



**MZALENDO**



# The 2024 Parliamentary SCORECARD

# **The 2024 Parliamentary SCORECARD**





# PART 1: INTRODUCTION

## SOVEREIGNTY OF THE PEOPLE

The Constitution of Kenya, 2010 under Article 1 states that All sovereign power belongs to the people of Kenya and that the power should be exercised only in accordance with the Constitution. The Article proceeds to state that people may exercise that sovereign power either directly or through their democratically elected representatives and that this power is delegated to different state organs including the Parliament.

Further, Chapter Six of the Constitution of Kenya (2010), under Article 73 speaks about the “responsibilities of leadership”. As such, Public and State officers are accorded the authority and public trust to serve the people, rather than exercising power to rule them. In so doing, leaders should demonstrate respect for people, bring honour to the nation, and dignity to respective offices; and promote public confidence. Among the guiding principles of leadership and integrity listed include ensuring that decisions are not influenced by nepotism, favouritism, improper motives or corrupt practices and accountability to the public for decisions and actions.



## ESTABLISHMENT OF PARLIAMENT

Chapter Eight of the Constitution establishes the Legislature. Article 93 of the Constitution states that “There is established a Parliament of Kenya,” (Parliament) “which shall consist of the National Assembly and the Senate.” The two Houses of Parliament are to perform their respective functions in accordance with the Constitution of Kenya, 2010.



## Role of Parliament

Kenya has a bicameral Parliament – the National Assembly and the Senate. Whilst the two Houses have fundamentally the same roles, which are to represent, legislate and conduct oversight, the functions are divided between the two Houses. Article 94 of the Constitution states that Parliament:

- Reserves legislative authority of the Republic,
- Manifests diversity of the nation as well as representing the will and sovereignty of the people,
- Protects the Constitution and promotes democratic governance.

## Role of the National Assembly

**The Role of the National Assembly, where the Members of Parliament and Women Representatives sit, are:**

- The National Assembly represents the people of the constituencies and special interests in the National Assembly.
- The National Assembly deliberates on and resolves issues of concern to the people.
- The National Assembly makes laws.
- The National Assembly determines the allocation of national revenue between the national government and county governments.
- The National Assembly budgets funds for expenditure by the national government and other national state organs.
- The National Assembly exercises oversight over national revenue and its expenditure.
- The National Assembly reviews conduct in the office of the President, the Deputy President and other State officers and initiates the process of removing them from office.
- The National Assembly exercises oversight over state organs.
- The National Assembly approves declarations of war and extensions of state of emergency.

## Role of the Senate

### The Role of the Senate where the Senators sit, are:

- Represent the counties and protect the interests of the counties and their governments.
- Participating in the law-making function of Parliament by considering, debating and approving Bills concerning counties.
- Determining the allocation of national revenue among counties and exercising oversight over revenue allocated to the county governments.
- As part of their oversight role, the Senate considers and determines any resolution to remove the President and the Deputy President from office.





## The Scope of the 2024 Scorecard

The 2024 Parliamentary Scorecard analyses the contributions of Members of Parliament and the legislative output of the 13th Parliament for the period 1st August 2023 to 7th November 2024. Key things to note:

- Mzalendo acknowledges participation in Parliament is just one of several parameters that can be used to judge performance.
- The Scorecard recognises the official role played by the leaders of Majority and Minority, whips, members of the Speaker's Panel and House Committee chairs and does not include their data in the report.
- This data uses a simple quantitative metric – the total number of times the Member of Parliament spoke, as indicated by the Hansard, but also taking note of all their contributions in the House.
- The data used in this Scorecard is publicly available data and as captured in Parliamentary records.
- The period under review for this scorecard is between 1st August 2023 and 7th November 2024.

# PART 2

## THE NATIONAL ASSEMBLY

### The Most Vocal Members in the National Assembly (What were their contributions?)

According to the latest released research by InfoTrack Research and Consulting from a sample size of 1700 respondents across the country, 63% of Kenyans note the country is headed in the wrong direction. The research conducted and released in May 2024 captures the “Voices of the People” by region. Nairobi, Eastern and Nyanza regions accounted for 74%, 69% and 68% respectively, of the highest voices alarmed by the “wrong direction” the country is headed; with Western 64%, Central 63%, Coast 61% and Rift Valley 54% respondents sharing similar concerns<sup>1</sup>. North-Eastern region at 47% had mixed reactions on the trajectory of the country.

63%

of Kenyans note the country is headed in the wrong direction

74%

Nairobi

69%

Eastern

68%

Nyanza

64%

Western

63%

Central

61%

Coast

54%

Rift Valley

47%

North-Eastern

Furthermore, in a comparative analysis of between the months of February 2023, September 2023 and this particular May 2024 study, the research observes that the people feel that the country is headed in the wrong direction because of the “high cost of living” at 49%, “unemployment” at 30%, “transport, infrastructure and roads” at 22%, “cost of doing business” at 19% and “access to healthcare” at 19%. “Agriculture, Corruption and Quality of Education” are also major concerns rating 18%, 13% and 13% respectively.

The people feel that the country is headed in the wrong direction because of;

49%

"high cost of living"

30%

"unemployment"

22%

"poor transport, infrastructure and roads"

19%

"high cost of doing business"

18%

"Agriculture"

13%

"Corruption"

13%

"Quality of Education"

Per demographics, 50% of men 47% of women, and 50% of youth (between 18 – 26 years of age) mentioned “cost of living” as the reason why country is moving in the wrong direction and called for “targeted policies”; in addition, 32% of men and 29% of women identified “unemployment” as major concern to the direction of the country.

**50%**

men

**47%**

women

**50%**

youth  
(between 18 – 26  
years of age)

mentioned “cost of living” as the reason why country is moving in the wrong direction

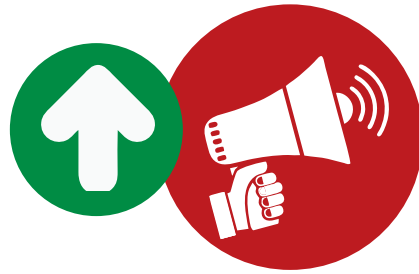
**32%**

“high cost of living”

**29%**

“high cost of living”

identified “unemployment” as major concern to the direction of the country.



## THE MOST VOCAL SPEAKERS IN THE NATIONAL ASSEMBLY

NAME	POS.	GENDER	CONSTITUENCY	POLITICAL PARTY	TALLY
Wilberforce Oundo Ojiambo	MP	M	Funyula	ODM	103
Beatrice Elachi	MP	F	Dagoretti North	ODM	98
James Nyikal Wambura	MP	M	Seme	ODM	94
Makali Mulu	MP	M	Kitui Central	Wiper Party	80
Adan Wehliye	MP	M	Eldas	Jubilee Party	41

Beyond these Members of Parliament being vocal in the House, what were they vocal about, and how did they vote on key House Business?

### 1. Wilberforce Oundo Ojiambo:

- Stood in support of the National Disaster Risk Management Bill.
- Raised a question to the CS for Education on withholding of KCSE certificates due to failure to clear fees.
- Requested for a statement on challenges faced by students in accessing university registration through KUCCPS
- Contributed to the debate on Assisted Reproductive Technology (Amendment) Bill.
- Raised a question to the CS for Health on matters of devolution.

BUSINESS UNDER CONSIDERATION	FINANCE BILL 2024	DEPUTY RIGATHI GACHAGUA IMPEACHMENT	CS LINTURI IMPEACHMENT MOTION
VOTE	NO	NO	YES

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

## 2. Beatrice Elachi

- Rose to inquire from the Education Cabinet Secretary about EduAfya after noting that school children lack medical cover.
- Inquired about the progress on the implementation of CBC, and whether public schools have valid titles to the land they are situated.
- Rose to support the IEBC (Amendment) Act.
- Supported the Sugar Bill. She pointed out the challenges faced by sugarcane farmers.
- Rose in support of the Assisted Reproductive Technology (Amendment) Bill.

