bill. For example, if it is just a matter of grammatical error or where the Departmental Committee on Justice and Legal Affairs felt the sentence is not correct, why can we not be logical and change the grammatical error without changing the meaning?

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Manje, the decision of Members is personal. It is a decision that they have a right to make. So, if they do not want amendments even if they are on typographical nature, it is their right to decide. So, I put the Question.

Sorry there was a point of order. Hon. T.J. Kajwang', what was your point of order?

Hon. Kajwang': Hon. Temporary Deputy Chairlady something is bothering me with the Chair of Departmental Committee on Justice and Legal Affairs. It is within his right as the Chair to propose the amendments and to insist with them, but to give a reason as he has

given before that he does not have instruction from the Committee to drop is something which I need your intervention, if it is in order in terms of honesty. This is because he has just dropped an amendment in terms of Clause 9 without authority of the the Committee or consulting any Committee just because it was about party-hopping. It is documented and on HANSARD that last year he dropped an amendment from the Committee without any express instructions. So, this pedestal of purity that he stands to say that he does not have any authority so that we use our time correctly and efficiently--- He knows the mood of the House. Is it in order that Hon. Chepkong'a should rely on a reason which he flies against a precedent that he himself has created in this House?

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, I do not want us to argue on points that all of you know because you have been in the House long enough. It is the right of the Chair to either drop an amendment or move it. It has happened many times. Hon. Kajwang' you have sat on this Table many times and you know the answer to the very question you are asking.

*(Question, that the words to be left out be left out,
put and negated)*

(Clause 12 agreed to)

Clause 13

Hon. Chepkong'a: Thank you, Hon Temporary Deputy Chairlady. I beg to move:-

THAT, Clause 13 of the Bill be amended in the proposed new clause 38A by deleting the word "five hundred" and substituting therefor the word "seven hundred."

What we are seeking to do is to give flexibility to the Commission. As a Committee we already contain this in the Election Laws (Amendment Bill) No.3. It means that every polling station must have a minimum of 500 voters, meaning that we will be increasing the number of polling stations from the current 33. We had increased when we reduced the number to 700. By now reducing it not to exceed 500, it will go to 55,000 polling stations. In areas like Kibera you require 40 classrooms to conduct an election. What that means is that you will have to use people's houses to conduct the elections. There are no schools with 40 classrooms.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and negated)*

(Clause 13 agreed to)

Clause 14

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, on Clause 14 we have three amendments, one from the Chair of Committee and the others from Hon. George Oner and Hon. T.J. Kajwang'. Let me start with Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, clause 14 of the Bill be amended—

(i) in paragraph (ii) by deleting the words “county women representative to the National Assembly” appearing immediately before the words “Senator and” and substituting therefor the words “county member of the National Assembly” ;

(ii) in paragraph (iii) by deleting the words “county women representative to the National Assembly” appearing immediately before the words “Senator and” and substituting therefor the words “county member of the National Assembly” ; and

(iii) in sub clause (1B) by deleting the words “county women representative to the National Assembly” appearing immediately before the words “Senator and” and substituting therefor the words “county member of the National Assembly”.

What we are seeking to do is purely a clean up. We are proposing to delete the word “county women representative to the National Assembly” to read “county member of the National Assembly.” There is nothing like “county women representative”. It does not exist. Hon. Wanga is shouting at me I do not know whether she is a “county woman representative” or a “county member of the National Assembly”. You know that is very demeaning. What we are seeking is to clean up.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Wanjiku Muhia, Member for Nyadurua.

Hon. (Ms.) Muhia: Hon. Temporary Deputy Chairlady. I support Hon. Chepkong’a. I am surprised that Hon. Wanga wants us to be called *maitu wa kaunti* or *mama* county women representative. Those are street names yet, in the Constitution it is very clear.

Hon. Members, someone can go to the court after elections and declare there were no votes for those who are coming as women representatives like me because there is no such word in the Constitution. Kindly let us put it the way it is in the Constitution.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Mbadi.

Hon. Ng’ongo: Hon. Temporary Deputy Chairlady, I oppose. I want to say the following; one, we have agreed no amendments and two, what you are saying can easily be brought here through miscellaneous amendments by the Attorney-General. He does it every year. Just tell the Attorney-General to bring up the cleaned amendment later after we have passed this law. But we are not allowing any amendments on this Bill.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Wanga, because your name was mentioned.

