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THE HANSARD**Wednesday, 1st July 2026***(The House met at 9.30 a.m.)**[The Temporary Speaker
(Hon. Martha Wangari) in the Chair]***PRAYERS****QUORUM**

The Temporary Speaker (Hon. Martha Wangari): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)**(Hon. Mugambi Rindikiri attempted to leave the Chamber)*

The Temporary Speaker (Hon. Martha Wangari): Hon. Murwithania, you are out of order. You cannot withdraw from the Chamber when the Quorum Bell is ringing. Serjeant-at-Arms, we will do another five minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, we will begin the proceedings of the House. We will start with Papers and, after a while, we shall come back to Order No. 2. Deputy Leader of the Majority Party, lay the Papers.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024 and 30th June 2025 and the certificates therein in respect of the following schools—

1. Daadab Secondary School
2. Githunguchu Secondary School
3. Dodoma Secondary School
4. Gitugururu High School
5. Kaaga Boys Secondary School
6. Magarini Girls Secondary School
7. Makanyanga Secondary School
8. Mariakani Secondary School
9. Njambini Boys High School
10. Shurie Secondary School
11. Umusalama Girls Secondary School

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Next Order.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. Martha Wangari): There are some Statements to be requested, but first allow me to recognise, in the Speaker's Gallery, a visiting delegation from Alternative Provision for Basic Education (APBET) from Mathare Constituency, Nairobi County.

(Applause)

Kindly, join me and the House to welcome them to observe the proceedings of the House. I am informed that they are guests of the Member for Mathare. Since he is the first Member going to request for a Statement, I will indulge him to welcome the delegation before he requests for the Statement.

Hon. Anthony Oluoch (Mathare, ODM): Right now?

The Temporary Speaker (Hon. Martha Wangari): Yes, right now.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Speaker. I welcome to this House the directors, teachers and school heads of APBET. The Committee of the whole House proceedings in respect of a Bill we will be engaging in today is a brain child of these directors and teachers. This is a process I began during the 12th Parliament. During that time, the Bill went up to Second Reading. Unfortunately, we broke for the 2022 Elections before we could get the Bill to the stage where it is now.

I thank them very much. There are about three million students who fall within the APBET schools and are unaccounted for in our basic education system. They appointed me to become the ambassador for APBET, a role which I took with a lot of vigour and it has resulted to this Bill coming to the Committee of the whole House today. Hopefully, it will pass this stage and get to Third Reading and finally get assented to by His Excellency the President. We encourage your students, through assistance from the National Government Affirmative Action Fund (NGAAF), which the Constitution recognises, because these are not children of a lesser God. Hopefully, they will also become part of the mainstream education system like other children within the Republic of Kenya. You are welcome to observe the proceedings of the National Assembly. *Asante*.

Hon. Temporary Speaker, do I proceed to request for my Statement?

The Temporary Speaker (Hon. Martha Wangari): Yes, you will, Member for Mathare, but first let me also congratulate you for bringing the Bill to this House. I remember that during the 12th Parliament, you were very vigorous in championing for it. It applies to very many aspects, including the right to getting food to the community centres and schools through sponsorship by alternative Government and non-profit organisations. You have done a very commendable job through the Bill that you brought to this House.

Go ahead and request your Statement.

REQUESTS FOR STATEMENT

ABDUCTIONS AND MISSING
PERSONS IN MATHARE

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Speaker, I rise to request a Statement regarding increasing cases of abduction and missing persons in Mathare Constituency. I hasten to say that this has nothing to do with the 25th June demonstrations. I need to make it clear that these are people who have gone missing under unclear circumstances.

Pursuant to the provisions of Standing Order 44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security

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regarding the alarming increase in cases of abductions and missing persons in Mathare Constituency. In recent weeks, several residents of Mathare Constituency have reportedly disappeared under unclear circumstances. Among them are Mr Joel Kariuki Mwai, a businessman and former member of county assembly (MCA) aspirant, who was allegedly abducted on 18th June 2026 by armed individuals in civilian clothes around Mashimoni area. Also, Mr Michael Oloo Osura went missing on 19th June 2026 in Umoja Caltex; Mr Macmilan Kiarie was reportedly abducted on 20th June 2026 by individuals operating an unmarked vehicle around Kizito stage in Githurai. The whereabouts of Mr Abdulaziz Molu, popularly known as Zozu, a resident of Kiamaiko Ward, remain unknown. The latter was the subject of the demonstrations seen on television yesterday.

The reported incidents have caused great anxiety among families and residents, particularly given allegations that the victims were taken by individuals claiming to be security officers. Efforts by families to obtain information from the relevant security agencies regarding the whereabouts of the missing persons have reportedly yielded no information. It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The whereabouts and welfare of Mr Joel Kariuki Mwai, Mr Michael Oloo Osura, Mr Macmilan Kiarie and Mr Abdulaziz Molu alias Zozu. I hasten to add that one of them has since been found as announced on the mainstream media. I am very grateful. We are still pursuing the other three.
2. Whether any unit of the National Police Service (NPS), the Directorate of Criminal Investigations (DCI) or any other State agency was involved in their arrest, detention or disappearance.
3. The measures being taken by the Ministry of Interior and National Administration to investigate these incidents, prevent arbitrary abductions and enforced disappearances, if, indeed, they are, and safeguard the rights and security of residents of Mathare Constituency and Kenyan citizens.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Tongoyo, this Request for Statement is referred to your Committee.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, considering that the House is going on recess tomorrow, I can bring a response on the first Wednesday after we resume from recess. Considering the sensitivity of the matter, I will try and get the response as soon as possible and share it with the Member.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mwago, do you want to comment on the same?

Hon. Amos Maina (Starehe, JP): Thank you, Hon. Temporary Speaker. I wish to join my colleague and neighbour from Mathare Constituency in seeking a clear Statement from the concerned Committee as abduction cases in Nairobi have increased. Nairobi's volatile nature has caused protests leading to the death of one person. The youth are still protesting and demanding the release of Zozu and other missing persons. We would like the Ministry of Interior and National Administration to tell us what is going on. They should produce those people to mitigate the protests and deaths. People on the ground are still very angry, and they are protesting.

The Temporary Speaker (Hon. Martha Wangari): You have made your point, Hon. Mwago. This was Hon. Oluoch's Request for Statement. Hon. Tongoyo, yesterday you indicated that your scheduled meeting with the Cabinet Secretary and the security organs did not take off. You can include these issues in the agenda. On this specific matter, you will issue a response in the first week after we resume from recess. However, if you get a response before or during the recess, share it with Hon. Anthony Oluoch.

The next Request for Statement is by Hon. Mwago.

PERENNIAL FIRES AT GIKOMBA MARKET

Hon. Amos Maina (Starehe, JP): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the status of investigations into perennial fires at Gikomba Market.

On 21st June 2026, fire broke out at Gikomba Market, resulting in the deaths of at least two people, injuries to several people and destruction of property worth billions of shillings. Gikomba Market has suffered numerous devastating fires over the years, including incidents in 2015, 2018, 2020, 2021, 2022, 2024, twice in 2025 and the recent one this year. Each incident caused extensive destruction to businesses and livelihoods. Despite investigations and assurances by the Government that measures would be implemented to address the root causes of the fires, the market continues to experience recurring fires. Previous investigations attributed some of the fires to faulty electrical installations within the market. However, reports emerging from the latest incident indicate that there was no electricity in the affected section at the time the fire broke out, raising concerns regarding the actual causes of the recurring incidents. The frequency and circumstances surrounding the fires have raised public concern and suspicion that some of the incidents may possibly indicate arson.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The status of investigations into the fire that occurred at Gikomba Market on 21st June 2026, including whether any evidence has been established regarding possible criminal activity, including arson.
2. The findings and recommendations of the previous investigations into fires that have occurred at Gikomba Market over the years, and the extent to which those recommendations have been implemented.
3. Measures being taken by the Government to permanently address the recurring fires at Gikomba Market.
4. Plans by the Government to compensate the families of the victims and the affected traders and to facilitate the restoration of business operations within the market.

The Temporary Speaker (Hon. Martha Wangari): Hon. Tongoyo, again, this Request for Statement is referred to your Committee. Also, note that this is not the first time the issue of Gikomba fires has been brought to the House. It is a recurrent issue. As you seek a response, also address the recurrence element of this matter.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, it is also important to note that the management of the market is a shared function. Most markets are run by county governments. The response may require concurrence with the county government on mitigation and long-term solutions.

The Temporary Speaker (Hon. Martha Wangari): When will you bring a response?

Hon. Gabriel Tongoyo (Narok West, UDA): I will bring a response in the first week after we resume from recess.

The Temporary Speaker (Hon. Martha Wangari): Remember that under Article 125 of the Constitution, you can seek a response from anyone, including the county government.

Hon. Gabriel Tongoyo (Narok West, UDA): It is very true. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): We will have the response in the first week upon resumption from recess. Let us hear Hon. Mwago.

Hon. Amos Maina (Starehe, JP): Thank you, Hon. Temporary Speaker. To add to what the Chairperson has said, as much as the issue of Gikomba fires falls under the mandate of the county government, it has always been brought to the national Government's attention. The President even went to Gikomba and addressed it. He once advised that the land should be gazetted and a title deed issued, but that has not been forthcoming.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mwago, you have already made your point. I have ruled on when a response should be brought. I have guided the Chairperson on Article 125 of the Constitution, which gives him the ability to summon any person to appear before the Committee to provide information. Also, Article 189 of the Constitution provides for cooperation between the two levels of government. Ensure that you get the response to the Floor of the House, so that Members can indulge on further questions, in case the response is not sufficient.

(Hon. Amos Maina spoke off the record)

We have already heard you, Hon. Mwago. You will properly raise supplementary questions on the Floor of the House when the time comes. Hon. Tongoyo, you will bring a response during the first week after recess. The Member and other Members will be free to indulge with the response on the Floor of the House.

Next is a Request for Statement by Hon. Tonui, Member of Kuresoi South.

REPLACEMENT OF FAULTY
TRANSFORMERS IN KURESOI SOUTH

Hon. Joseph Tonui (Kuresoi South, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Energy regarding the prolonged delay in the repair and replacement of faulty electricity transformers in Kuresoi South Constituency.

Access to reliable electricity is essential for economic development, education, healthcare and the general well-being of citizens. However, communities in several parts of Kuresoi South Constituency have experienced prolonged power outages due to faulty transformers. The transformers have neither been repaired nor replaced for extended periods of time despite the matter having been reported to relevant authorities.

The affected transformers include those at Kabongoi Primary School, Kapngorot Secondary School, Chebara Secondary School, Timbwalo, Trigoi, Chenugu, Kaprengero, Ngorofa and Lendany. It is reported that some of the transformers were declared faulty and reported for repairs and replacement more than two years ago while others have remained non-functional for periods ranging between six months and one year. Consequently, households, schools, businesses, health facilities and other electricity consumers within the affected areas have endured prolonged interruptions in power supply, adversely affecting livelihoods, learning, service delivery and economic activities.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Energy on the following:

1. A report on the state of transformers serving Kabongoi Primary, Kapngorot Secondary, Timbwalo, Trigoi, Chenugu, Ngorofa, Lendany and Chebara, including the dates when the faults were reported and the action taken to date.
2. Factors that have contributed to the prolonged delay in repairing or replacing faulty transformers particularly those that have remained non-functional for more than two years.