BUSINESS UNDER CONSIDERATION	FINANCE BILL 2024	DEPUTY RIGATHI GACHAGUA IMPEACHMENT	CS LINTURI IMPEACHMENT MOTION
VOTE	NO	YES	YES

## 3. James Nyikal Wambura:

- Moved amendments on The Cancer Prevention and Control
- Supported the motion on the County Licensing (Uniform Procedure) Bill.
- Contributed to the motion on the development of a satellite-based climate change monitoring policy
- Supported a petition concerning the absorption and payment of medical interns, emphasised the importance of their role, and condemned police brutality during peaceful picketing.
- Proposed amendments to the Climate Change (Amendment) Bill

BUSINESS UNDER CONSIDERATION	FINANCE BILL 2024	DEPUTY RIGATHI GACHAGUA IMPEACHMENT	CS LINTURI IMPEACHMENT MOTION
VOTE	NO	YES	YES

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

## 4. Makali Mulu:

- Debated on the Finance Bill 2024 motion and urged members to vote against it based on the introduction of levies that would negatively affect the economy.
- Critiqued government vetting processes for inconsistencies and called for better representation of marginalized groups, particularly persons with disabilities.
- Highlighted the mismatch between budget proposals and approved allocations for counties, urging realistic budgeting and expedited frameworks for grants and loans.
- Supported the Independent Electoral and Boundaries Commission Bill.
- Contributed on the debate on revenue expenditure, stating that the government was overwhelmed by the increasing debt repayment obligations, which in turn harm the citizens' livelihoods.

BUSINESS UNDER CONSIDERATION	FINANCE BILL 2024	DEPUTY RIGATHI GACHAGUA IMPEACHMENT	CS LINTURI IMPEACHMENT MOTION
VOTE	NO	NO	YES

## 5. Adan Wehliye Keynan:

- Urged the Chairperson of the Committee to represent the interests of members and electorates regarding NGCDF, despite political pressure.
- Requested a statement from the Chairman of the Departmental Committee on Administration and Internal Security regarding the abduction of Hon. Yussuf
- Supported the Digital Health Bill terming it as a complete transformation of healthcare pointing out that the government is intentional in securing the lives and welfare of employees.
- Requested a statement on the response to the devastating landslide in Baringo North Constituency, seeking information on multi-agency team deployment, and relief efforts for displaced families.

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

- Supported the Kenya Roads Board (Amendment) Bill, advocating for a lean, professional, and efficient board to ensure transparency, proper resource allocation, and improved infrastructure while urging the reduction of board members across other parastatals to save resources for essential programs.

BUSINESS UNDER CONSIDERATION	FINANCE BILL 2024	DEPUTY RIGATHI GACHAGUA IMPEACHMENT	CS LINTURI IMPEACHMENT MOTION
VOTE	ABSENT	NO	ABSENT



### TOP 5 MOST VOCAL FEMALE SPEAKERS IN NATIONAL ASSEMBLY.

NAME	POSITION	GENDER	CONSTITUENCY	POLITICAL PARTY	TALLY
Beatrice Elachi	MP	F	Dagoretti North	ODM	98
Zamzam Chimba Mohammed	WR	F	Mombasa	ODM	72
Catherine Omanyo Nakhabi	WR	F	Busia	ODM	53
Dorothy Ikiara	MP	F	Nominated	UDA	38
Jane Njeri Maina	WR	F	Kirinyaga	UDA	37

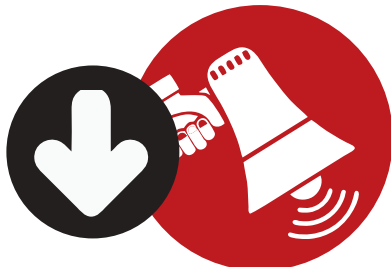
Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>



## TOP 5 MOST VOCAL YOUTH SPEAKERS IN THE NATIONAL ASSEMBLY

NAME	POSITION	GENDER	CONSTITUENCY	POLITICAL PARTY	TALLY
Jane Njeri Maina	WR	F	Kirinyaga	UDA	37
Cynthia Muge	WR	F	Nandi	UDA	22
Gitonga Mukunji	MP	M	Manyatta	UDA	20
Basil Robert Ngui	MP	M	Yatta	Wiper	20
Charles Nguna	MP	M	Mwingi West	Wiper	20



## MEMBERS OF THE NATIONAL ASSEMBLY WHO HAVE NOT SPOKEN

Whilst all Members of Parliament (MP) sit in Plenary sessions, held four times a week per Standing Order No. 28<sup>2</sup>, the following MPs were least vocal in expressing public/constituent views, and debating issues of local and national importance, which “as representatives” is one of the core and vital mandates of parliamentarians:

NAME	POSITION	GENDER	CONSTITUENCY	POLITICAL PARTY	TALLY
Oscar Sudi Kipchumba	MP	M	Kapseret	UDA	0

2. <http://parliament.go.ke/sites/default/files/2024-02/Approved%20Calendar%20for%202024.pdf> As accessed on 20th June 2024

### Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

NAME	POSITION	GENDER	CONSTITUENCY	POLITICAL PARTY	TALLY
Paul Abuor	MP	M	Rongo	ODM	0
Irene Kasalu	MP	F	Kitui	Wiper	0
Charles Gimose Gumini	MP	M	Hamisi	ANC	0
Joseph Tonui Kipkosgei	MP	M	Kuresoi South	UDA	0
Mathias Robi Nyamabe	MP	M	Kuria West	UDA	0
Samuel Kinuthia Gachobe	MP	M	Subukia	UDA	0
Patrick Barasa Simiyu	MP	M	Cherangany	DAP-K	0
Paul Chebor Kibet	MP	M	Rongai	UDA	0
Dena Joseph Hamisi	MP	M	Nominated	ANC	0
Joseph Wainaina Iraya	MP	M	Nominated	UDA	0
Stephen Karani Wachira	MP	M	Laikipia West	UDA	0
Mohamed Soud Machele	MP	M	Mvita	ODM	0
Irene Njoki Mrembo	MP	F	Bahati	Jubilee Party	0

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

NAME	POSITION	GENDER	CONSTITUENCY	POLITICAL PARTY	TALLY
Alfred Mutai	MP	M	Kuresoi North	UDA	0
Kipronoh Patrick Osero	MP	M	Borabu	ODM	0
Clement Sloya Logova	MP	M	Sabatia	UDA	0
Barre Hussein Abdi	MP	M	Tarbaj	UDA	0
George Aladwa	MP	M	Makadara	ODM	0

## How did these members vote on key business in the House?



### 1. Oscar Sudi (Kapseret)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
<b>VOTE</b>	<b>ABSENT</b>	<b>YES</b>	<b>YES</b>	<b>ABSENT</b>

### 2. Irene Kasalu (Kitui)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
<b>VOTE</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>ABSENT</b>

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>

<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

### 3. Paul Abuor (Rongo)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	ABSENT	NO	YES	ABSENT

### 4. Charles Gimose Gumini (Hamisi)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	YES	YES	ABSENT

### 5. Joseph Tonui Kipkosgei (Kuresoi South)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	YES	YES	YES

### 6. Mathias Robi Nyamabe (Kuria West)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	ABSENT	YES	YES	NO

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

### 7. Samuel Kinuthia Gachobe (Subukia)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	YES	NO	ABSENT

### 8. Patrick Barasa Simiyu (Cherangany)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	ABSENT	NO	YES	YES

### 9. Paul Chebor Kibet (Rongai)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	YES	YES	YES

### 10. Stephen Karani Wachira (Laikipia West)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	YES	YES	NO

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

### 11. Mohamed Soud Machele (Mvita)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	NO	NO	YES	ABSENT

### 12. Irene Njoki Mrembo (Bahati)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	YES	YES	ABSENT

### 13. Alfred Mutai Kipronoh (Kuresoi North)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	ABSENT	YES	YES	NO

### 14. Patrick Osero (Borabu)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	ABSENT	YES	NO

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>

<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

#### 15. Clement Sloya Logova (Sabatia)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	YES	YES	ABSENT

#### 16. Barre Hussein Abdi (Tarbaj)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	ABSENT	YES	YES	ABSENT

#### 17. Dena Joseph Hamisi (Nominated)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	ABSENT	ABSENT	ABSENT	ABSENT

#### 18. Joseph Wainaina Iraya (Nominated)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	YES	YES	YES	ABSENT

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/hansard>  
<http://www.parliament.go.ke/the-national-assembly/house-business/votes-proceeding>