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Chairlady, I agree with the cleaning up of our names and so on, but it is not the right time, place and point. We will do this at a later date. There are no amendments on this one.

(Question, that the words to be left out be left out, put and negated)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Oner, you have an amendment.

Hon. Ogalo: Hon. Temporary Deputy Chairlady, communication has reached me. I withdraw my amendments.

(Proposed amendments by Hon. Ogalo withdrawn)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Okay, Hon. Members. I now go to Hon. T. J. Kajwang’.

Hon. Kajwang’: Hon. Temporary Deputy Chairlady, I wish to withdraw my amendments.

(Proposed amendments by Hon. Kajwang’ withdrawn)

(Clause 14 agreed to)

Hon. Wakhugu: On a point of order.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): What is out of order, Hon. Chris?

Hon. Wakhungu: On a point of order, Hon. Temporary Deputy Chairlady. I am just looking at the mood of the House and because there was an agreement somewhere that there should be no amendments. Instead of wasting time, as indicated earlier can I call upon the Chair of JLAC to just drop his amendments instead of wasting time? It seems there are no amendments therefore we do not need to waste time.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): I cannot believe that you are a leader in this House and you can call what we are doing a waste of time. Members have prepared amendments. You must pronounce yourself on an amendment whether you are withdrawing it or you want to move it. What we are doing is correct and procedural. I cannot believe you are a leader who is questioning procedure.

(Clause 15 agreed to)

Clause 16

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Chepkong’a, you have an amendment.

Hon. Chepkong’a: Hon. Temporary Deputy Chairlady, it is very unfair for Members to impute improper motives on the Chair. I am doing my work as required.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): You are protected, Hon. Chepkong’a.

Hon. Chepkong’a: Article 117(1) of the Constitution states, for avoidance of doubt, that:-

“There shall be freedom of speech and debate in the Parliament.”

(Applause)

I must have freedom of debate. That is a constitutional requirement. I have been consulted by the Leader of the Majority Party and the Whip of the Majority Party who are members of the Jubilee Coalition and I report to them. They have instructed me to withdraw all the amendments I have. I withdraw all the amendments except the proposed New Clause 37A.

Hon. Kaluma: On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Let me finish with Hon. Chepkong’a before I give you the Floor.

Hon. Chepkong'a, if you are withdrawing all your amendments, you need to clearly state on the HANSARD that you are withdrawing them, clause by clause, so that we can have it on record.

What is it, Hon. Kaluma?

Hon. Kaluma: Hon. Temporary Deputy Chairlady, my concern is that Hon. Chepkong'a, who is moving these amendments merely on behalf of the Committee, now says he is withdrawing them on behalf of the Jubilee Coalition. I think that is a wrong statement to go on record and it should be withdrawn. These are amendments of the Committee and not of the Jubilee Coalition. Today is a date for tyranny of loyalists.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Chepkong'a, go ahead.

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, Hon. Kaluma is a very loyal member of the Departmental Committee on Justice and Legal Affairs. There is no doubt about it and he knows it. He also knows that I am also a very loyal member of the Jubilee Coalition and the Leader of the Majority Party happens to be the leader of my party. The Whip of the Majority Party is also a leader in my party. So, there is nothing wrong.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Go ahead and withdraw your amendment, Hon. Chepkong'a.

Hon. Chepkong'a: In light of the agreement of the House leadership, I withdraw the proposed amendment to Clauses 16, 18, 38 and 2.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Let me just make it clear. Hon. Chepkong'a has withdrawn his proposed amendments except the proposed New Clause 37A and the proposed amendment to Clause 1. He has withdrawn all the other proposed amendments.

(Proposed amendment by Hon. Chepkong'a withdrawn)

(Clause 16 agreed to)

Clause 17

Hon. A.B. Duale: Hon. Temporary Deputy Chairlady, I would like to thank the Leader of the CORD Coalition. Yesterday, I was put through hell here. He has stamped his feet down. I know right now that when Junet speaks, it is *baba* who has spoken. Therefore, I withdraw in the spirit of---

Hon. Members: *Baba!*

Hon. A.B. Duale: I withdraw.

(Laughter)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. A.B. Duale, are you withdrawing all your amendments or you want to withdraw them one by one?