3. Measures put in place by the ministry and the relevant agencies to restore electricity supply to affected areas, and the timelines for the repair or replacement of faulty transformers.
4. Long-term measures being implemented to improve maintenance, reduce response time for transformer failures, and ensure reliable electricity supply to consumers in Kuresoi South Constituency and other affected areas across the country.

The Temporary Speaker (Hon. Martha Wangari): This is a very thorny issue not just in Kuresoi. Hon. Toroitich, do you want to ride on it?

Hon. Timothy Kipchumba (Marakwet West, Independent): Yest, Hon. Temporary Speaker. The issue raised by Hon. Tonui cuts across several constituencies. The Kenya Power and Lighting Company (KPLC) must ensure that their transformers are serviced regularly. They usually take away faulty transformers, but take a very long period of time to replace or repair them. The House must take this issue seriously and compel KPLC to address it with finality.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Yes, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, the Request for Statement is very important, especially the fourth matter that Hon. Tonui raised. The ministry needs to come and address us on the quality of the transformers they install in our urban centres nowadays. Is the placement of posts into the ground being done professionally? Why are they falling down everywhere? Do they lack a mechanism to put them in place? We must take this Statement very seriously and have the Cabinet Secretary himself come and address us on these issues.

The Temporary Speaker (Hon. Martha Wangari): Yes, Hon. Haji.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker. This very important Statement cuts across almost the whole country. The generator that serves my constituency went faulty. They brought it to Nairobi, kept it for one month, and took it back. After two days, they said the problem had not been rectified. They brought it back to Nairobi again. For the last one week, I am told it is on the way. We take two days from my constituency to Nairobi. This is now a critical issue.

Kenya Power and Lighting Company needs to up its game. This House should look at the monopoly of Kenya Power. We should have a competitor to Kenya Power and Lighting Company. We used to have serious issues when we had telephone services from Telkom Kenya only. The issue solved itself naturally when Airtel and other telephone service providers were licensed to operate across the country. I request the House to look for ways and means of ending this monopoly. Otherwise, the problem will persist.

The Temporary Speaker (Hon. Martha Wangari): Member for Wajir West, you are best placed to start that debate.

Hon. Yusuf Adan (Mandera West, UDM): Very good. I will start the process.

The Temporary Speaker (Hon. Martha Wangari): Hon. Pareyio, we keep it short.

Hon. Agnes Mantaine (Narok North, JP): Thank you for allowing me to ride on the issue of transformers. I thought it was happening in my constituency only. We have a problem with transformers. We tell Kenya Power and Lighting Company representatives to install transformers in places where there is security. They install the transformers at places where there is no security and a day later, it is gone. Ordinary people cannot remove a transformer from where it is because they fear electricity. I tend to think that there is an issue or problem to do with the people who install the transformers. They install a transformer today and the next day it does not work. They then claim to have installed transformers in certain places yet those transformers do not work.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, let us keep it short. You have made your point, Hon. Agnes. Member for Nyando, I want to bring this matter to a close.

Hon. Jared Okello (Nyando, ODM): Thank you, Hon. Temporary Speaker. It is true that we have problems with transformers. Probably, the problem has a direct link with the tendering processes and those who win the tenders to bring transformers into the country. The quality of transformers needs to be checked properly. Unfortunately, there was an inferno early this morning at Ahero Market within Nyando Constituency. Three shops were burnt down together with all the items contained therein. The fire has been attributed to faulty power lines. Therefore, whereas we have problems with the transformers that probably get damaged and we have to wait forever, the transformers also pose great risk to the lives of Kenyans.

A long time ago, we used to have transformers that lasted longer. I do not know what is happening currently. Crooks have a way of opening up the transformers and syphoning out oil from them. We do not know what they use the oil for. Therefore, the quality of the transformers being procured must be at the core of our consideration, moving into the future.

The Temporary Speaker (Hon. Martha Wangari): I cannot see the Chairman of the Departmental Committee on Energy, Hon. Gikaria. Is the Vice-Chairman or any Member of the Committee present? Hon. Sunkuli actually spoke to the main issue because the quality affects all of us. In fact, Hon. Tonui, I was starting to think it is a Nakuru problem. Just yesterday, I was following up on similar issues affecting Gilgil, Shokereria, Karunga and Kambi-Turkana. Every Member here has to keep calling to find out about these transformers. I think there is a bigger problem.

Hon. Waqo, I see you, but I do not see the leadership of the Committee. This is a very urgent matter that should be responded to not just for Nakuru, but across the country. As you can see, Members still want to say something on the same matter. I think Members have to go Kenya Power and Lighting Company offices begging for transformers to be taken to their areas. Quality is another issue. How do they fail? It is installed and after a month and it is out. It does not make sense. I hope you will relay that concern to the Committee, Hon. Wako.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I will relay Members concerns on this serious problem. I am sure the Committee will give it all the attention it deserves. This problem affects most of us in many of our counties. That is what we are experiencing. We should have a serious discussion with Kenya Power and Lighting Company. The Committee should give us a proper response.

The Temporary Speaker (Hon. Martha Wangari): I am told there is a Member of the Committee. Do you have something to say, Hon. Odege?

Hon. Tom Odege (Nyatike, ODM): Thank you, Hon. Temporary Chairlady. I just wanted to take the responsibility of reporting back to the Committee. I would also like to inform the House that we had a round of checks on transformers when we realised that there are thousands of faulty transformers dumped somewhere in Ruiru, which is a confirmation that the quality is wanting and we need to look deeper into the supplies. I will consult with my Chairman.

The Temporary Speaker (Hon. Martha Wangari): We expect the Statement in the first week on resumption. Hon. Members, be here to interrogate the Statement. If it is not sufficient, we will cause the Cabinet Secretary to appear here to deal with that issue.

Next Order.

BILL*First Reading*THE KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL
(National Assembly Bill No. 9 of 2025)

(The Bill was read a First Time and referred to the relevant Committee)

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

*[The Temporary Speaker
(Hon. Martha Wangari) left the Chair]*

IN THE COMMITTEE

*[The Temporary Chairlady
(Hon. Martha Wangari) in the Chair]*

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(Senate Bill No. 25 of 2023)

The Temporary Chairlady (Hon. Martha Wangari) Hon. Members, we are in the Committee of the Whole House to consider the County Governments (Amendment) Bill (Senate Bill No. 25 of 2023).

Clause 2

The Temporary Chairlady (Hon. Martha Wangari): There is a proposed amendment. Let us have the Mover. Who is moving? Is it Hon. Tongoyo? Who is the owner of this Bill? Is it Hon. Toroitich? All right. You have a proposed amendment.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

- (a) in paragraph (a) by deleting the expression “two-thirds” and substituting therefor the expression “one-quarter”;
- (b) by deleting paragraph (b); and
- (c) by deleting paragraph (c).

Hon. Temporary Chairlady, the justification for this amendment is that we want the process of removing a county executive committee (CEC) member from office to mirror what happens at the national level. When introducing the matter in the county assembly, one should not necessarily require a higher threshold. To introduce the matter in the assembly, one will need the support of a quarter of the membership of the assembly. Then progressively, one will need the support of two-thirds of the membership when the plenary of the county assembly moves to set up the committee to investigate the conduct of the CEC member. Eventually, the support of two thirds of the membership of the assembly will be required to remove the CEC member from office. This will ensure that county assembly members cannot be jeopardised in their oversight role.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Toroitich, kindly, use the intervention button if you want to speak on any amendment.

Hon. Timothy Toroitich (Marakwet West, Independent): Thank you, Hon. Temporary Chairlady. There is wisdom in amending the current requirement of one-third of the membership of an assembly for initiate the process of removing a CEC member from office. We proposed to increase that threshold to two-thirds, but the Departmental Committee has reduced it to a quarter. Let me give an example. If a county assembly has 30 members, the current provision, under the County Governments Act, is one-third. A third of 30 is 10. We proposed to increase it to two-thirds or 20 members.

The departmental committee has further reduced the threshold for initiating the process of removal of a CEC member from office to eight assembly members, where the membership is 30. A quarter of 30 is 7.5, which shall be rounded off to eight. In my opinion, this low threshold will be abused, and it will bring instability in county governance. County assembly members will arbitrarily initiate removal of CEC members. Many CEC members will be removed from office based on politically orchestrated grounds. Therefore, I respectfully disagree with the proposed amendment by the departmental committee. In the worst-case scenario, let us retain the current threshold.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Toroitich, are you the co-sponsor of this Bill?

Hon. Timothy Toroitich (Marakwet West, Independent): Yes, Hon. Temporary Speaker.

The Temporary Chairlady (Hon. Martha Wangari): Was it your intent to retain it at two-thirds?

Hon. Timothy Toroitich (Marakwet West, Independent): No, my intent was to increase the threshold from one-third to two-thirds, but the departmental committee has reduced it further to a quarter, which defeats the purpose and intent of the proposed amendment.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Sunkuli, proceed.

Hon. Julius Sunkuli (Kilgoris, KANU): Personally, I do not attach so much importance to the office of CEC member. This is one of the public offices where the taxpayer spends a lot of money for nothing. In my opinion, the lower the threshold the better because CEC members do not serve any important purpose in the running of the counties.

(Loud consultations)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, are you saying that CEC members are not useful to the counties? That is a very serious submission.

Proceed, Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I oppose the proposed amendment of reducing the threshold to a quarter of the membership. I am more agreeable with the prevailing threshold of one-third. Again, a requirement of two-thirds would be so high that it would be almost impossible to initiate the process. One-third is more reasonable. It is important to remember that people in executive positions, being overseen by politicians, are vulnerable. Many times, they are technical people. What technical people do when they feel threatened is to refuse to act or they just allow things to go wrong. They are clear that this thing is not going to work. However, if that is what politicians want, then let it be. So, there is need to support them. I propose, if possible, we do a further amendment. If we

oppose this, it will revert to two-thirds where it was, and that is too high. I propose, if the Mover is agreeable, we put it at one-third.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal, you have actually touched on the issue. If this amendment of taking it to a quarter is lost, we will revert to the way the Bill is worded, which is two-thirds and not one-third. The one-third is no longer there. The Bill is amending it to two-thirds. Hon. Members, you will now debate between keeping it at two-thirds or to a quarter and not one-third. Hon. Nyamai. Hold on, Hon. Nyamai. Yes, Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): If it is possible, as the Mover is waiting, they can move a further amendment and bring in to one-third...

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal, your microphone is off.

Hon. (Dr) James Nyikal (Seme, ODM): It is back. It is possible that we do a further amendment and bring it to one-third. It was two-thirds and we brought it to one-third. What we did was to reduce it to a quarter. If we reject a quarter, we will go back to the two-thirds and the whole thing will be lost. So, I am proposing...

The Temporary Chairlady (Hon. Martha Wangari): The Member for Seme, the initial Bill has one-third. The proposed amendment has two-thirds, but the proposed amendment by Hon. Tongoyo takes it to a quarter. So, one-third is no longer there unless it is a further amendment.

Hon. (Dr) James Nyikal (Seme, ODM): That is why I am asking for a further amendment from Hon. Tongoyo to move it from a quarter to two-thirds, which will take us back to where we were. From the way it has been proposed, if we defeat the Bill we will go back to two-thirds. The one-third that was proposed in the amendment was the best.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyamai.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Temporary Chairlady. I would like to request the Mover to agree with the proposed two-thirds so that we support professionals. We know very well that normally, governors start their tenures well with their CECs. However, midway, things change because of politics and other interests that I do not want to discuss here. So, they may be forced to act contrary to the law. I request Hon. Tongoyo to stick to the two-thirds.