15. George Aladwa (Makadara)

MPs and how they voted	Affordable Housing Bill 2023 (Second reading)	Finance Bill 2024	Deputy Rigathi Gachagua's Impeachment	Cs Linturi Impeachment Motion
VOTE	ABSENT	NO	YES	YES

Issues At the Constituency Level

Further, despite their silence on the floor of the House, the constituents of the members above continued to face a number of issues. The table below highlights some of the issues faced by Kenyans from those constituencies, during the period under review:

REGION	CONSTITUENCIES	ISSUES
1. Coast	Lamu West, Mvitu	<ul style="list-style-type: none"><li>Healthcare accessibility</li><li>Infrastructural challenges</li><li>Crime and Insecurity</li></ul>
2. North-Eastern	Tarbagj	<ul style="list-style-type: none"><li>Drought and food insecurity</li><li>Security</li><li>Budget allocation issues</li></ul>
3. Western	Hamisi, Sabatia	<ul style="list-style-type: none"><li>Youth unemployment</li><li>Poor Infrastructure</li><li>Lack of access to essential services</li></ul>
4. Rift Valley	Kuresoi South, Kuresoi North, Subukia, Cherangany, Rongai, Laikipia West, Borabu	<ul style="list-style-type: none"><li>Poverty and Inequality</li><li>Inadequate infrastructures</li><li>Post-election disputes</li><li>Resource mismanagement</li></ul>

REGION	CONSTITUENCIES	ISSUES
5. Nyanza	Rongo, Kuria West	<ul style="list-style-type: none"> <li>• Inadequate social services</li> <li>• Land Disputes</li> <li>• Poverty &amp; poor resource allocation</li> </ul>

# PART 3:

## Business Considered by Parliament

### Bills

#### Government-sponsored Bills

- Government-sponsored Bills in the National Assembly are 70.
- 28% of these Bills have been passed and signed into law.

Stage	1st Reading	2nd Reading	Committee of the Whole	Passed and Forwarded to the Senate	Subjected to mediation with the Senate
Bills	30	1	5	6	4

Stage	Lost after consideration of President's reservations	Deferred	Withdrawn	Assented to by the President
Bills	1 Finance Bill 2024 (NA Bill No. 30 of 2024) lost after the deletion of all clauses	1	1	20

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/bill-tracker>

## Private Members Bills:

- Private-member Bills in the National Assembly are 53.
- 2% of these Bills have been passed and signed into law.
- Notably, the Sugar Bill 2022, took a duration of two years from the first reading to its assent.

Stage	1st Reading	2nd Reading	Committee of the Whole	Passed and Forwarded to the Senate	Defeated
Bills	32	4	8	7	2

Stage	Passed & Referred back by the President	Assented to by the President
Bills	1	1  The Sugar Bill 2022 (NA Bill No. 34 of 2022)  [2 yr duration from being read the 1st reading until it was assented to by the President]

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/bill-tracker>



## Members who have sponsored the highest number of Bills:

### 1. Hon. Didmus Barasa (4)

- The Pensions (Amendment) Bill, 2022
- The National Transport and Safety Authority (Amendment) Bill, 2023
- The Salaries and Remuneration Commission (Amendment) Bill, 2024
- The Employment (Amendment) Bill, 2023

### 2. Hon. Peter Masara (3)

- The Social Assistance (Amendment) Bill, 2023
- The National Police Service Commission (Amendment) Bill, 2024
- The Marriage (Amendment) Bill, 2023

### 3. Hon. Rahim Dawood (3)

- The Prevention of Livestock and Produce Theft Bill, 2023
- The Cancer Prevention and Control (Amendment) (No.2) Bill, 2022
- The Public Service (Values and Principles) (Amendment) Bill, 2022

### 4. Hon. Joyce Kamene (2)

- The Higher Education Loans Board (Amendment) Bill, 2022
- The Higher Education Loans Board (Amendment) Bill, 2023

### 5. Hon. David Gikaria (2)

- The Penal Code (Amendment) Bill, 2022
- The National Construction Authority (Amendment) Bill, 2022

### 6. Hon. Sabina Chege (2)

- The Breastfeeding Mothers Bill, 2024
- The Cancer Prevention and Control (Amendment) Bill, 2023

### 7. Hon. Owen Baya (2)











- The National Land Commission (Amendment) Bill, 2023
- The Universities (Amendment) Bill, 2024

### 8. Hon. Geoffrey Ruku (2)

- The Assembly and Demonstration Bill, 2024
- The Anti Corruption and Economic Crimes (Amendment) (No. 2) Bill, 2023







Source

<http://www.parliament.go.ke/the-national-assembly/house-business/bill-tracker>

Category		No. of Bills
	Agriculture	7
	Land	6
	Health	10
	Roads and Infrastructure	8
	Labour	7
	Social Welfare	9
	Parliamentary Affairs	4
	Electoral Issues/Reforms	3
	ICT	3
	Justice	7

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/bill-tracker>

Category	No. of Bills
 <b>Education</b>	8
 <b>Public Fiscal Affairs</b>	22
 <b>Climate and Environment</b>	5
 <b>Integrity</b>	6
 <b>Regional Affairs</b>	2
 <b>Mining</b>	2

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/bill-tracker>



## **21 Bills have been passed in the National Assembly. They include:**

- The Climate Change (Amendment) Bill 2023 (NA Bill No. 42 of 2023)
- The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2023 (NA Bill No. 68 of 2023)
- The Privatisation Bill (NA Bill No. 22 of 2023)
- The Social Health Insurance Bill 2023 (NA Bill No. 58 of 2023)
- The Sugar Bill (National Assembly No. 34 of 2022) (National Assembly Bill No. 13 of 2023)
- The National Government Constituencies Development Fund (Amendment) Bill, 2023 (NA Bill No. 13 of 2023)
- The Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023)
- The Insurance (Amendment) Bill, 2023 (NA Bill No. 18 of 2023)
- The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2023 (NA Bill No. 35 of 2023)
- The Digital Health Bill (National Assembly Bills No. 57 of 2023)
- The Statute Law (Miscellaneous Amendments) Bill, 2022 (NA Bill No. 60 of 2022)
- The National Lottery Bill, 2023 (NA Bill No. 69 of 2023)
- The National Government Administration Laws (Amendment) Bill, 2023 (NA. Bill No. 73 of 2023)
- The Affordable Housing Bill (National Assembly Bills No. 75 of 2023)
- The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)
- The Division of Revenue Bill (National Assembly Bills No. 14 of 2024)
- The Appropriation Bill, 2024 (National Assembly Bills No. 33 of 2024)

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/bill-tracker>

- The Supplementary Appropriation (NA Bill No. 32) Bill, 2024
- The Supplementary Appropriation (NA Bill No. 71) Bill, 2023
- The Supplementary Appropriation (NA Bill No. 39) Bill, 2024
- The County Government Additional Allocations Bill (National Assembly Bills No. 23 of 2023)



Source

<http://www.parliament.go.ke/the-national-assembly/house-business/bill-tracker>

## The analysis of the Bills which were assented:



### 1. The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2023

#### **Sponsor:**

**Kimani Ichung'wah, Leader of the Majority Party.**

#### **Objectives of the Bill:**

This bill seeks to amend various Acts of Parliament related to anti-money laundering, countering the financing of terrorism, and countering the financing of proliferation of weapons of mass destruction. It aims to address deficiencies identified during Kenya's Mutual Evaluation and ensure conformity with the Financial Action Task Force (FATF) standards.

**Intended Purpose:** The bill aims to strengthen Kenya's legal framework to combat financial crimes, enhance transparency in financial transactions, deter illicit activities, and enhance Kenya's cooperation with international partners in combating money laundering and terrorism financing.