Hon. A.B. Duale: Hon. Temporary Deputy Chairlady, I withdrew all my amendments because that has been my position from day one. It is also the position of the Leader of the Minority Party. Now that *baba* has spoken to my good friend Hon. Jakoyo and the rest, I am happy that we are now together. So, we are going to withdraw all of them and whether you go to Karen or Capital Hill, party hopping will not be in this country.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. A.B. Duale, please, be on record and mention the proposed clauses you are withdrawing.

Hon. A.B. Duale: Hon. Temporary Deputy Chairlady, I am withdrawing the following clauses: Clause 17, Clause 38 and Clause 2.

(Proposed amendment by Hon. A.B. Duale withdrawn)

(Clause 17 agreed to)

Clause 18

Hon. Kaluma: Mhe. Bi. Mwenyekiti wa Muda naomba kuweka hii chini. Sijui tuseme nini. Baba amekwisha soma na amesema ni mzuri. Mimi sitaki *amendment* tena. Nimeweka chini.

(Laughter)

(Proposed amendments by Hon. Chepkong'a and Hon. Kaluma withdrawn)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, Hon. Kaluma has withdrawn his amendment. I will, therefore, put the question.

(Clause 18 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Kaluma you have two other amendments. Please, speak to those amendments.

Hon. Kaluma: Hon. Temporary Deputy Chairlady, in my thinking as a Member I thought these were amendments that could be entertained, but on the position of the leadership of the nation that this is a negotiated instrument, I beg to drop my proposed amendments to Clause 21 and Clause 38. Baba has read the Bill and he says it is good for now.

(Clauses 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 agreed to)

Clause 31

Hon. Ochieng: Hon. Temporary Deputy Chairlady I beg to move:-

THAT, the Bill be amended in clause 31 in the proposed new section 5 by inserting the following new subsection immediately after subsection (2) —

“(2A) The Chairperson and members of the Commission shall serve on a part-time basis.”

The number of commissioners should remain as has been proposed but the commissioners serve on a part-time basis.

(Question of the amendment proposed)

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

(Clause 31 as amended agreed to)

(Clause 32 agreed to)

Clause 33

The Temporary Deputy Chairlady (Hon Ms.) Shebesh): Hon.Gikaria has a proposed amendment.

Hon. Gikaria: Hon. Temporary Deputy Chairlady, I withdraw.

(Proposed amendment by Hon. Gikaria withdrawn)

(Clause 33 agreed to)

(Clauses 34, 35, 36 and 37 agreed to)

Clause 38

The Temporary Deputy Chairlady (Hon Ms.) Shebesh): Hon. T. J. Kajwang’.

Hon. Kajwang’: I wish to withdraw that amendment.

*(Proposed amendments by Hon. A.B. Duale, Hon. Chepkong’a,
and Hon. Kajwang’ withdrawn)*

(Clause 38 agreed to)

(Clause 39 and 40 agreed to)

Clause 41

The Temporary Deputy Chairlady (Hon Ms.) Shebesh):Hon. Members, we have two amendments here. One from Hon. Diriye and another from Hon. Dahir Duale. Let us start with Hon. Diriye.

Hon. Members: He is not there.

The Temporary Deputy Chairlady (Hon Ms.) Shebesh):Is he in the House? Because he is not in the House, we drop his amendment.

(Proposed amendment by Hon. Diriye dropped)

The Temporary Deputy Chairlady (Hon Ms.) Shebesh): Hon. Dahir Duale. Hon. Members, is he in the House? I also drop the amendment because he is not in the House.

(Proposed amendment by Hon. M. D. Duale dropped)

(Clause 41 agreed to)

New Clause 8A

The Temporary Deputy Chairlady (Hon Ms.) Shebesh): Hon. Alice Wahome.

Hon. Wahome: Thank you, Hon. Temporary Deputy Chairlady. This clause was relevant when I was expecting that I would succeed in moving the earlier clause in the Election Offences Bill because it was anchored on it.Having lost it, I withdraw this one.

(Proposed New Clause by Hon. (Ms.) Wahame withdrawn)

(New Clause 8A withdrawn)

New Clause 11A

The Temporary Deputy Chairlady (Hon Ms.) Shebesh): Hon. Mwaura.