The Temporary Chairlady (Hon. Martha Wangari): Very well. The Member for Nyatike, are you intervening on this Bill?

Hon. Tom Odege (Nyatike, ODM): I stand to support the two-thirds proposal. We know the witch-hunting that happens at county levels. If we lower this, no work will happen in counties and blackmail will be the order of the day. So, I support the two-thirds proposal.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Kajwang'.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairlady, laws must be consistent; two-thirds is not known to law. Everywhere you look from women representatives, gender equity or composition of the House, you cannot reach two-thirds! There is no law anywhere which requires that people should have a threshold of two-thirds. So, we will make it impossible to supervise these people. Let us make something that is reasonable that will make it difficult for governors to joke with these people, but at the same time allow us to supervise in this House.

Hon. Tongoyo, Hon. Nyikal has proposed the way forward. Give us a further amendment which is reasonable, so that we can vote on this amendment.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, from my understanding, this threshold is not for the final vote on removal; rather, it is for the initiation of the process to remove. We are confusing the two. There is a further section that speaks to the actual vote. Remember, we have already set, in this House, in the national laws for a

president, deputy president, and cabinet secretary to be two-thirds. However, the initial supporting signatures is the issue that we are supporting.

Hon. Tongoyo, before I put the Question.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Chairlady, actually Members are losing the point. If you look further down in (b) and (c) respectively, they say that after introducing when initiating the issue of impeachment, we make it one-third to make it easy and possible. These CECs do oversight and that is exactly what we do in this House. When introducing the impeachment of a minister, you require the same number. When you take it to the plenary of the Assembly, we make it two-thirds. That is where the debate happens on the reasons for impeachment. So, this is a well thought amendment. It should be easy to introduce, but for voting, we should make the threshold higher.

The Temporary Chairlady (Hon. Martha Wangari): So, which one are you now saying?

Hon. Gabriel Tongoyo (Narok West, UDA): We retain it at a quarter. That is what happens even in the National Assembly.

(Hon. Gabriel Tongoyo spoke off the record)

The Temporary Chairlady (Hon. Martha Wangari): Yes, Hon. Nyikal. Use the other microphone. It is a roving microphone.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I agree, but I am calling for a midway. If we go with this and just say yes or no, then what we will be dealing with will be a quarter and two-thirds. Now, the original law was actually one-third. For initiation, one-third is proper. What Hon. Tongoyo would have to do is to propose a further amendment where instead of one-quarter, he proposes one-third. I know it will just take us back to where it was.

When we come to the actual removal, I support two-thirds. We should not touch that one. For initiation, if you make it a quarter, it will not work. Some of us have been in these positions. A technical person who is worried is a very dangerous person. So, a further amendment to make it one-third instead of a quarter is what Hon. Tongoyo can do to help us.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairlady, the current statute as it is, provides for the process to initiate impeachment. The number required is one-third pursuant to Section 40 of the current County Governments Act. I had proposed to increase the threshold to two-thirds, but the Committee is proposing a quarter, which will reduce the number required to initiate the process of removing a CEC further. Therefore, I propose a further amendment to have the number required to introduce the impeachment of a county executive committee member to be a third to initiate the process of his removal.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Toroitich, I hear you. However, how you are proposing to amend is not the way it is worded. In this amendment in sub-section 2, you cannot say we are amending the threshold to remove a CEC. It must be written properly to be accepted as a further amendment and you must sign it.

*(The Temporary Chairlady consulted
with the Clerks-at-the-Table)*

(Loud consultations)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, I know we are wrapping our heads around it. Could we hear the very good discussions from Hon. Nyikal? If you ask me, from my reading of the amendment, if you revert to one-third, then there is no amendment until we consider Clause 2(c), which strikes out the majority to two-thirds. That is the actual vote of the plenary. So, that will remain the only amendment in this Bill. There will be nothing else if we revert to one-third.

Yes, Hon. Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Probably, I will whip the House to defeat that amendment. Then, we can go paragraph by paragraph, so that when we come to Clause 2(c), we approve it. Simple. Either he withdraws or we defeat it, and when we come to Clause 2(c), we approve it.

(Loud consultations)

The Temporary Chairlady (Hon. Martha Wangari): The Chairperson of the Departmental Committee on Administration and National Security, Hon. Tongoyo, is proposing an amendment to Clause 2(a) to substitute it with “one-quarter” which majority of you do not agree with. He is also proposing an amendment to Clause 2(b) by deleting it, and also deleting Clause 2(c).

Hon. Gabriel Tongoyo (Narok West, UDA): Let me make it clear. It is very simple, Hon. Temporary Chairlady. The only point of departure here is one, when you are initiating the impeachment Motion.

Hon. Temporary Chairlady and colleagues, we wanted it to mirror exactly what happens in this House, so that it does not become almost impossible for members of a county assembly (MCAs) to do their oversight. Of course, when it comes to plenary, traditionally, it sets the committee to investigate, which then takes the threshold to two-thirds. When it comes to the voting, we have put it at two-thirds.

Largely, the proposer of the Bill wanted to make it very hard. A threshold of two-thirds makes it almost impossible for an MCA to get that number. Again, I heard what Hon. Nyikal said, that we can take it to one-third, which is exactly what it is under the current law. If we are comfortable with that one, it is Mover of the Motion...

The Temporary Chairlady (Hon. Martha Wangari): Hon. Tongoyo, Hon. Toroitich does not have an amendment on this Floor. What he has is a Bill. He cannot purportedly withdraw the Bill unless he drops the Bill. Hon. Toroitich, you do not have amendments on the Floor.

Hon. Members, you can only debate the amendments by Hon. Tongoyo in relation to the Bill as moved by Hon. Toroitich. Hon. Toroitich’s Bill is proposing two-thirds. Hon. Tongoyo’s amendment is proposing one-quarter.

(Loud consultations)

Very well. We have spent enough time on this Bill.

Hon. (Dr) James Nyikal (Seme, ODM): It is important for posterity. I mean, if we spend a day just doing this, it is still important. If everything goes as it is, what is going to happen is the initiation process threshold will drop to one-quarter.

The Temporary Chairlady (Hon. Martha Wangari): Yes. Instead of two-thirds.

Hon. (Dr) James Nyikal (Seme, ODM): Impeaching requires two-thirds. So, all we are saying is that Hon. Tongoyo should amend Clause 2(a) only. There has to be a further amendment on Clause 2(a) to replace one-quarter by one-third. If he does that, then what eventually comes into law is that what has been increased is the removal threshold, which has been taken to two-thirds, and that I agree with.

But you do not make the initiation process threshold too low. People will make it a joke. So, Hon. Tongoyo has got the answer. If he agrees that he amends (a) only, then as Hon. Kajwang' said, we do (a), (b), and (c) separately. We will then support Clause 2(b) and (c), and eventually Clause 2(a) as amended.

*(The Temporary Speaker consulted
with Clerks-at-the-Table)*

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, have we closed the divides? The reason I have allowed enough time is because this law is not just about this time. It is a posterity law. The last 13 years of devolution has also taught us a lot. It is very proper to refine the laws that are setting up the operations at the county level.

Hon. Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairlady, bearing in mind that I have listened to the wisdom of the Members, is it possible under Standing Order 1, for us to have a further engagement on this particular Bill, so that then it can be recommitted at a later date?

*(The Temporary Speaker consulted
with Clerks-at-the-Table)*

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, we have already spent almost 30 or so minutes debating this Bill. It would be very unfortunate for this Bill to go back, yet it is a very simple amendment. Hon. Tongoyo, if you ask me, going back would amount to wasted time of this House, so to say. I implore you to ensure that we deal with this Bill today because we have already spent so much time on it.

Hon. Gabriel Tongoyo (Narok West, UDA): I can see Hon. Nyikal and the learned counsel, Hon. TJ Kajwang', *aka* the "Chief Justice" consulting. Members, there is nothing wrong or extraordinary in this amendment. There is nothing wrong in making it easy to introduce an impeachment Motion and give a higher threshold when going to the real issue of looking at the merits and demerits of impeachment. I had made it clear to the House that we wanted exactly to mirror what happens in the National Assembly, which is one-quarter, then progressively we build the numbers.

Hon. Temporary Chairlady, I implore the House to accept the amendment, so that we progress and move forward. There is nothing that will prevent the House, at a later stage, from re-introducing any amendment that may be considered necessary. I call upon Hon. Nyikal to support the Committee's position, so that nothing holds up the House. It will continue to exist in future.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Murwithania, Member for Buuri, contribute without introducing a new angle.

Hon. Mugambi Rindikiri (Buuri, UDA): This Bill that has been brought forward by my very good friend, Hon. Toroitich, will fail, totally, if we do not take action. The only opportunity we have is to amend it as proposed by the Chairperson of the Departmental Committee on Administration and Internal Security. We cannot make it very easy to remove a member of a county executive committee (CEC) from office.

My opinion is that we move the amendment and align it with the procedure of the National Assembly. That means we retain the expression "one-quarter" and delete paragraphs (b) and (c) in Clause 2 of the Bill. If we do not do so, then the two-thirds threshold, which may be impossible to attain, will defeat the purpose of impeachment. Therefore, I suggest that we proceed and align the amendment with the procedure of the National Assembly. The Senior

Counsel had indicated that the two-thirds threshold does not exist in law. We cannot introduce an illegality into the law.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, I want us to make progress. Hon. Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairlady, thank you very much for indulging us because we are making law for posterity. This is an important matter. We have agreed that the law is a third threshold. Hon. Timothy raised the issue. Hon. Tongoyo also spoke about initiation of the removal from office. However, there is also paragraph (b) in Clause 2 which concerns the formation of a committee.

The consensus we are building is to defeat Hon. Timothy's amendment, so that we go back to the Act. We would also like to defeat Hon. Tongoyo's amendment in paragraph (b) only, so that we go back to the Act. We will accept Hon. Tongoyo's amendment in paragraph (c) which is two-thirds threshold. Therefore, initiation of the removal from office requires one-third threshold. Formation of the committee will remain at one-third threshold. If you want to remove a member of the CEC, it will require two-thirds threshold.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, we shall, therefore, prosecute each part of the amendment independently. Check the amendments in the Order Paper. They are proposed by Hon. Tongoyo. He proposes that Clause 2 of the Bill be amended—

- (a) in paragraph (a), by deleting the expression "two-thirds" and substituting therefor the expression "one-quarter";
- (b) by deleting paragraph (b); and
- (c) by deleting paragraph (c).

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

(Question, that the words to be inserted in place thereof be inserted, put and negated)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Chairlady, I am sorry. It looks a bit confusing. If we defeat this amendment, it will take us back to what the proposal of the Bill originally intended. If we defeat this amendment, it means we revert to retaining the expression "two-thirds" which makes it almost completely impossible.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Tongoyo is totally in order. As I had said, Hon. Members, Hon. Toroitich has no amendment. Therefore, we shall proceed to put the global Question that Clause 2(a) be part of the Bill. If you oppose it, then we will revert back to one-third threshold. If the House accepts it, it goes back to two-thirds threshold.

(Clause 2(a) agreed to)

Clause 2(b)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended by deleting paragraph (b).

The Temporary Chairlady (Hon. Martha Wangari): There is no intention to debate.

(Question of the amendment proposed)

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

(Clause 2(b) agreed to)

Clause 2(c)

The Temporary Chairlady (Martha Wangari): Hon. Toroitich.