The Bill amends the Extradition (Contiguous and Foreign Countries) Act (Cap. 76) and the Extradition (Commonwealth Countries) Act (Cap. 77) to provide simplified extradition measures and expressly include terrorism financing as an extraditable offense. This demonstrates a commitment to international cooperation in pursuing individuals involved in financial crimes.

The Bill amends the Capital Markets Act (Cap. 485A) and the Insurance Act (Cap. 487) to empower the Capital Markets Authority and Insurance Regulatory Authority to supervise their licensees under these respective Acts and ensure compliance with the Proceeds of Crime and Anti-Money Laundering Act<sup>4</sup>. By extending the supervisory powers to these important financial sectors, the bill aims to close potential loopholes for money laundering and terrorist financing.

The Bill amends the National Police Service Act of 2011 to provide for the use of controlled delivery as an investigative technique by authorized officers. This provision enhances the investigative tools available to law enforcement agencies in combating financial crimes.



## 2. The Independent Electoral and Boundaries Commission (Amendment) Bill, 2024

### **Sponsor:**

**Kimani Ichungwah, Leader of the Majority Party, Opiyo Wandaayi, Leader of the Minority Party**

### **Objectives of the Bill:**

This Bill seeks to amend the Independent Electoral and Boundaries Commission Act, aiming to improve the nomination process for commission members. It proposes the inclusion of information and communications technology and accounting as relevant professional qualifications to be considered during nominations. It also seeks to delete certain subsections of section 7A that were declared unconstitutional by the High Court.

**Intended Purpose:** The Bill seeks to expand the pool of potential candidates for the Independent Electoral and Boundaries Commission (IEBC) by adding "information and communication technology" and "accounting" to the list of desirable qualifications. This change is intended to bring individuals with expertise in these critical areas onto the Commission, to make elections more efficient and transparent.

The Independent Electoral and Boundaries Commission (Amendment) Bill, 2024, aims to bring the Independent Electoral and Boundaries Commission Act, No. 9 of 2011, into compliance with the High Court's judgment in *Katiba Institutes & 3 Others v Attorney-General & 2 Others* [2018 eKLR]. The bill accomplishes this by removing the phrase "or the vice-chairperson or a member of the Commission when discharging the functions of the chairperson" from the definition of "chairperson" in Section 2 of the Principal Act.

The Bill removes subsections 4, 5, and 6 of Section 7A of the Principal Act, which were declared unconstitutional by the High Court. These subsections pertained to the process of filling vacancies in the Commission.

Further, the Bill replaces the current Fifth Schedule with a new and updated Schedule. This new schedule outlines procedures for the delimitation of electoral units, including the publication of a preliminary report, collection of public feedback, and engagement with relevant government officials for information and support. Consequently, the bill intends to ensure that the process is transparent, accountable, and adheres to constitutional principles.



### 3. The Public Finance Management (Amendment) Bill, 2023

#### **SPONSOR:**

**Kimani Ichungwah, Leader of the Majority Party**

#### **Objectives of the Bill:**

This bill seeks to amend the Public Finance Management Act to clarify definitions related to public debt and financial obligations and to emphasize the sustainable management of public debt and efficient use of budgetary resources by the national government and its entities.

**Intended Purpose:** The Bill aims to align the Act with the Constitution's definition of "public debt," enhance fiscal responsibility, and ensure transparency and accountability in the management of public finances.

The Bill amends Section 2 by deleting the word "public" in the definition of "County Public Debt" and introducing new definitions for "public debt" and "financial obligations" to align with Article 214(2) of the Constitution. This clarification emphasizes that public debt encompasses all financial obligations arising from loans, guarantees, and securities issued by the national government.

The Bill amends Section 50 to require the Cabinet Secretary to provide a written explanation to Parliament when the public debt exceeds the legally established threshold, along with a time-bound remedial plan. This provision strengthens accountability mechanisms and promotes transparency in managing public debt.

A new paragraph is introduced in Section 63 to expand the functions of the Public Debt Management Office. The office will now advise Parliament and the Cabinet Secretary on sustainable public debt levels and the annual borrowing limit. This amendment enhances the role of the Public Debt Management Office in ensuring responsible debt management practices.



## 4. The National Government Constituencies Development Fund (Amendment) Bill, 2023

### SPONSOR:

**Kimani Ichungwah, Leader of the Majority Party, Opiyo Wandayi, Leader of the Minority Party**

### Objectives of the Bill:

This Bill seeks to amend the National Government Constituencies Development Fund Act to clarify the recognition and establishment of constituencies as national government service delivery units. It also seeks to ensure that projects funded under the Act fall within the exclusive functions of the national government and are not less than the amount allocated in the preceding financial year.

**Intended Purpose & Concerns on the Bill:** The Bill aims to streamline the allocation and utilization of funds for constituency development, ensuring alignment with national government priorities and preventing funding decreases compared to previous years.

The Bill amends section 3 to emphasize that the projects funded under the Act should fall under the "exclusive" mandate of the national government. By inserting the word "exclusive," the bill aims to prevent overlaps and potential conflicts with county government functions.

Section 24 of the Bill is replaced to reinforce that projects must fall within the exclusive functions of the national government as defined by the Constitution and other legislation. "A project under this Act shall only be in respect of works and services falling within the exclusive functions of the national government under the Constitution and other enabling legislation." This amendment clarifies the scope of projects eligible for funding under the Act, ensuring they align with national government responsibilities. The Bill also seeks to amend Section 34(1) of the Principal Act, to ensure that the total amount of money allocated to a constituency is not less than the amount allocated to the constituency in the preceding financial year. This provision aims to provide stability and predictability in funding for constituency development projects.

In the *Gikonyo & another v National Assembly of Kenya & 4 others; Council of Governors & 3 others (Interested Parties)* [2024] KEHC 10886 (KLR), the NG-CDF Act of 2015 was challenged in the High Court of Kenya at Nairobi for its constitutionality. The petitioners argued that the Act violates several principles enshrined in the Constitution, including devolution of power, separation of powers, public finance, and the basic structure of the Kenyan government.

The court found that the Act violates the constitutional principles of public finance by allocating funds before the vertical division of revenue between the two levels

of government. It was further determined that the Act is unconstitutional as it creates a unit of service delivery and has the effect of creating two levels of government. The court declared the National Government Constituencies Development Fund Act of 2015 as amended in 2022 and 2023 unconstitutional. As a result, all of its programs, projects and activities shall cease to operate at the stroke of midnight on June 30, 2026.



## 5. The Insurance (Amendment) Bill, 2023

### **Sponsor:**

**Kimani Ichungwah, Leader of the Majority Party**

### **Objectives of the Bill:**

This Bill aims to amend the Insurance Act (Cap. 487) to enhance accountability within insurance companies, ensure senior managers observe fiduciary duties and professional responsibilities, and make insurance companies responsible in case of failure.

Intended Purpose: This Bill seeks to protect policyholders and strengthen the insurance sector's governance and accountability. It introduces offenses and penalties related to the management of insurance companies. It also removes the limit on additional deposits required by the Commissioner for the protection of policyholders. Thereby, the bill aims to strengthen the Commissioner's ability to protect policyholders in cases where an insurer's financial position is deemed inadequate.



## 6. The National Government Administration Laws (Amendment) Bill, 2023

### **Sponsor:**

**Kimani Ichung'wah, Leader of the Majority Party.**

### **Objectives of the Bill:**

This Bill aims to amend various national government administration laws, including the Assumption of the Office of the President Act and the National Government Co-ordination Act.

Intended Purpose: This Bill seeks to strengthen the composition of the

Assumption of the Office of the President Committee and clarify the establishment and functions of the Head of the Public Service and the officer of Chief Administrative Secretary. The amendments to the Assumption of the Office of the President Act aim to include more relevant officials in the transition process, while the amendments to the National Government Coordination Act aim to clarify the roles and responsibilities within the government's administrative structure.

Concerns raised on the Bill: Some of the concerns raised on the Bill revolve around its potential to centralize power and undermine the principle of separation of powers. Also, the Bill would consequently occasion additional expenditure of public finance as it has been grouped as a money Bill, with no rationale or justification being provided.