Hon. Mwaura: Thank you, Hon. Temporary Deputy Chairlady. I proposed this Clause in order to give effect to Article 100 of the Constitution without necessarily and inordinately increasing the size of Parliament by ensuring that the groups that are enumerated in that Article are well represented.

The Temporary Deputy Chairlady (Hon Ms.) Shebesh):Hon. Mwaura, if you are moving it you need to say that you want it read a second time.

Hon. Mwaura: But in the spirit of joint consensus, I will withdraw it with the expectation that after six months we will have another opportunity to introduce it.

The Temporary Deputy Chairlady (Hon Ms.) Shebesh): Hon. Members, that amendment is also withdrawn.

(Proposed New Clause by Hon.Mwaura withdrawn)

(New Clause 11A withdrawn)

New Clause 37A

The Temporary Deputy Chairlady (Hon Ms.) Shebesh): Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Independent Electoral and Boundaries Commission Act, 2011 be amended by inserting the following new Clause immediately after section 37-

37A. The chairperson and members of the commission holding office immediately before the commencement of this Act shall be paid negotiated dues to facilitate a dignified transition..

This is contained in the Report that was adopted by the House without amendments. It is already there. It is already in the Report so we are just putting it in the Bill.

(Question of the new clause proposed)

(New Clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and negatived)

Clause 2

(Proposed amendments by Hon. A.B. Duale and Hon. Chepkong'a, withdrawn)

(Clause 2 agreed to)

(Title agreed to)

Clause 1

Hon. Chepkonga: Thank you, Hon. Temporary Deputy Chairlady. I want to put it on record that it is more important to be right than to be popular. We will come back to this House and all these Members saying no will still pass what I have just put before them. This is about popularity. So that some of you do not shout at me, let me move the amendment.

Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 1 be amended by inserting the following words:-
“and shall come into force upon publication.”

As it has already been said, this Bill should be implemented immediately. If we do not make provision for it to come into force upon publication, it will take about 21 days before it comes into force.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, there is too much confusion. I cannot get your answer clearly. Hon. Members, please, be quiet so that I am not confused.

*(Question, that the words to be inserted be inserted,
put and negatived)*

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Let us have the Mover, the Leader of the Majority Party.

Hon. A. B. Duale: Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of the Election Laws (Amendment) Bill (National Assembly Bill No.37 of 2016) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order Members! You can resume your seats. Hon. Members! Please! resume your seats. I must appreciate the anxiety in the House.

REPORT AND THIRD READING

THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL

The Temporary Deputy Speaker (Hon. (Ms) Mbalu): Hon. Members, as the Chairperson gets ready, we had three Bills in the Committee of the whole House. We will start with the Kenya Regiment (Territorial Force) (Repeal) Bill (National Assembly Bill No. 39 of 2016).

Let us have the Chairperson.

Hon. (Ms) Shebesh: Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Kenya Regiment (Territorial Force) (Repeal) Bill (National Assembly Bill No. 39 of 2015), and approved the same without amendments.

The Temporary Deputy Speaker (Hon. (Ms) Mbalu): Mover.

Hon. A. B. Duale: Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

I want to request Hon. Chepkong'a to second the Motion for agreement with the Report of the Committee of the whole House.

The Temporary Deputy Speaker (Hon. (Ms) Mbalu):

Hon. Chepkong'a: Thank you Temporary Deputy Speaker, I stand to second because this is a very important Bill.

Thank you.

(Question proposed)

(Question put and agreed to)

(Hon. Kaluma consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms) Mbalu): Let us have the Mover to move the Third Reading.

Hon. A. B. Duale: Hon. (Ms.) Wanga, you better deal with Hon. Kaluma.

Hon. Temporary Deputy Speaker, I beg to move that the Kenya Regiment (Territorial Force) (Repeal) Bill (National Assembly Bill No. 39 of 2015), be now read the Third Time. I will request Hon. Chepkong'a to second.

Hon. Chepkong'a: I second.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

The Temporary Deputy Chairlady (Hon. (Ms.) Mbalu): Hon. Members, we are on the reporting. Because this is a House of rules and procedures and the time being 6.30 p.m., I must announce---

(Loud consultation)

Order! Members. Order!

The time being 6.30 p.m., the House stands adjourned until today at 6.45 p.m. We will do the reporting of the other Bills at that time.

I thank you all.

The House rose at 6.30 p.m.