(Several Members spoke off the record)

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended by deleting paragraph (c).

Hon. Temporary Chairlady, it has to be very clear; (c) provides that the final resolution to remove a county executive committee member (CECM), under the current law, as it is in Section 40, provides for a simple majority. I have proposed it to two-thirds. The Committee has taken us back that we should delete our proposal of two-thirds and retain a simple majority. I, therefore, pray that my proposal be sustained so that our amendment goes through with two-thirds.

The Temporary Chairlady (Martha Wangari): Hon. Members, Hon. Toroitich is right because his Bill is to take it to two-thirds, which we agree.

(Question of the amendment proposed)

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

(Clause 2(c) as amended agreed to)

(Loud consultations)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, this is confusing. However, the import of this is that we have taken the threshold of the actual removal. By your “AYE,” it remains as proposed by the Member for Marakwet West, which is two-thirds. So, it is in order, Hon. Members.

(The Temporary Chairlady consulted with Clerks-at-the-Table)

Hon. Members, allow me to put the global question.

(Clause 2 as amended agreed to)

(Title agreed)

(Clause 1 agreed to)

Hon. Members, we have come to the end of that Committee. Mover, kindly move the reporting. Hon. Tongoyo.

*(The Temporary Chairlady consulted
with Hon. Gabriel Tongoyo)*

Hon. Members, I do not know why we are confused. Hon. Toroitich, the Bill is the way it is. The moment the deletion has been defeated, we revert to his Bill, which goes to two-thirds. I do not see the confusion. Are you ready to move reporting?

Hon. Timothy Kipchumba (Marakwet West, Independent): We have now agreed.

Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the County Government's (Amendment) Bill (Senate Bill No. 25 of 2023) and its approval thereof with amendments.

Sorry, Hon. Temporary Chairlady. I beg to move that the House do agree with the Committee in the said Report, and I also request...

The Temporary Chairlady (Martha Wangari): You are moving reporting, Hon. Toroitich. You have already moved reporting. I, therefore, put the question.

(Question proposed)

(Question put and agreed to)

Hon. Members, we are still in the Committee, but before the start of the next Bill, allow me to recognise a delegation from the National People's Congress of the People's Republic of China.

(Applause)

Hon. Members, I wish to introduce to you a Delegation from the Fourteenth National People's Congress of the People's Republic of China, who are seated in the Speaker's Gallery. Kindly stand up if I mention your name. They are:

1. Hon. Lu Xinshe, a Member of the National People's Congress (NPC) Standing Committee and Chairman of the Environmental Protection and Resources Conservation Committee.
2. Hon. Wang Yi, a Member of the National People's Congress (NPC) Standing Committee and Member of the Environmental Protection and Resources Conservation Committee.

Hon. Members, the delegation is accompanied by the Ambassador of the People's Republic of China, Amb. Guo Haiyan and the technical team of the Committee. They are in the country to further strengthen the longstanding relations between our two Parliaments and also, hold discussions on matters environmental protection, renewable energy, sustainable natural resource management, climate change and green investment.

Hon. Members, on my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their stay in the country. I have been requested by Hon. Shakeel to make a statement on the same welcoming notes.

Hon. Shakeel.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Chairlady. We have had a very close relationship with the People's Republic of China and I am honoured to be the Chairperson of the Kenya-China Parliamentary Friendship Group. We have had a number of engagements, not only in China but also here. We have had online meetings at the time of COVID, where we were meeting the Members of the National People's Congress (NPC) in China. A number of our Members of Parliament were active in that meeting. It is a great honour to receive the team. They will be going to Maasai Mara. They are also here to look at some of the environmental aspects that we have put in force. Our relationship with the

Chinese Communist Party (CCP) and the People's Republic of China is a very strong one. We have gained a lot. As Members of Parliament and members of African Parliamentarians Network Against Corruption (APNAC), they have been guiding us on the issue of corruption. We have had a great relationship. May I request your indulgence. My colleague also wants to...

The Temporary Chairlady (Hon. Martha Wangari): It is not in your place, Hon. Shakeel.

Hon. Shakeel Shabbir (Kisumu East, Independent): I was asking your indulgence.

The Temporary Chairlady (Hon. Martha Wangari): You have made your point. Thank you, Hon. Shakeel. I will first give a chance to Hon. Sunkuli, as the former Ambassador. Ambassador, were you in China? Make a very quick one-minute statement.

Hon. Julius Sunkuli (Kilgoris KANU): Hon. Temporary Chairlady, I welcome the members of the NPC of the People's Republic of China, where I served as an Ambassador. The NPC is the highest political organ in the People's Republic of China. They are the equivalent of our Parliament. We have had great relationships with them, together with the CCP. They have been foundational to the development of our country in the last 10 to 12 years. We welcome them to feel at home. I am glad that my constituency, and the great Maasai Mara is one of their destinations. I hope that many more Chinese people will continue making Kenya a destination, both for business, as well as for tourism.

The Temporary Chairlady (Hon. Martha Wangari): Let us have Hon. Nyamai. Hon. Members, let us keep it short.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Chairlady. The reason why Hon. Shakeel was asking for me to be given a chance is because we travelled together. I represented the Speaker of the National Assembly while Hon. Shakeel was the leader of the team as the Chairperson of the Kenya-China Friendship Association. I welcome the high-level delegation that is extremely important for us as Parliament and as a country. We value the treatment and exposure that you give Members of Parliament and other dignitaries when we visit. We would like this to continue. We encourage you to always start with any new Parliament that is elected, so that Kenya and China can continue benefiting from the relationship within our Parliaments.

The Temporary Chairlady (Hon. Martha Wangari): Thank you very much. Finally, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): I think I have two microphones, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): That tells me you did not come with your card hence it is roving.

(Laughter)

Hon. Silvanus Osoro (South Mugirango, UDA): That is true.

The Temporary Chairlady (Hon. Martha Wangari): Go ahead.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Chairlady. I also take this opportunity to welcome the high-level delegation from China. I inform them that China and Kenya share a very cordial relationship, both on matters development of our region, and also sharing matters politics. Since the Government of Kenya opted to focus towards the East and West, you will notice that there has been tremendous growth in the country in terms of development. I am happy today, as a person who is an advocate of the environmental matters, to hear that their interest is largely on the line of the climate change. This is at a time when the country and the world is focussing on the green energy and other matters that are very important to our health.

I will inform them something of importance to them this morning. They may have noticed that there are several seats that are empty here. This is because today being a Wednesday, it is usually a Private Member's Bill Day, and Members of Parliament also hold meetings in committees or in various departments. Therefore, many of our Members are also legislating in their committee rooms. But those of us who are not in some of those committees this morning are here to legislate a private Member's Bill. That is why they sit out this way.

Thank you very much. I welcome them.

The Temporary Chairlady (Hon. Martha Wangari): Thank you. *Karibuni Kenya.*

THE BASIC EDUCATION (AMENDMENT) BILL
(National Assembly Bill No. 3 of 2025)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, we are in the Committee of the whole House for the Basic Education (Amendment) Bill (National Assembly Bill No.3 of 2025), sponsored by Hon. Tom Oluoch.

Clause 3

Hon. Temporary Chairlady (Hon. Martha Wangari): Here is a proposed amendment by the Chairperson of the Departmental Committee on Education.

*(The Temporary Chairlady consulted
with the Clerk-at-the-Table)*

Hon. Members, I will treat Clause 3 as though it has no amendment because the Mover is not in the House.

(Loud consultations)

*(The Temporary Chairlady consulted
with the Clerk-at-the-Table)*

Hon. Members, I have been requested to defer these amendments.

*(The Temporary Chairlady consulted with
Hon. Silvanus Osoro and Hon. Anthony Oluoch)*

Hon. Members, there seem to be a bit of consultations that need to go into this Bill. Allow me to defer the Committee of the whole House until the next appointed time for consideration.

(Consideration of the Bill deferred)

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

(The House resumed)

IN THE HOUSE

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

MOTIONCONSIDERATION OF REPORT ON THE
COUNTY GOVERNMENTS (AMENDMENT) BILL

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Temporary Chairlady, Committee of the whole House, please, proceed.

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the County Governments (Amendment) Bill (Senate Bill No.25 of 2023) and approved the same with amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover of the Bill.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee of the whole House on the said Report. I request Hon. TJ Kajwang' to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. TJ Kajwang' (Ruaraka, ODM): I Second.

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

(Question proposed)

(Question put and agreed to)

BILL*Third Reading*THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(Senate Bill No. 25 of 2023)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Mover to move the Third Reading.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I beg to move that the County Governments (Amendment) Bill (Senate Bill No.25 of 2023) be now read a Third Time. I also request Hon. TJ Kajwang' to second.

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

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I beg to second the Bill at the Third Reading. We had interesting moments as we consulted across the House. At the end of the day, Hon. Timothy was gracious enough to understand the direction we were taking. Equally, Hon. Tongoyo and the Member from Meru were very energetic in helping to shape our thinking. One thing that came to my mind is that, age is gold. Being around is a good thing. I ask that Hon. Timothy comes back for a second term. I am sure he will be back. When he does, these issues will be much clearer. I also ask those who are watching that some of us who are serving a third term should be given a fourth or even a fifth term, because investing in this House is gold and it comes with age.

I second. It is not my place, but Hon. Nyikal is itching to speak next to me.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kajwang', you are a trained speaker. I will allow Hon. Nyikal to comment. You know all the rules. You are aware that you should not have done that, but I now call upon Hon. Nyikal to make his comment.

Hon. Julius Sunkuli (Kilgoris, KANU): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Before I allow your point of order, can I first of all propose the question?

Hon. Julius Sunkuli (Kilgoris, KANU): That was my point of order.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal. Please, do not talk about a fourth term like your colleague did.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. Well, it is almost obvious, but let us leave it at that. This is a very important amendment Bill. The position of county executive committee members (CECs) has left many people wondering whether they function or not. It is an important office, and it is equally important that its holders feel secure in their positions. What I know is that the power play within the Executive must be handled carefully. When people in appointed positions feel unstable, they do not perform well. Even when they know things are going wrong, they may let them go wrong because they fear losing their positions. Therefore, this is a good amendment Bill. It gives the office some stability while still allowing county assemblies the authority, with a little bit of effort, to sanction them where necessary.

I support it in the Third Reading.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Ambassador, please, proceed.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, I support the Third Reading. However, I hope that in the near future, the Senate will introduce additional amendments to eliminate redundant offices. Personally, I do not believe that we need both the CEC and the CEO among other positions. We are spending taxpayers' money to give jobs to people with established titles yet they do not have responsibilities to perform. I hope such amendments will come. I can see my colleague from Nandi has her hand up because she may soon become a governor. She will then realise that some of those offices are not useful.

(Laughter)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Martha Wangari, who also ably chaired the Committee of the whole House of this Bill.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Temporary Speaker. This has been a very engaging debate because it is not just about the present. Since the introduction of devolution, a lot has changed. However, one thing that has been constant in the counties is the wage bill. We appropriate billions of shillings to county governments, yet when you attend a funeral, you find a governor accompanied by people full in two tents. Many of them do not even know the deceased. They arrive with about 20 county vehicles. As a result, when you travel around the constituencies, you do not see the impact of the money that we have ably appropriated in this House.

The other issue is governors desiring to become senators, and senators wanting to become governors. I know we do not want to talk about it, but it affects how county governments are run. I hope the Senate will bring more progressive laws, including borrowing from what the NG-CDF has done. Can we ring-fence county allocations by providing, for example, that 30 per cent goes to health, 30 per cent to ECDE and another portion to polytechnics? That way, we would compare the amount of money allocated with the work being done by county governments.