## 7. The National Lottery Bill, 2023

### **Sponsor:**

**Kimani Ichungwah, Leader of the Majority Party**

### **Objectives of the Bill:**

This Bill seeks to establish a comprehensive framework for the National Lottery, outlining the functions and responsibilities of the board, the licensing process for operators, and the management of the National Lottery Fund.

Intended Purpose: The Bill aims to regulate the National Lottery, ensure its transparent operation, and direct the proceeds towards promoting good causes while adhering to public finance management principles.



## 8. The Sugar Bill, 2022

### **Sponsor:**

**Emmanuel Wangwe, Member of Parliament.**

### **Objectives of the Bill:**

This Bill seeks to establish a new framework for the sugar industry in Kenya, repealing the Sugar Act of 2001. It focuses on regulating the sugar value chain, establishing a Sugar Board, and outlining measures to protect the industry from unfair trade practices.

Intended Purpose: The Bill aims to revitalize and stabilize the sugar industry in Kenya, ensure fair competition, and promote the interests of both sugarcane farmers and consumers.



## 9. The Climate Change (Amendment) Bill 2023

### Sponsor:

**The Bill was sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah.**

### Objectives of the Bill:

The principal object of the Bill is to amend the Climate Change Act, 2016 to provide for the regulation of carbon markets. The Bill also establishes a registry to be known as the National Carbon Registry and outlines the functions of the Registry.

Section 15 of the Principal Act (Climate Change Duties of Public Sector) as was then, was amended by this Bill by transferring the powers of developing regulations on imposing duties relating to Climate Change, from the Council (National Climate Change Council) to the Cabinet Secretary (Ministry for the time being responsible for matters relating to climate change). Section 16 of the Principal Act (Climate Change duties of private entities) as was then, was amended by transferring the powers of making regulations governing the nature and procedure for reporting on performance by private entities from the Council to the Cabinet Secretary. Section 24 of the Principal Act (Public Participation) as was then, was amended by transferring the powers of publishing regulations on the design and procedure of public consultations from the Council on the recommendation of the Cabinet Secretary, to solely the Cabinet Secretary. Section 36 of the Principal Act (Regulations) as was then, was amended by transferring the powers of making regulations of the Act from the Cabinet Secretary in consultation with the Council, to solely the Cabinet Secretary.

A lot of concerns have been raised especially by Climate Change activists and stakeholders over the transfer of powers to a Cabinet Secretary from the National Climate Change Council given that the Cabinet Secretary is a political appointee.



## 10. The Statute Law (Miscellaneous Amendments) (No. 2) (NA Bill No. 68) of 2023

### **Sponsor:**

**The Bill was sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah.**

### **Objectives of the Bill:**

This Bill sought to make different amendments to 16 statutes to achieve various objectives:

- The Oaths and Statutory Declarations Act (Cap. 15) - The Bill proposed to amend the Oaths and Statutory Declarations Act to provide that an advocate who has been appointed as a commissioner of oaths shall sign the roll kept by the Chief Registrar of the Judiciary; and that the Registrar or Deputy Registrar of a superior court or subordinate court may administer an oath or affirmation or take an affidavit or statutory declaration under the Act.
- The Advocates Act (Cap. 16) - The bill proposed the amendment of the Advocates Act to provide that the Registrar responsible for keeping the Roll of Advocates shall be the Chief Registrar of the Judiciary. Further, the Bill had proposed to amend the Act to provide that the Council of the Society may, with the approval of the Chief Justice, make rules for the admission of advocates.
- The Notaries Public Act (Cap. 17) - The Bill proposed to amend the Notaries Public Act to provide that the Chief Registrar of the Judiciary shall be responsible for enrolling notaries public in the book kept for that purpose; granting new certificates to newly-enrolled notaries public; and removing from the roll any person whose appointment as a notary public has been revoked under the Act.
- The Civil Procedure Act (Cap. 21) - The Bill proposed to amend the Civil Procedure Act to provide that the members nominated by the Law Society of Kenya and appointed by the Chief Justice shall be three in number. This amendment was intended to improve decision-making within the Rules Committee and reduce the cost of facilitating the work of the Committee as the previous number of members to be nominated by LSK stood at eight.
- The Public Holidays Act (Cap. 110) – The Bill proposed the deletion of Utamaduni Day as a public holiday and replacing it with Mazingira Day.

- The Trustees (Perpetual Succession) Act (Cap. 164) – The Bill proposed to amend the Trustees (Perpetual Succession) Act to provide that the Registrar of Companies, shall be responsible for the registration of trusts and issuance of Certificates of Incorporation; processing of applications for incorporation; form of an application; keeping and maintaining of a register; conduct of searches in the registry; and making of Regulations. This was to align the processes with the FATF recommendations in a bid to have access to Beneficial Ownership information and strengthen the fight against money laundering and illicit financial flows.
- The Industrial Training Act (Cap.237) – The Bill proposed to amend the Industrial Training Act to provide that the date for the remitting of the training levy shall be the ninth day of the month to harmonise it with the period within which PAYE is remitted to the Kenya Revenue Authority.
- The Traffic Act (Cap. 403) – The Bill proposed to amend the Traffic Act to incorporate technology in managing minor traffic offences. The bill also proposed increasing the amount of money one can be fined for different traffic offences.
- The Sexual Offences Act, 2006 (No.3 of 2006) - The Bill proposed to amend the Sexual Offences Act, 2006, to provide that the register of convicted sexual offenders shall be kept and maintained by the Chief Registrar of the Judiciary.
- The Employment Act, 2007 (No. 11 of 2007) - The Bill proposed to amend the Employment Act, 2007, to exempt the National Intelligence Service from the application of the Act in the same manner as other national security organs are exempted.
- The Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 (No. 29 of 2011) – The Bill proposed to amend the Act, to make minor corrections to the provisions relating to the definition of “animal”, “animal resource industry”, “ annual licence”, “private practice,” register” and “ veterinary medicine” and grammatical errors occurring in other provisions of the Act.
- The Public Finance Management Act, 2012 (No. 18 of 2012)- The Bill proposed to amend the Public Finance Management, 2012 to cure inconsistency in the provisions of the Act on the submission of the Finance Bill.
- The Universities Act, 2012 (No. 42 of 2012) – The Bill proposed to amend the Act, to provide for the declaration of technical universities under section 25(1) of the Act in respect of public institutions that are or were national polytechnics. It also proposed to amend section 56(1) to provide that the Placement Board shall be responsible for placing all students, rather than only government-sponsored students, in universities and colleges.
- The Office of the Attorney-General Act, 2012 (No. 49 of 2012)- The Bill proposed to amend the Act, to remove inconsistencies in the operational framework of the Office of the Attorney-General in line with Article 156

of the Constitution of Kenya that establishes the Office of the Attorney General as an independent Office.

- The Civil Aviation Act, 2013 (No. 21 of 2013) - The Bill proposes to amend the Civil Aviation Act, to provide that the definition of “publication” shall include aviation information circulars; and that the period within which the Director-General shall be required to submit an annual report shall be six months after the end of the financial year.
- The Value Added Tax Act, 2013 (No. 35 of 2013) - The Bill proposes to amend the Value Added Tax Act, to reclassify the supply of gas meters of tariff number 9028.10.00 and the supply of denatured ethanol of tariff number 2207.20.00 as exempt and zero rated respectively.
- The Privatization Act, 2023 (No. 11 of 2023) - The Bill proposes to amend the Privatization Act, 2023, to cure inconsistencies between the role of the Authority and the Cabinet Secretary.



## **11. The Digital Health Bill (National Assemblies Bills No. 57 of 2023).**

### **Sponsor:**

**The Digital Health Bill 2023 was sponsored by the Leader of the Majority Party, Hon. Kimani Ichung’wah.**

### **Objectives of the Bill:**

The Bill’s main objective was to provide a comprehensive legal framework for the provision of digital health services in Kenya. The Bill also aims to create and maintain a comprehensive health information system and promote innovation and the effective use of technology in healthcare for continuity of care, emergencies, and disease surveillance. It establishes regulatory frameworks for managing e-health data, ensuring privacy, confidentiality, and security, while also setting standards for telemedicine and e-Learning in the health sector. Additionally, the Act addresses e-waste management and ensures the safe and secure transfer of personal health data, including cross-border exchanges. Consequently, the Bill establishes the Digital Health Agency whose main function is to build and maintain a strong digital health system. This includes creating a central platform to manage health information for patients, healthcare providers, facilities, and products through setting up the Comprehensive Integrated Management Information System (CIMIS) and centralised registries.

Concerns on the Bill: However, a few concerns were raised concerning its data governance, privacy protection, and system integrity. Further, its complex language limits public accessibility, and its provisions on data handling and

privacy lack enough detail to prevent data misuse and unauthorized access. Gaps, such as the absence of a customer care line and lack of clear definitions of county governments' roles in the digital health sector, were identified.



## 12. The Affordable Housing Bill (National Assemblies Bills No. 75 of 2023)

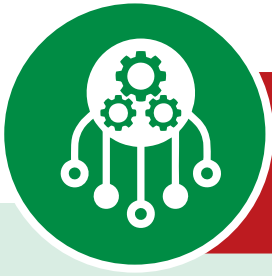
### Sponsor:

**The Affordable Housing Bill was sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah**

### Objectives of the Bill:

The Bill followed a High Court ruling on the constitutionality of the Affordable Housing Levy introduced in the Finance Act 2023 which required a deduction of 1.5% of the gross monthly salary of an employee to pay a housing levy. The court declared the Levy unconstitutional and gave orders prohibiting the KRA from charging, levying, or in any way collecting the Affordable Housing Levy. As a result, this Bill was introduced to remedy the issues raised by the Court by establishing a comprehensive legal framework for the imposition of the Levy, basically regularizing the Affordable Housing Levy that was initially provided for under the Finance Act 2023. Therefore, the main objective of the Bill is to give effect to Article 43(l)(b) of the Constitution and to provide a legal framework for access to affordable housing. It does so by imposing a levy known as the Affordable Housing Levy to facilitate the provision of affordable housing and provide a legal framework for the implementation of the affordable housing programmes and projects. The Bill introduces a 1.5% Affordable Housing Levy on employees' gross salaries and their employers are required to match this contribution and remit both amounts to the designated collector. For unemployed individuals, the levy applies to 1.5% of their gross income. The Bill also empowers the Cabinet Secretary for the National Treasury to exempt certain incomes or groups of people from the Levy.

Concerns on the Bill: Firstly, the strategy the Bill intends to use to collect the Levy from the informal sector was unclear since individuals working in this sector do not have documentation like pay slips that would make the deduction process easier. The Bill also failed to highlight the conditions or criteria used to determine whether an individual should be exempted from the mandatory Levy. Further, the public feared that there might be financial losses and delays in the projects if the government were to directly construct the units. Moreover, concerns were raised over the severity of the proposed penalty of 3% of the unpaid amount per month when one is late with paying the Levy.



### 13. The Division of Revenue Bill (National Assembly Bills No.14 of 2024)

#### **Sponsor:**

**The Bill was sponsored by Hon. Ndindi Nyoro, the Chairperson of the Budgets and Appropriations Committee.**

#### **Objectives of the Bill:**

The main objective of the Bill is to provide for the equitable division of revenue raised nationally between the national and county governments in the 2024/25 financial year as required by Article 218 of the Constitution to facilitate the proper functioning of governments and to ensure continuity of service delivery to the citizens. The Bill provides that the revenue collected nationally for the 2024/25 financial year will be distributed between the national and county governments as detailed in the Schedule.



### 14. The Privatisation Bill, 2023 (NA Bill No. 22 of 2023).

#### **Sponsor:**

**The Bill was sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah.**

#### **Objectives of the Bill:**

The Bill sought to introduce a framework for the privatisation of public entities including state-owned enterprises (SOEs). Its main objectives include streamlining the privatisation process to enhance efficiency and transparency, reducing the fiscal burden on the government, and encouraging private sector investment to improve the performance and competitiveness of SOEs. The Bill proposes replacing the Privatisation Act 2005 and abolishing the Privatisation Commission, transferring its responsibilities to the National Treasury.

Concerns on the Bill: Key concerns raised about the Bill include the potential for reduced oversight due to the concentration of authority within the National Treasury, which could increase risks of corruption and mismanagement. Stakeholders have also expressed worry about insufficient public participation in privatisation decisions, as the Bill grants the Treasury significant discretion without requiring robust consultations. Additionally, critics argue that the Bill may prioritize fiscal objectives over broader public interest considerations,

such as safeguarding jobs and ensuring equitable access to essential services provided by privatised entities. There were also concerns raised over the plan to privatise 11 parastatals, including Kenya Pipeline and the Kenyatta International Convention Centre (KICC), which are seen as national symbols.



## 15. The Social Health Insurance Bill, 2023 (NA Bill No. 58 of 2023)

### **Sponsor:**

**The Bill was sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah.**

### **Objectives of the Bill:**

The Bill sought to establish a unified framework for social health insurance. Its primary objective was to achieve universal health coverage (UHC) by consolidating existing healthcare funds, such as the National Health Insurance Fund (NHIF), into a single entity: the Social Health Authority. The Bill sought to create a mandatory, contributory system for all citizens and residents. The Bill further sought to abolish the National Health Insurance Fund (NHIF), ushering in three new funds: the Primary Health Care Fund, Social Health Insurance Fund, and Chronic Illness and Emergency Fund. The Bill also introduced a mandatory monthly contribution of 2.75 per cent to be drawn from Kenyans' salaries, with a minimum cap set at Ksh 300 and a maximum of Ksh 5,000.

Concerns raised on the Bill: Concerns have been raised that the Bill, which was assented into law, did not sufficiently address the inefficiencies and governance issues that have plagued the NHIF, raising fears that similar challenges could undermine the new authority. Additionally, stakeholders highlighted the lack of clarity on mechanisms to protect against misuse of funds and ensure quality service delivery. There are also concerns about the burden on employers and the private sector, with some questioning whether the proposed structure adequately balances sustainability with inclusivity.



## 16. The County Government Additional Allocations Bill (National Assembly Bills No. 23 of 2023)

### Sponsor:

**The Bill was sponsored by the then Chairperson of the Budgets and Appropriations Committee, Hon. Ndindi Nyoro.**

**Objectives of the Bill:** The Bill aimed to provide a legal framework for disbursing conditional and unconditional additional allocations to county governments, supplementing the equitable share provided under the Division of Revenue Act. The Bill sought to enhance county governments' capacity to deliver critical services, implement development projects, and foster intergovernmental collaboration by channelling resources for specific purposes such as health, agriculture, infrastructure, and other priority sectors. The Bill allocated an additional Ksh. 46.3 billion to cater for the financial year 2023/2024.



## 17. The Appropriation Bill, 2024 (National Assembly Bills No. 33 of 2024)

### Sponsor:

**The Bill was sponsored by the then Chairperson of the Budgets and Appropriations Committee, Hon. Ndindi Nyoro.**

**Objectives of the Bill:** The Bill is a critical legislative instrument that authorizes the withdrawal of funds from the Consolidated Fund a sum of KShs. 1,821,716,821,924 required to meet public expenditure during the financial year ending on 30th June 2025. Its primary objective was to allocate resources to various ministries, departments, and agencies in line with the approved national budget. The Bill also sought to ensure continuity in public service delivery, implement priority development projects, and support the government's broader economic and social agenda, including infrastructure development, healthcare, education, and security. The Bill was a complementary instrument to the Finance Bill, 2024.

**Concerns raised on the Bill:** Concerns raised about the Bill largely centred on the adequacy and equity of allocations. Concerns were raised on the allocation to key sectors, such as agriculture and health. There were also worries about the potential for wastage and inefficiency in the utilization of

allocated funds, particularly in light of past audit reports highlighting instances of mismanagement in various government entities. There were also concerns raised about the executive expenditure not being reflective of the austerity measures they wanted Kenyans to bear.