I also agree with Hon. Sunkuli that the bloated workforce in the counties must be dealt with. Otherwise, we will continue to have many people at the county level without knowing what they do, while their output remains negligible.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Osoro, the Whip of the Majority Party.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Temporary Speaker. I do not know why they keep shifting. What is happening here?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Osoro, you know why we are struggling to trace you. The clerks-at-the-Table are struggling to locate you.

Hon. Silvanus Osoro (South Mugirango, UDA): Well guided, Hon. Temporary Speaker. I also rise to support the Third Reading of this amendment Bill. Several years after the promulgation of the Constitution of Kenya, 2010, it is about time that we reviewed what works and what does not, especially regarding county governments. Just as Hon. Martha has said, the ballooning wage bill in the county governments is a challenge. We allocate billions of shillings to the counties, but 90 per cent of those funds are used to cover the wage bill. Each Member of the county executive committee (CEC) and each chief executive officer (CEO) has been allocated a driver and a personal assistant. None of those people have clearly defined roles. Chief officers have about 10 officers working for them. Members of the CEC have about 15 officers working for them.

A careful analysis of county government operations indicates that even CECs have no role. Governors directly engage the chief officers because they are the accounting officers. The CEC's role is limited to reading newspapers every day. They are also called upon to accompany governors to functions. Whenever you attend county government functions, 90 per cent of those ululating and clapping for the governor are county government workers. They are not members of the public. All the people clapping in designer suits are county government workers.

(Laughter)

I am being guided by Hon. Cynthia, who wants to be a governor, that all those clapping at whatever the governor says are county government employees. If the governor laughs, they clap because that is what their role limits them to. I am on record in this House as having said that we need a microscope to see what counties do with the billions of shillings we allocate to them. The effects of the National Government Constituencies Development Fund (NG-CDF) can be plainly seen in the classrooms we build and the bursaries we hand out. The governors are just engaging in public relations exercises by hiring crowds to cheer for them during public functions. They have podiums and big titles like “Your Excellency.”

It is about time we reviewed what works in the Constitution of Kenya, 2010. You will all agree with me that Kenyans cannot differentiate the roles of Members of Parliament and those of the county governors. To date, we are being asked about development, hospitals and agriculture. People do not understand that those functions fall under the purview of the county governments or county assemblies.

I echo the words of Hon. Martha Wangari that the Senate and the National Assembly should amend our laws, so that we do not allocate unlimited funds to the counties. We should not give them an open cheque to spend as they wish. We should stipulate how much they should spend. For instance, we could stipulate that 20 per cent of allocated funds should be spent on recurrent expenditure and 30 per cent on development expenditure. I am certain that 99 per cent of allocated funds goes to the pockets of governors or their proxies. Sadly, they use those funds to hold on to their elective seats. Those funds hardly help the counties. They use those funds to buy a “round” for everybody who attends their functions.

All of us want to be governors. We may be talking a big game on how to spend county resources, but once we are elected as governors, we may realise that perhaps that is the *modus operandi*. Your colleagues will tell you what you should do in order to lead. They will tell you that you should beat those who do not side with you and procure dozens of goons and a team that cheers for you during funerals and functions. However, what goes around comes around. You will suffer once you leave office because you spent public resources selfishly, leaving mothers and children to die in hospitals.

I feel bad for the proponents of devolution. We increased the allocation to counties to Ksh428 billion. At the inception of devolution, counties received Ksh250 billion. What have those funds done in your counties? I am not calling out anyone, but look around Nairobi where we all live. Look at the dirty state of our estates. Look at the back streets and how disorganised they are. This is not about political parties. Let us speak facts. It is evident if a governor is doing nothing. Go to your counties and check. People are suffering. The Early Childhood Development (ECD) teachers are suffering, while governors engage in public relations stunts. They dish out equipment to small kids in school with their names branded on it. It is a very sad state of affairs. Do we have proper laws to bar governors from stealing?

With those many remarks, I call upon this House and even the Senate to review our laws and stop the widespread theft in our counties.

(Applause)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have Hon. Cynthia Muge, Member for Nandi County.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker. Allow me to appreciate the diligent and progressive Member for Marakwet West for his amendment Bill to streamline county operations. I support the Bill. I served in the Nandi County Assembly where we once considered an impeachment Motion against a CEC. I want to echo the sentiments of Hon. TJ and Hon. Nyikal who said that CECs should have job security, so that they can deliver on their mandate. I appreciate and support that proposal. Previously, impeachment threats were easily used as witch-hunts. If MCAs felt that CECs were not bowing to their demands, they would marshal a few Members to impeach them. However, making those provisions watertight will make devolution work.

I also support the review of devolution to determine if it is meeting the milestones previously envisioned. Like all the Members who have spoken, I feel that devolution is not meeting its milestones. We should look into why that is so. Hon. Osoro has spoken passionately about what is happening in county governments. I agree with him because I have also seen what happens in the counties having served in the Nandi County Assembly. We should support devolution by enhancing its benefits and doing away with its weaknesses by enacting progressive laws to anchor it.

I appreciate Hon. Toroitich for being progressive. Once I become the third governor of Nandi County in 2027, I will not change who I am. I will do the right thing because I support devolution, which I believe can work. Devolution is Godsent for Kenyans. It allows them to get services at the grassroots level in the villages. I support the Amendment Bill.

Hon. Members: Governor.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Good luck, Hon. Cynthia.

Hon. Rindikiri will be the last one on this. Members, just make quick comments knowing that this is Third Reading. Do not debate. I allowed Cynthia purposively. I knew how she was going to end. I was just waiting for her to make the right comments for herself. Members, please, do not take the Cynthia way.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. You know I was there together with the other wise men and women right from the beginning of this morning. I think county management is a thorny issue. I am looking at my county that will receive Ksh10.8 billion. Out of that, 75 per cent will go towards recurrent expenditure leaving a very limited amount for development expenditure.

Governors have turned management of counties into something like private property. That is how many of them are treating county employees such as CECMs, directors and others the way they do. It is very unfortunate that we are appropriating Ksh428 billion to counties, but at the end of it all, you can only see about 25 per cent of what that money has done to counties. I agree counties have brought employment, but they are continuing doing so at the expense of development.

In as much that we say yes to devolution, we need to ask governors to show us the value of the money that we have appropriated to them. It is not only the money appropriated there. They also receive donor funds and do own collections. Look at Meru County that will end up with something like Ksh15 billion yet the education sector and ECDE classes are a problem to even build. Look at health institutions that are in a deplorable state. The roads they are supposed to manage are in deplorable situations. You ask yourself where this money goes.

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

*[The Temporary Speaker
(Hon. Martha Wangari) in the Chair]*

We should not make it easy for fraudulent governors to start sacking or impeaching CECMs to get excuses. Impeachment is not a good thing, but some people are going to make use of it. That is why the Mover is trying to make it very difficult for them. We should not make it easy for them. We should not. Some of them will want you impeached if you cannot agree with them. I can tell you that governors will target people who challenge them in management. They like sycophants. They do not like professionals who are ready to work for counties. This Bill is good and a warning to some of the governors. Some of us are seriously thinking either to join Cynthia Muge or not.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Kibra.

Hon. Peter Orero (Kibra, ODM): You have given me a chance despite the fact that you had said that was the last speaker. I must be grateful that you have given me an opportunity also to put in one or a few comments. The kind of money we give to governors is a lot. This time it was over Ksh428 billion. Some counties get almost Ksh15 billion at their disposal. In future, we need to have a profile and basic requirements for people to be governors. Some governors have never been in any managerial position. They have never been in any public office or any other office to allow them to manage such kind of money.

The NG-CDF has been managed to the extent that MPs do not have direct control on that money. We need to have clauses within these systems that do not allow governors to misuse the funds that we give to them. Governors have made counties their personal property. We should not be seen to be fighting governors. No! We are looking at service delivery to the people of this country. You will find that some MPs have done better than governors and yet the governors have been given colossal sums of money in this country to take care of the needs of the people they govern. Devolution did not come to benefit a few individuals. The devolution that we fought for was meant to bring service delivery closer to the people of Kenya.

*[The Temporary Speaker
(Hon. Martha Wangari) left the Chair]*

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

Therefore, I support the Bill. We as a country must look at the way we govern our counties.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Dorothy Ikiara, Nominated Member of the UDA party.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you. I want to weigh in on the Bill and say that devolution was brought to our country and we overwhelmingly voted for the 2010 Constitution. We thought it is a cure to historical injustices in some of our areas. As we stand here today, it is very evident that devolution has failed. This Bill has come in handy because we need to strengthen devolution. The only way counties will move together as a unit is by strengthening devolution.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I encourage you to just take a minute or two. Just make comments. Let us not debate. This is Third Reading.

Hon. Dorothy Muthoni (Nominated, UDA): We need to channel our efforts to areas that weaken devolution. We also need to ensure that we do not spend all the money that goes to counties on the recurrent expenditure that eats all the money that goes to counties as opposed to development. I support the amendment by Hon. Timothy. It is our duty and responsibility to ensure that we strengthen devolution.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Umi Harun.

Hon. Umulkher Harun (Nominated, ODM): Thank you for giving me the opportunity to also contribute to this amendment and congratulate Hon. Timothy. I support this amendment because the drafters of the Constitution had a very good vision when they brought the concept of devolution. That did not include governors who would arm-twist and corrupt resources that are available to them. I hope this Bill will also not create emboldened CECMs, but allow them to do their work diligently.

I come from a region where devolution has helped in developing so many things, but we still have the problem of corruption. I hope the Bill will provide proper oversight and the support CECMs need so that county assemblies do their job well.

I thank the Member and support this amendment.

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

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you.

I sincerely thank the honourable Members who have contributed to the County Governments (Amendment) Bill substantially. I thank Hon. T.J. Kajwang', Hon. (Dr) Nyikal, Hon. Sunkuli and all the Members that have contributed to making this Bill better. It is my sincere prayer that the people of Marakwet West will give me a second term so that I can bring more Bills to this House.

(Applause)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Toroitich. You know I have been in this House for long. This is my third term. I want to tell you that I have seen you doing something right. You know the right thing that you have been doing. Continue doing it. I hope the people have seen and they will give you a second term.

Hon. Members, before I put the question, I would like to welcome our visitors. Seated in the Public Gallery this morning, we have students from Providence Academy from Kasarani Constituency, Nairobi County; Kageraini Secondary School from Kinangop Constituency, Nyandarua County; and Ngamwa School from Mukurweini Constituency, Nyeri County. Also

seated in the Speaker's Gallery are students from D.E.B. Nkiria Primary School from Buuri Constituency, Meru County.

I take this opportunity to welcome you to Parliament and on behalf of Parliament, I ask the Member for Buuri Constituency to welcome you. I will also give an opportunity to the Hon. TJ Kajwang' after him.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to welcome all the students from the various schools you have mentioned and specifically D.E.B. Nkiria Primary School from Buuri West, Buuri Constituency. This is one of the largest schools we have in a very remote area of our constituency. As you can see, they are very determined. It is also one of the best-performing schools in that region. I welcome all the students to Parliament. This is where laws for this country are made, where your Member of Parliament sits and where we make decisions on how the Government operates.