### **18. The Supplementary Appropriation (NA Bill No. 32) Bill, 2024**

#### **Sponsor:**

**The Bill was sponsored by the then Chairperson of the Budgets and Appropriations Committee, Hon. Ndindi Nyoro.**

#### **Objectives of the Bill:**

This is a critical instrument as it usually seeks to authorize additional expenditures by the government for the current financial year, addressing unforeseen or urgent funding needs that were not covered in the original budget. This Bill sought to authorize the issuance of Shs102,305,909,030 out of the Consolidated Fund and apply it towards the supply granted for the service of the year ending June 30, 2024.



### **19. The Supplementary Appropriation (NA Bill No. 71) Bill, 2023**

#### **Sponsor:**

**The Bill was sponsored by the then Chairperson of the Budgets and Appropriations Committee, Hon. Ndindi Nyoro.**

#### **Objectives of the Bill:**

The Bill sought to allocate additional funds for public functions, with a notable allocation of Sh8.2 billion to the State Department for ASALs and Regional Development for various interventions including flood mitigation efforts, as more than 29 Counties had been hit by floods then.



## 20. The Supplementary Appropriation (NA Bill No. 39) Bill, 2024

### **Sponsor:**

**The Bill was sponsored by the then Chairperson of the Budgets and Appropriations Committee, Hon. Ndindi Nyoro.**

### **Objectives of the Bill:**

This Bill sought to reduce government expenditure plans by billions for the 2024/25 financial year. Effectively, this meant that State expenditure had been reduced by Sh145.7 billion. The cuts are to the Executive (Sh139.8 billion), Parliament (Sh3.7 billion) and Judiciary (Sh2.1 billion). The budget cuts were necessitated by the President's referral back to Parliament of the Finance Bill, 2024, proposing the deletion of all clauses. The Finance Bill, 2023 had projected to raise an additional Sh346 billion to finance the Sh3.9 trillion budget for the current financial year 2024/25.



## 21. The Statute Law (Miscellaneous Amendments) Bill, 2022 (NA Bill No. 60 of 2022)

### **Sponsor:**

**The Bill was sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah.**

### **Objectives of the Bill:**

This was an omnibus Bill that proposed minor amendments to various statutes to address inconsistencies, improve clarity, and enhance the operational efficiency of existing laws, especially laws that dealt with criminal procedure in the country. The Bill sought to streamline governance, administration, and service delivery by correcting errors, updating outdated provisions, and harmonizing conflicting legal frameworks. Some of the Acts of Parliament and legal instruments that the Bill sought to amend included: The Judicature Act, the Appellate Jurisdiction Act, the Vexatious Proceedings Act, the Penal Code, the Criminal Procedure Code, the Extradition (Commonwealth Countries) Act, the Evidence Act, the National Flag, Emblems and Names Act, the Official Secrets Act, the Geneva Conventions Act, the Pharmacy and Poisons Act, the Mental Health Act, the Land Consolidation Act, the Land Adjudication Act, the Marine Insurance Act, the Local Manufactures (Export Compensation) Act, the Capital Markets Act, the Architects and Quantity Surveyors Act, the Prevention of Fraud (Investments) Act, among other pieces of legislation.

## Bills that Upset Constitutional Provisions

During the period under review in this Scorecard, several Bills have been tabled in Parliament, that upset different constitutional provisions. These Bills include:



### 1. The Land Laws (Amendment) (No. 2) Bill of 2023

- **The Bill was sponsored by the Leader of the Majority in the National Assembly, Hon. Kimani Ichung'wah.**

• This Bill introduced an annual levy on freehold land owned by Kenyans – a levy which should only accrue on leasehold land. Further, the Bill sought to alter the process of compulsory acquisition of Land which has been provided for under Section 107 of the Land Act as powers vested in the National Land Commission. The process as currently provided for in the Act is in line with Article 40(3) of the Constitution of Kenya.

- The amendment would result in a water-down of powers of the National Land Commission in a myriad of areas including in the process of compulsory acquisition of Land. The powers are being transferred to the Cabinet Secretary. This is in contravention of Article 67 of the Constitution of Kenya. The Bill was withdrawn through a memo dated 13th June 2024.



### 2. The Assembly & Demonstrations Bill, 2024

- **The Bill was sponsored by Hon. Geoffrey Ruku, the MP for Mbeere North.**

• The Constitution of Kenya under Article 37 provides for the right to assemble, demonstrate, picket and present petitions to public authorities.

- Police have no right to allow or disallow protests. They should be merely informed of the intention to assemble or protest, to allow them to prepare accordingly. However, the Bill requires members of the Public to inform the police of their intention to assemble or demonstrate, at least 3 days and no more than 14 days before the demonstrations/protests. The Bill goes further to criminalise “unlawful assembly” and introduces penalties, including imprisonment of up to a year. The Bill also grants regulating officers the power to impose conditions on organisers of protests. These conditions

include payment for clean-up costs. The organizers are also required to provide their full name and physical addresses to the authority at the point of serving the notice. This is of course in contravention to Article 31 of the Constitution.



### **3. Anti-Corruption and Economic Crimes (Amendment) Bill No. 40 of 2023**

- **The Bill is sponsored by Hon. Geoffrey Kariuki Ruku.**
- The Bill seeks to amend Section 45(2) of the Anti-Corruption and Economic Crimes Act of 2003. The proposed amendments seek to remove the offence of failing to adhere to procurement guidelines, and the engagement of public funds in unplanned projects, both being procurement offences – an obvious upset to Chapter 6 of the Constitution of Kenya, 2010. The justification of the Bill is that these offences should be considered administrative matters and be addressed through administrative actions rather than criminal prosecution. The obvious concern is that the amendments would water down the fight against corruption as procurement offences constitute 80% of corruption cases.



### **4. The Anti-Corruption and Economic Crimes (Amendment) Bill No. 30 of 2023**

- **The Bill is sponsored by Hon. George Peter Kaluma.**
- The Bill seeks to repeal Section 64 of the Act which provides for disqualification of persons convicted of corruption or economic crimes from being elected or appointed as public officers. The Section as is right now bars anyone who has been convicted of corruption or economic crimes from being elected or appointed into office, for ten years after the conviction. This is in contravention to Chapter Six of the Constitution of Kenya, 2010.

## Motions

Total Number	Adopted	Negated	Adjournment motions
238	119	3	6

A total of 238 Motions were considered, 119 adopted, 3 negated and 6 adjournment motions that did not result in a vote.

### Private Member motions

- Removal from Office by impeachment of the former Deputy President Rigathi Gachagua.
- Implementation of the Social Health Insurance Fund.
- Development of a policy integrating mental healthcare services in all healthcare facilities in the country.
- Dismissal of Former Agriculture Cabinet Secretary, Mithika Linturi.
- Removal from Office by impeachment of the former Deputy President Rigathi Gachagua.
- Implementation of the Social Health Insurance Fund.
- Development of a policy on IT by the Ministry of Environment that deploys the use of satellites in the monitoring and forecasting of climatic conditions.
- Operationalisation of a science museum.
- Revision of the age requirement for eligibility of elderly members to be enrolled on the Inua Jamii Programme from 70 to 60 years.
- Establishment of a priority boarding protocol for the KDF and Kenya Special Forces personnel.
- Support and promotion of local fertiliser manufacturing industries.
- Recognition of caregivers of persons with severe disabilities (PWSD) as a distinct category requiring social protection and support by the Ministry of Labour.
- Development of a policy integrating mental healthcare services in all healthcare facilities in the country.

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/motion-tracker>

- Dismissal of Former Agriculture Cabinet Secretary, Mithika Linturi.
- Review of the Sugar Development Policies.
- Transition of the CBC students from Grade 8 to Grade 9 in January 2025.
- Implementation of the Social Health Insurance Fund

### Adjournment Motions

- Rising cases of femicide in the country
- Escalating cases of insecurity in Laikipia County
- Surge of road accidents in the country
- Ongoing floods and other attendant inconveniences
- Security Situation in Turkana County
- The new financing model for universities, colleges and technical institutions students.

### Notable adjournment motions that failed to take place due to lack of quorum:

- Skyrocketing fuel prices in the country
- Deployment of Kenya Police to Haiti
- Demolitions and evictions in Athi River

### Petitions

- 39 petitions were due for a response within the period under review. Only 8 have been concluded, however, they are way past their due date.
- 21 public petitions that were due for a response within the same period are still under consideration, some dating as far back as April 2023. The period granted to the Petitions Committee to conclude and issue a response to the petitioners is 60 days.