I congratulate all the students who have come and encourage them to learn a lot. Do not be in a hurry. Take your time to learn, see and interact with the parliamentary environment. The parents of many pupils at Nkiria Primary School worked in the forest. Reaching here is a very important occasion for them. I encourage you and some of you will become Members of Parliament, members of county assembly (MCAs), doctors and engineers. Please, work very hard.

Finally, school is a factory for growth. Do not take advantage of the school by burning schools or engaging in acts of indiscipline. I know the students of Nkiria Primary School are very well disciplined and we expect to see you succeed in life. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Those comments are meant for all the schools seated in both the Public Gallery and the Speaker's Gallery. Hon. Kajwang', I would like to give you an opportunity to welcome the students, especially those from Nairobi and the others. Before you continue, I realise Members are wondering why I said that Hon. T.J. is a trained Speaker. For your information, during the 11th Parliament, the Member for Ruaraka was a Member of the Speaker's Panel and he did a wonderful job. Please, go ahead and welcome the students.

Hon. TJ Kajwang' (Ruaraka, ODM): Thank you so much, Hon. Temporary Speaker, for those kind words. I was a Presiding Officer until I blew the whistle and I have learnt all these terms. Hon. Timothy should learn the good things here. Do not blow a whistle. If you blow a whistle at a sitting President, you can be in trouble.

I welcome the students who are here with us not just those from Kasarani, but from all the counties represented here. The fact that they have the opportunity to come and see these elegant Members do their things is interesting. They will have an incentive to work hard and achieve even more than we have achieved. When you return to your schools, let geography, science, physics and chemistry become your staple food. You have now had the opportunity to see where things are done. You have no reason to perform poorly in your examinations. You have all the reason to be energised and do better than the Member for Buuri.

I thank you for having the opportunity to come. As you can see, the Member for Buuri is already wearing a white hat. Aim for your hair not to go that direction, but make sure that you are able to do better than we are doing in this House. Thank you so much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. I would also like to say that Hon. Rindikiri Mugambi is a wonderful and excellent Member of Parliament.

Hon. Members, I will now put the question.

(Hon. Elisha Odhiambo raised his hand)

I can see someone has his hand up, but I do not see any intention to speak on the screen. Go ahead. Please, trace where he is and give him the microphone.

Hon. Elisha Odhiambo (Gem, ODM): Hon. Temporary Speaker, taking cue from Hon. Kajwang', I also wish to congratulate the students for coming here. I want to tell them that you cannot connect the dots looking forward, but you can only connect them looking backward. Many years ago, I came to Parliament as a student from Kenyatta University, little did I know that many years later, I would be seated right here in the House talking about issues affecting the nation of Kenya.

Finally, students, there is something called stimulus and response. Your business in school is not to fight your fellow students. Your teachers provide the stimulus and you are supposed to choose the right response. The right response is to be inspired and motivated to pass your examinations and build a better country and nation. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Lastly, Member for Kisii County, Hon. Dorice Donya.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Temporary Speaker. I appreciate the opportunity. To our children, sometimes you want to be perfect while in school, but that is not where you have to be perfect. Just know that if you make mistakes, that is part of learning. It is like saying that if we were all angels in our churches, then we would have to close them down. Do not fear making mistakes. When you leave here, know that it is part of learning. Above all, obey your teachers, pray hard, and to our girls, do not enjoy so much receiving love letters from small boys. You will receive them when you go to university and the beautiful ones are not yet to be born. Do not be in a hurry. Hold it, read your books and know that your future is bright. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Lastly, Hon. Jalang'o.

Hon. Phelix Odiwuor (Langata, ODM): Thank you so much, Hon. Temporary Speaker. I also take this opportunity to welcome all the students and especially those from Kasarani, Nairobi City County. Here we have students from all over—from as far as Meru, Kisumu and many others. Mine is to tell you that it does not matter which school you are in or that you had to travel to be here today. Also, it does not matter how rural a school may be or how much infrastructure it has. From that school you are in, you can become whatever you want in this country.

I was a student at Nyang'oma Boys Secondary School, P.O. Box 23, Bondo. It is very far and deep in Nyanza, but here we are. Today, I am representing the people of Lang'ata Constituency in Nairobi as their Member of Parliament. Keep the faith, continue working hard, obey your teachers and your parents, and be the best in everything you do. Do not worry about where you are from. As Lupita said, every dream is valid. Welcome to Parliament, students. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Members, I will now put the question.

(Question put and agreed to)

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

Next Order.

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. TJ, what is out of order?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, something is not right. We came this morning and in the Order Paper there was the Committee of the whole House on the County Governments (Amendment) Bill and the Basic Education (Amendment) Bill. We

finished the Committee of the whole House on the County Governments (Amendment) Bill. We then began the second one. When the Chair called it out and asked the Mover to move his amendments, the Mover was not in the House. The Standing Orders would have required us to proceed because the Order had been called. Somehow, we do not understand what happened. The presiding Chair decided to defer the proceedings. It is very embarrassing for the owner of the Bill, Hon. Oluoch. It is very embarrassing that we are all here and well prepared yet somehow, without following the Standing Orders, something happens. This needs to be explained properly.

Secondly, where is the Chairperson of the Departmental Committee on Education? He cannot just decide not to come. If he decides not to come, it means he has dropped all his amendments. Please, treat us equally. This session is for Private Members' Bills. We need to pass legislation. We cannot have a situation where the Government throws it all on our faces. Otherwise, we are not able to legislate. So, Hon. Temporary Speaker, I call for a reasoned explanation from the presiding Chair as to why she did not follow the Standing Orders and why we find ourselves in this very embarrassing position.

This matter also came before the House Business Committee. It is the House Business Committee that brought this matter today. Can we do it this afternoon if we are unable to do it this morning? Furthermore, the Vice-Chairperson is here. She is ready and willing to prosecute the matter. Why can't we go into the Committee of the whole House so that we finish this matter? I feel very bad. Some of us are from constituencies with APBET schools and we know that the Government is fighting us. They do not want APBET. Rather, they just want to do things the way they want. But we will force them because this is the legislative House.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I think you have made your point.

Hon. Anthony Oluoch (Mathare, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Oluoch, do you want to ride on the same? I wanted to respond to Hon. TJ first and then I can give you a chance because this concerns you.

(Hon. Anthony Oluoch stood up in his place)

Just take your seat first.

(Hon. Anthony Oluoch spoke off the record)

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

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Speaker, this morning, I am a very embarrassed Member of this House. Extremely embarrassed. This Bill is not just coming for the first time. I prosecuted and brought this Bill in the 12th Parliament. It is not out of idle concern that this Bill came. The Bill concerns and affects close to three million unaccounted-for, discriminated against and excluded students. The people you see sitting here are representatives carrying the burden that the Government should be carrying under Article 43 to ensure that every child in the Republic of Kenya is entitled to free, basic and compulsory education.

When this Bill came for the second time, it went through all the statutory steps. It underwent the pre-publication scrutiny, First Reading and public participation. We even appeared before the Budget and Appropriations Committee and considered all the budgetary issues that required consideration. It then came to the Second Reading and passed. There should, therefore, be no reason for this. If there is a reason, it should be given to the three million Kenyans. We should be told whether they are children of a lesser god. Once the House

Business Committee is seized of a matter, whether Government or Private Members' business, it becomes the business of this House. Once it has been brought to the Floor of this House, it is no longer the property of Hon. Anthony Oluoch or that of the Chair of the Departmental Committee on Education. It becomes the property of this House collectively under Article 95, which enjoins us to resolve issues affecting the people. This issue affects three million Kenyans. If there is a reason why these children do not belong to this country, we should be told.

I am a very embarrassed Member of Parliament this morning that, very casually, a Member of Parliament should come prepared to prosecute a matter as serious as this one. When you give birth to a child, there is no child living in Karen and Lang'ata and another living in Mathare, Kibra or Ruaraka. They are all children of Kenya. This House owes an apology to the people of Kenya and the people in these constituencies.

This matter requires a considered ruling from the Speaker on why, and for what reason, a matter should be stood down. If a Member is not here, it should be dropped. We demand a considered ruling from the Speaker this afternoon and the reinstatement of this matter. These children have been discriminated against since the promulgation of the Constitution of 2010. One more day of their discrimination, even up to 29th, when this matter is being deferred, is a day too long. I am very, very embarrassed today.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Kibra, do you want to weigh in on the same?

Hon. Peter Oromo (Kibra, ODM): Thank you, Hon. Temporary Speaker. I really do not want to weigh in much after my two colleagues, who are ranking Members and are also lawyers, have already spoken, but I do so because I represent Kibra Constituency, where we have the majority of the APBET schools in this country. Most importantly, I am also a Member of the Departmental Committee on Education.

For this Bill to pass the First Reading and Second Reading, it came before us in the Committee. We went through all the amendments to the Bill as a Committee. It was unanimously passed by the Committee. That is why it came to the Floor of this House. Because it is a money Bill, it went to the Budget and Appropriations Committee, which also passed it. It then went to the House Business Committee and was brought for the Third Reading in this House. After passing the First Reading and the Second Reading, it is now at the Committee of the whole House stage. This Bill no longer belongs to the Departmental Committee on Education. It now belongs to the House.

As my colleague has said, we are all annoyed because the procedures are not being followed. Once the Bill has been called out, we need to debate it. We need to proceed with it irrespective of whether the Chairperson of the Committee is present or not. I am also a Member of the Departmental Committee on Education. I stand in when the Chairperson is not there. The Vice-Chairperson is here and we are also here. There is no reason why this matter should be deferred to a later date and as my colleagues have said, it requires a considered ruling from the Chair so that we know why this Bill cannot proceed.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I think the three Members have made their points. First of all, the Chairman consulted with Hon. Oluoch. The one chairing the Committee of the whole House consulted with Hon. Oluoch, before the decision was made. Hon. Oluoch, I have given you your time to speak. I have also allowed your colleagues to speak, and so, you need to allow me to speak. I feel you are ready to prosecute the matter, but the Chairperson of the Departmental Committee on Education is not in. He is busy considering a very important matter that concerns this House. He did not choose to be absent.

Secondly, this matter will be scheduled again, not this afternoon, but on Wednesday in the morning. Under our Standing Orders, Wednesday mornings are reserved for Bills and

Motions not sponsored by the Majority Party, the Minority Party or a Committee. Such business shall have precedence over all other business. I assure you that this business will be considered again.

I also listened keenly to Hon. Kajwang' who was very ready for this matter. I believe you also have guests, seated in our Gallery, who would have been very happy to see this happen. However, I assure you that this business will be considered as soon as possible. This is a House of order and records. I know Hon. Kajwang' also approached the Speaker requesting that we reorder the business. However, this is a House of order and procedure. It is not possible to do that at this moment. I ask you to allow the House to proceed with other business. This matter will be scheduled by the House Business Committee at the earliest possible opportunity.

Thank you very much. I would like to call for the next Order.

BILL

Second Reading

THE PENAL CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 53 OF 2024)

*(Moved by Hon. Anthony Oluoch
on 10.6.2026 – Morning Sitting)*

*(Resumption of debate interrupted
on 24.6.2026 – Morning Sitting)*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, there was no Member on the Floor so, any Member who would like to contribute can do it. I can see Hon. Julius Ole Sunkuli, Member for Kilgoris.

(Loud consultations)

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, I stand to support this Bill. Its intention is to amend Section 226 of the Penal Code. Sorry, there are a lot of consultations here. Unfortunately, it is being done in Dholuo.

(Laughter)

The intention of this Bill is to amend Section 226 of the Penal Code which states that any person who attempts to kill himself or herself is guilty of a misdemeanour. The intention of the Mover is to remove the offence of attempted suicide from our laws. It remains one of the sticky parts because the Penal Code that we have today in Kenyan law was inherited from the English law or what the lawyers call the common law. It was left to us by the British to punish crime. Unfortunately, even before we got Independence in 1961, the United Kingdom (UK) abolished the offence of attempted suicide. Under the Suicide Act of 1961, it was no longer a crime in England and Wales to attempt to kill oneself. That offence was removed.

It is important to know that one of the reasons we would like to amend this law is to align ourselves with what other civilised countries do. The countries that depend on the common law of England, including Canada and Australia, no longer treat attempted suicide as a crime. A lot has been said about why we want to remove this offence. There are two ways of looking at it. One is that attempted suicide is against the law. At the same time, it is also a

religious issue. Churches— like my Church, the Catholic Church— consider taking life, even your life, to be a sin.

In the Church of England, which I wish to refer to, it is still not possible for a person who has committed suicide to be accorded the normal church rites. If you kill yourself, you do not receive a Christian burial. But that is as far as it should go. In reality, the argument we use for the sanctity of life is that it is God-given. If you commit an offence against God, we leave the judgment to him. There are many things that are considered sins in the Christian religion that do not necessarily become crimes. For instance, adultery might be punished in church, but it is not punished under our law. Attempted suicide is one of those things where morality and law differ.

Suicide is an interesting offence because the person who commits it is both the culprit and the victim because he suffers the loss. We would like to look at this person more from the point of view of being a victim. Human rights organisations in Kenya went to court. The judge gave a judgment that Section 226 of the Penal Code is unconstitutional and therefore, it should be repealed. It is also important to note that even in England, committing suicide was removed as an offence from the statutes. In order to match with the rest of the world, it is important to remove this offence.

Many people in this House have argued from the point of view of sympathy. People who try to commit suicide may be guilty of wanting to take their lives. However, they are victims of the circumstances of their mental state. If you want to punish people who try to kill themselves, but have not completed the offence, what should society do? Should it continue to punish them or we should sympathise?

I realise that in our country today, especially where I come from, when people want to kill themselves, they take acaricide, capatox or steladone. These pesticides are quite common in Kilgoris. If people want to kill themselves, that is the preferred method. I do not know whether they are sweet, but I have never tasted them. It is such a common occurrence that we do not say someone has committed suicide, but somebody has "taken dip." When you look at it, most of these cases have their roots in the problems people have with the society.

Our friend Francis Imbuga says:

When the madness of the entire nation disturbs a solitary mind, it is not enough to say the man is mad.

We must sympathise with these people because they have a problem. Instead of punishing them, it is better to help them. After all, attempted suicide is one of those offences where the attempt is a crime, but the completed act itself is not a crime. Suicide is not an offence. It only becomes a crime if you do not succeed. It is like treason. It is only an offence if you do not succeed. If you succeed, it is no longer a crime. Why should we punish a crime that is not successful? We should not do that. As I have said, most western countries have banned attempted suicide as an offence. But, of course, we must caution ourselves that the liberalism of the West has gone a little too far. Fortunately for us, because we rely very much on the common law of England, under English law, it remains an offence to encourage or assist another person to commit suicide.

As you know, in countries such as Switzerland, the Netherlands, Belgium and, in certain circumstances, Germany, forms of assisted dying are permitted, subject to strict legal conditions. A person may approach a doctor and state that they no longer wish to live. After undergoing the required medical and legal assessments, they may, where the law allows, receive assistance to end their life.

Under the law of England, however, encouraging or assisting suicide remains an offence, and it should remain an offence under our law. Our law should not lose its grip. Instead, when somebody has attempted suicide, let us take that person to a good rehabilitation

centre. Let us do as much as possible to rehabilitate their thinking. Let us assure them that life is worth living and that their circumstances can improve.

I always tell people when I attend funerals of people who have died by suicide that if you really feel you want to die, the best thing to do is to take a long trip. Perhaps go to the Coast, board a ship, return when you are refreshed and tired from the journey, but do not take your own life. We need more counsellors to come into this field because attempted suicide is not a criminal problem. It is a problem that somebody has, and let us try to address it at its root.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon (Dr) James Nyikal, Member for Seme and Chairperson of the Departmental Committee on Health.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. This is actually an amendment that we should have had a long time ago. I will focus on one major aspect of it. Attempted suicide is often associated with mental illness, particularly conditions such as bipolar disorder during a depressive episode. This is a very common problem. We all know that mental illness is a major scourge in our society today.

Another important element is that one of the key symptoms of mental illness is a lack of insight. In other words, you do not recognise that you are ill. If somebody is mentally unwell, they are often not aware that they are unwell. One of the symptoms they may exhibit is suicidal ideation or suicidal behaviour. If that becomes a crime, then you are effectively making illness a crime. Instead of ensuring that somebody receives treatment, you choose to take that person to court and prosecute them. As we all know, once somebody is before a court of law on a charge of attempted suicide, there may not even be an opportunity for that person to be properly assessed or treated.

For me, among many other reasons, the fact that attempted suicide is a major symptom associated with mental illness makes it almost mandatory that it should not be treated as a crime. It should be treated as a sign of illness, and the person should be assisted with appropriate help being made available instead of being dragged before a court.

With those remarks, I support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Samuel Parashina, Member for Kajiado South.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Temporary Speaker. I also rise to support the Bill sponsored by Hon. Anthony Oluoch. The purpose of the Bill is simply to repeal the offence of attempted suicide under the Penal Code. As other Members have argued, attempted suicide should not be treated as criminal conduct that belongs in the criminal justice system. Rather, it should be addressed through mental healthcare because once a person attempts suicide, we need to establish the underlying cause. In most cases, attempted suicide is caused by distress and the challenges that people go through in life. Sometimes we fail to appreciate the difficulties that people face or encourage them to seek guidance and counselling. A person may go through enormous challenges such as losing a job, struggling to meet basic needs, or experiencing serious family problems. By the time someone attempts suicide, there is a very high probability that they see it as their last resort.

This Parliament has an opportunity to help address a serious problem facing the country. If we examine the available data, attempted suicide has been treated as a crime for many years. We must ask ourselves: How many lives has that approach saved? The answer is none.

In other jurisdictions such as England and Wales, the offence of attempted suicide has long been repealed. This is one of the colonial laws that we inherited, and it is time to reform it. We should ask ourselves what the Government should do once this House passes the Bill. I strongly support the establishment of more mental health centres across the country. In fact, there should be one in every county, and if possible, in every constituency.

Drug abuse, alcohol abuse and similar challenges can also lead a person to attempt suicide. If we have a mental healthcare system that is capable of addressing these psychological challenges, we will save many Kenyans instead of relying solely on the criminal justice system. Article 28 of the Constitution guarantees every person's inherent dignity. Human dignity includes recognising the value of every human life. It is, therefore, the responsibility of Government to create a supportive environment and to promote programmes that help people facing mental health challenges.

I would also like to see more public awareness campaigns. Just as we conduct campaigns on polio, malaria and vaccination, we should also conduct nationwide campaigns on mental health. People should feel free to come forward and speak about the challenges they are facing. Recently, our country suffered the tragic loss of lives at Utumishi Girls High School. Looking at what might be the cause of the rise in such cases, you will find out that students decide to burn dormitories when they know their colleagues are inside because of the normal challenges that people go through. Even if we criminalise everyone, it will not resolve the issue. What happened is a bad thing, but the school has learned a lesson. One student said that they burn schools because they are afraid of exams or peer pressure. However, if we had a programme or subject in guidance and counselling that students go through in schools, it would help many people.

I urge all of us in this House to support this Bill. It will help us examine what is happening. People cannot afford everything in life. We are not created equal. You cannot assume that because you can sort out your issues, the other person must be forced to do the same. Our cultures and beliefs are different. The way we handle challenges in life is also different.

I support this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Rindikiri Mugambi, Member for Buuri Constituency.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. I have some very interesting statistics on the study conducted between 2025 and this year. Of all the cases reported on suicide, 70 per cent to 80 per cent were men. The age group during the same period was 15 to 29 years old. In terms of regions, the following counties were quoted as having high cases of suicide: Kiambu, Nyeri, Murang'a, Kirinyaga, Nyandarua and Meru.

These are interesting statistics in light of what we are discussing today: the element of criminality among the suicide cases. These statistics are very interesting because they tell us something. What is this common thing that is causing people to commit suicide? That 70 per cent to 80 per cent are men? Is it the age bracket of our young people, 15 to 29-year-olds? How is it coming out from a region that we all know has the largest number of suicide cases? It comes out in so many ways. First, there is a lot of stress in life. We have been told that there are a lot of cases of drug addiction in some of these regions. There is a lot of stress associated with alcoholism, and there are a lot of suicidal cases associated with the normal pressure of life.

The cases of hereditary suicidal traits are very minimal these days. Some people would say, "Your family commits suicide." However, it is not coming out statistically now as it did before. If you look at the mental cases associated with stress, it is quite a worrying situation. There are cases where people have become terminally ill, and they want to take their lives. That is another cause of suicide. There is forced suicide, where you can push someone until they are forced to commit suicide. Lastly, there is religious suicide. An example is the Al-Shabaab, who commit suicide because of their religion. Therefore, this is a very important Bill. We cannot criminalise some of the people who have committed suicide because of stress. Mental illness is on the rise because life is so difficult. We also see that it is not very poor people who commit

suicide. Interestingly, people who commit suicide are from very rich families. Some of them throw themselves from their houses upstairs.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Rindikiri, would the one for Kilifi County, where people decided not to eat until they died, also be part of religious suicide?

Hon. Mugambi Rindikiri (Buuri, UDA): Yes, it is part of religious suicide because the Shakahola and Al Shabaab incidents are cases of suicide. So, it is not right to criminalise these people. We must, as a country, start investing heavily in research and continuously engage young people aged 15 to 29 years to understand exactly what is eating them up. Research should be conducted in regions where suicide cases are quite high. That will give us some case studies. However, we cannot criminalise these people. Let us counsel them, provide health rehabilitation centres, understand their situations and try to talk about suicide publicly without hiding.

Unfortunately, we educate our children up to university, then they commit suicide. It is stressful for parents. Therefore, this is a very emotive topic. We want to give these people a second chance at life. That is why I agree with the Mover of this Bill that people who attempt suicide deserve a second chance. As a State and nation, there is something we can do about it. If we continue talking about it, create public awareness and encourage rehabilitation, we will eventually come up with a solution. We cannot condemn our people to the gallows of death, knowing that what they have gone through is not their fault. We are not the only country trying to introduce such legislation. We are part of a global network. Other countries are doing the same. Kenya is not in isolation. Let us address this issue at the local, national and international levels.

I support this amendment and thank my very good friend, Hon. Oluoch. I do not know why these days he comes up with very interesting amendments. Could he be having many cases of suicide in Mathare? I do not see that statistically. So, I do not know the reason why. I thank him very much because he is a patriotic Kenyan.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Mary Emaase, Member of Parliament for Teso South Constituency.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker. At the outset, I also support the Penal Code (Amendment) Bill (National Assembly Bill No. 53 of 2024). When people commit suicide, they do so for various reasons. Sometimes one feels they have got to the end of it. I hear some of them say they are tired. That means they feel hopeless. They feel trapped and that there is no way out. That happens because of the challenges the person faces. So, when we criminalise attempted suicide, actually, we punish a sick person. This is a person who should be supported. There should be someone telling them it is okay, and it shall be well. They also need to see a doctor for psychological support through counselling. This is a very good Bill. We should decriminalise attempted suicide.

Article 43 of our Constitution talks about the right to life. Committing suicide is not easy because it is painful. Therefore, when an individual gets to a level where they attempt to commit suicide, it means they are going through stress. It could be because of the loss of a loved one, a debt, or pressure at work or at home. They are going through a situation that calls for psychological support and compassion, not criminalisation. If they are unsuccessful in their attempt to commit suicide, that individual needs support. Countries such as Singapore have decriminalised attempted suicide, and I believe this is the right thing to do. We need to provide individuals facing such circumstances with the necessary assistance, rather than subjecting them to criminal charges. Imagine a person who has just survived a suicide attempt being taken to court and charged with a crime, while we overlook the underlying causes of their distress. Instead, our focus should be on addressing the factors that push someone to contemplate

suicide. By doing so, we will be offering genuine support to these individuals as a nation. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Adagala, the Member for Vihiga County.

Hon. Beatrice Adagala (Vihiga County, ANC): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this discussion on the Amendment Bill. Currently, Kenya is facing a concerning mental health and suicide crisis. This crisis is driven by socioeconomic distress, unemployment, and relationship issues, with the most affected demographic being young people aged 15 to 35. This is very rampant. We address this issue urgently; criminalisation is not the solution.

It is not an individual's liking to be in such a situation; life's challenges are leading them to extreme measures. We have issues related to drug and substance abuse, as well as marital problems, which culminate from economic difficulties that prevent people from managing their lives effectively. Many individuals in this predicament require support and should be taken to counselling centres. The Cabinet Secretary for Health should establish facilities where these individuals can receive counselling and support. Through conversations and improvements in the economy, particularly in relation to employment, we may significantly reduce the incidence of suicide affecting our youth.

My colleague mentioned challenges occurring in schools, which can often be attributed to drug and substance abuse. I believe the Ministry of Health should ensure that our counties and even sub-county hospitals have designated counselling areas. Religious institutions should also play a critical role; they can provide a space for individuals to seek guidance. When someone is going through a difficult time, they should not view it as the end of their life. Life must continue, even amidst challenging economic circumstances.

It is high time the Cabinet Secretary for Health and our religious leaders act. Kenya is fundamentally a religious nation, with both Christians and Muslims. We need to talk to our people so that they resist the influence of drugs and alcohol. When problems arise, individuals should not resort to thoughts of suicide, as this is often driven by despair. If we take this matter seriously and address the risks associated with economic hardship, unemployment, and substance abuse, we will eliminate such tragic outcomes. I urge the church and the Cabinet Secretary for Health to take charge of this situation. Together, we can create a society in which no one feels the need to contemplate suicide due to economic difficulties or other irrelevant issues. Therefore, I support the amendment.

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

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Amendment Bill. It is timely as we must critically consider decriminalising suicide. Suicidal individuals are sick. Typically, before someone reaches the point of contemplating suicide, we notice small indicators that we may overlook. In psychology, we begin by addressing stress. When a person experiences stress, they may not be their usual self. From stress, one can progress to anxiety. When anxiety takes hold, a person often becomes unrecognisable to themselves. The next step can lead to depression, a phase in life where one feels off, unsure of how to navigate their existence, and overwhelmed by feelings of neglect and betrayal from those they believed would be supportive.

In such circumstances, individuals who are suicidal may not be fully aware of their struggles. The primary identification of a suicidal mindset must come from those closest to the individual. Friends, family members, teachers—those who are intimately connected must be the first to notice when something is amiss, even before a doctor does. Often, it is during the final stages of depression that a person feels hopeless and dejected, believing they have no one to turn to, ultimately concluding that leaving this world is their only option. It can be challenging to identify these individuals and seek help before they act. Therefore, I emphasise

that primary identification should come from those close to them: their peers, parents, siblings, and friends.

Interestingly, World Suicide Day is observed globally on 10th September each year. Coincidentally, this date is also my birthday, even though I have never experienced suicidal thoughts. As we contemplate the steps the Government should take, it is essential first to recognise that suicidal individuals need to be identified by others. Secondly, we must treat them with compassion. They require love and support so they can feel that their world has not come to an end. Even if they face unemployment or financial struggles and feel rejected by those they love most, they must know that they are not alone. In most cases, young people, including those in our midst, will always think of suicide as the last resort once their lovers leave them. We should counsel our students in learning institutions. They should have counsellors to advise them that a lover's rejection is not final. Others are ready to love them again. We have seen young girls and boys killing their lovers because of rejection.

Our learning institutions should have guidance and counselling teachers at every stage of a child's growth. Children should be taught how to persevere. Life is not easy for anyone, including politicians. Sometimes people, including politicians, have very high expectations. Suicide does not just affect young people; it also affects older people. Politics is extremely difficult. Sometimes, you are certain about winning a political seat that you end up using all your resources. Politicians need counsellors to prepare them in case things do not go their way. Suicide should be the last option. Suicidal people are not criminals. Suicide should not be criminalised. Some people are not in the right state of mind. I commend the Committee. I support this progressive Bill. We should treat suicidal people like anyone else who needs help.

Hon. Mary Emaase (Teso South, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Emaase?

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Speaker, according to our Standing Orders and going by the mood of the House, since we all agree with the Bill...*(inaudible)*.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, be on record.

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Speaker, according to the Standing Orders and going by the mood of the House, we seem to all agree with the Bill. I request that you call upon the Mover to reply.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): It might be the mood of the House; however, you have just spoken to the Bill, so you are not qualified to request that the Mover be called upon to reply. That request should come from someone who has not spoken to the Bill. You spoke very well. I will give Hon. Ikiara one minute to conclude her contribution.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I was just about to conclude, but I will start afresh.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Ikiara, you have only one minute.

Hon. Dorothy Muthoni (Nominated, UDA): Yes, Hon. Temporary Speaker. We have students in the House as we discuss this very important Bill. I want to tell them that nothing in life is simple. We have to persevere. Even if you do not perform well, even if you have the lowest grades, you should proudly take them back to your parents, as if you put your best foot forward. We even push our students to give us results and become number one. Sometimes they are not capable of delivering that. We push them until they contemplate suicide. I want to encourage them from those of us seated in this House today. I have never been number one in class or earned an A, but God has a place for each of us. Please, do your best in school and get

the marks you deserve. Most importantly, have a positive attitude towards life, and everything shall be well.

I support the Bill and thank the Committee. Let us have it.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Mary Wamamua, Member of Maragwa.

Hon. Mary Njoroge (Maragwa, UDA): Thank you. I will take the shortest time possible. I thought I would have time to move my Motion. However, allow me to take this chance to congratulate Hon. Anthony Olouch.

(Hon. Mary Emaase spoke off the record)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Emaase. Before we continue, Hon. Members, we have guests seated in the Public Gallery. I would like to recognise them. We have students from Chumvi Comprehensive School in Laikipia North Constituency, Laikipia County; St. Joseph's Chepterit Girls High School in Chesumei Constituency, Nandi County; AIC Chemoiben Church in Bureti Constituency, Kericho County; and Machakos Technical Institute in Machakos Town Constituency, Machakos County.

You are welcome to the National Assembly to continue observing the proceedings of the House.

(Applause)

Hon. Members, for the record, the third group is from AIC Chemoiben Church in Bureti Constituency, Kericho County. I see a Member very eager to welcome the students. Please, give him the microphone. He is on his feet. Please, proceed, Hon. Lelmengit.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you for this opportunity to welcome and recognise the students present here today. In particular, St. Joseph's Chepterit Girls High School from Chesumei Constituency, which neighbours my Emgwen Constituency. This is an opportunity for you to learn, gain first-hand information, and witness Members of Parliament debate.

This honourable House belongs to all of you. We were once students like you. We worked hard and that is why we are here. I urge you to work very hard, work smart, and you will excel in life. Most of you might become leaders like us and become Members of Parliament or even Presidents. God bless you and safe travels as you return to your respective schools.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Lelmengit. Now, I would like to return to the Member for Maragwa, so that she can conclude her remarks.

Hon. Mary Njoroge (Maragwa, UDA): Thank you, Hon. Temporary Speaker. As I had mentioned earlier, I thought I would move my Motion today. Nonetheless, allow me to commend Hon. Anthony Oluoch for introducing a very good amendment to the Penal Code. When we talk of attempted suicide being punishable, indeed, we are somehow becoming very mean. Nobody would attempt suicide unless that person is sick. We are supposed to look for ways to help such persons because we understand the issues that make people, whether young or old, reach a level of feeling like committing suicide.

Hon. Temporary Speaker, what we are supposed to do is instead of punishing the act, to come up with ways of how we can protect that life because some commit suicide and die. But those who do not die are the ones within the category of attempting, as they do not end up dying. We can save a life by coming up with ways such as guidance and counselling. We can also look for ways to rehabilitate these people because the issues that had brought the mental torture or the mental health illness are still surrounding them. So, as a Government, we can come up with measures to address this and minimise it or fight it in totality. This is by making

sure that those who attempt suicide are handled in a better way, and they can add value to their lives once again. Some are fathers, mothers, and others are youths who, perhaps out of drug and substance abuse, have come to a point where they feel no one loves them. That is a state of desperation. If you can take care of such a life, then you can see there will be value within the family.

I congratulate the Member and wish to leave some time for the next speaker and, possibly, the Mover to respond.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Esther Passaris, Member for Nairobi City County, proceed.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support the Penal Code (Amendment) Bill (National Assembly Bill No.53 of 2024) because it reflects the kind of society we aspire to be—one that responds to pain with compassion rather than punishment.

Hon. Anthony Oluoch has really worked tirelessly on this Bill. For me, attempted suicide is not an act of criminality. It is often the final cry of a person who has lost hope, someone battling depression, trauma, addiction, financial distress, family conflict or even overwhelming emotional pain. At that moment, they do not need handcuffs. They need help. They do not need a charge sheet. but counselling, treatment and a community willing to walk with them.

For decades, Section 226 of the Penal Code has allowed us to prosecute those who have already reached one of the darkest moments of their lives. We have effectively told them that if they survive a suicide attempt, they may face imprisonment. That approach has never prevented suicide. Instead, it has deepened stigma, discouraged people from seeking help and left many families suffering in silence. The Constitution guarantees every Kenyan the right to dignity, equality and the highest attainable standard of health. Mental health deserves the same seriousness, investment and compassion that we give to physical illness. When someone suffers a heart attack, we rush them to the hospital. When someone suffers a mental health crisis, we should respond with the same urgency and care.

The High Court has already affirmed that criminalising attempted suicide is inconsistent with our Constitution. Today, Parliament has an opportunity to bring laws into harmony with those constitutional values. As legislators, we must also ask ourselves a deeper question: What kind of nation do we want to leave for future generations? Is it one where people hide their struggles because they fear arrest or one where they know they can ask for help without shame? The answer should be obvious.

This Bill is not about encouraging suicide. It is about preventing it. Decriminalising suicide opens the door for interventions, early diagnosis, counselling and recovery. It encourages families, teachers, employers, faith leaders and health workers to engage without the burden of criminal sanctions. We have witnessed rising cases of mental health challenges among our young people, our security officers, healthcare workers, parents and professionals. Economic hardship, unemployment, substance abuse, gender-based violence and social isolation continue to take a heavy toll.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The time being 1.02 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

(The House rose at 1.02 p.m.)

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