### Statements

- Total statements: 280
- General Statements: 18

The Departmental Committee on Administration and Internal Security handled the highest number of statements within this period.

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/motion-tracker>

Committee Responsible	Statements Committed to it	Responses issued by the Committee in Charge	Total No. of Statements
<p>Departmental Committee on Administration and Internal Security</p> <p>Top issues raised:</p> <ul style="list-style-type: none"> <li>● Insecurity in various parts of the country (15)</li> <li>● Disappearances/Abduction of citizens (11)</li> <li>● Administrative issues and welfare of security officers (7)</li> <li>● Circumstances surrounding the deaths of various Kenyans (7)</li> <li>● Sexual offences (2)</li> <li>● Accidents of various nature (3)</li> <li>● Police excesses in undertaking their duty (3)</li> </ul>	55	4	59
Transport & Infrastructure	32	1	33
Education	16	1 - Speakers' <i>Kamukunji</i> held on the matter of the challenges facing the new higher education funding model	17
Agriculture & Livestock	14	●	14
Finance and National Planning	11	●	11

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/motion-tracker>

Committee Responsible	Statements Committed to it	Responses issued by the Committee in Charge	Total No. of Statements
Lands	11	●	11
Tourism and Wildlife	10	●	10
Blue Economy, Water & Irrigation	9	●	9
Energy	8	●	8
Social Protection	7	-	7
Defence, Intelligence and Foreign Relations	7	1	8
Environment, Forestry and Mining	6	●	6
Trade, Industry and Cooperatives	4	●	4
Labour	4	●	4
Regional Development	2	●	2
Communication, Information and Innovation	2	●	2
Budget and Appropriations	1	●	1
NGCDF	1	-	1

Source

<http://www.parliament.go.ke/the-national-assembly/house-business/motion-tracker>

# PART 4:

## COMMITTEE WORK

Parliamentary Committees are specialised groups of Members of Parliament (MPs) or Senators established to focus on specific areas of governance, policy, or oversight. These committees allow Parliament to manage its workload more efficiently and provide detailed scrutiny of legislative and policy matters that cannot be fully examined during regular parliamentary sittings. Below are some of the Bills originating from committees in the National Assembly:



### 1. Committee on Finance and National Planning

- The Equalisation Fund (Administration) Bill, 2023 Sen. Bill No. 14 of 2023 – Message received from the Senate on 26/10/2023
- The Public Finance Management (Amendment) Bill, 2024 – NA. Bill No. 2 of 2024 – Pending at First Reading 09/04/2024
- The Equalisation Fund Appropriation (No.2) Bill, 2023 –Sen. Bill No. 30 of 2023 – Passed and Referred to Senate for consideration on 19/06/2024, Message received back from Senate on 08/10/2024 rejecting National Assembly amendments
- The Insurance Professionals Bill, 2024 - NA. Bill No. 13 of 2024 – Pending at First Reading 21/03/2024
- The Finance Bill, 2024 - NA. Bill No. 30 of 2024 - President's Reservations: Passed on 25/07/2024. Bill lost upon deletion of all clauses. No bill to be presented for assent
- The County Governments Additional Allocations Bill, 2024 - Sen. Bill No. 19 of 2024) – Message received from Senate on 7/11/2024 of Mediation Committee formed.

- The County Allocation of Revenue Bill, 2024 -Sen. Bill No. 25 of 2024 – Passed; referred back to the Senate for consideration on 26/06/2024
- The Public Procurement and Asset Disposal (Amendment) Bill, 2024 - NA. Bill No. 48 of 2024 - Pending at First Reading 13/11/2024



## 2. Committee on Delegated Legislation

- The Statutory Instruments (Amendment) Bill, 2023 – NA Bill No. 2 of 2023 – Passed and Senate amendments received via Message conveyed on 18/6/2024



## 3. Budget and Appropriations Committee

- The County Governments Additional Allocations Bill, 2023 – NA Bill No. 23 of 2023 – Assented 04/03/2024
- The Supplementary Appropriations (No.3) Bill, 2023 –NA. Bill No. 71 of 2023 – Assented 23/11/2023
- The Division of Revenue Bill, 2024 - NA. Bill No. 14 of 2024 – Assented 10/06/2024
- The Supplementary Appropriation Bill, 2024 - NA. Bill No. 32 of 2024 – assented 10/06/2024
- The Appropriation Bill, 2024 - NA. Bill No. 33 of 2024 – Assented on 28/06/2024
- The Division of Revenue (Amendment) Bill, 2024 - NA. Bill No. 38 of 2024 - Senate amendments rejected on 16/10/2024; Bill referred to a Mediation Committee
- The Supplementary Appropriation (No.2) Bill, 2024 - NA. Bill No. 39 of 2024 – Assented to on 5/08/2024



#### **4. Committee on Regional Development**

- The Regional Development Authorities Bill, 2023 – NA Bill No. 7 of 2023 – Pending at Committee Stage



#### **5. Committee on Sports and Culture**

- The Kenya National Library Service Bill, 2023 NA Bill No. 20 of 2023 – Pending at Second Reading 16/10/2024



#### **6. Public Investments Committee on Governance and Education**

- The Universities (Amendment) Bill, 2023 Chairperson, NA Bill No. 38 of 2023 – Pending at First Reading 18/10/2023



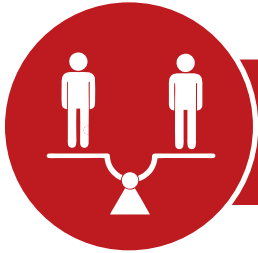
#### **7. Committee on Environment, Forestry and Mining**

- The Mining (Amendment) Bill, 2023 NA. Bill No. 51 of 2023 – Pending at First Reading 12/10/2023



## 8. Committee on Parliamentary Broadcasting and Library

- The Public Participation Bill, 2023 NA. Bill No. 52 of 2023 - Pending at First Reading 12/10/2023



## 9. Committee on National Cohesion and Equal Opportunity

- The National Cohesion and Integration Bill, 2023 –NA. Bill No. 74 of 2023 – Pending at First Reading 20/03/2024



## 10. Justice and Legal Affairs Committee

- The Treaty Making and Ratification (Amendment) (No.2) Bill, 2024 – NA. Bill No. 9 of 2024 – Pending at First Reading 20/03/2024



## 11. Committee on Health

- The Medical Social Workers Bill, 2024 - NA. Bill No. 22 of 2024 – Pending at First Reading 13/08/2024

# PART 5:

## QUORUM

Attaining the required quorum has been an issue in Parliament for the past year, and this has limited Parliament's ability to conduct business with expediency.

- For a session of the National Assembly to start or continue, the House must have a quorum of at least 50 members.
- Since August 2023, 40 sittings out of a total of 158 sittings over the period were adjourned due to lack of quorum. This translates to 25% of the total sittings.
- 2 sittings didn't kick off at all, one of them being the morning after a vote on the impeachment of DP Gachagua took place.



## Bunge agenda in limbo over MPs absenteeism

*Lawmakers take home hefty perks for little or no work at all despite many skipping work.*



by LUKE AWICH

Realtime

09 November 2024 - 07:57

### In Summary

- This week, National Assembly Deputy Speaker Gladys Shollei was forced to order the quorum bell to be rung on two consecutive days.
- The House could not manage the minimum 50 out of the 346 members on Wednesday and Thursday.

At



**Mzalendo** @MzalendoWatch · 22m

...

You can't expect to be listened to if you don't listen to others. And out there your voters are watching, they are watching to see whether their MPs are in the house, whether they speak, do they make sense. [#BungeLiveNA](#).~  
[@HonWetangula](#)



1



1

134



**Mzalendo** @MzalendoWatch · 19m

...

The public is no longer the old public who wait for 'Leo Katika Bunge', they follow everything that we do here. ~[@HonWetangula](#) [#BungeLiveNA](#).

1



1

162



## Some of the instances when the National Assembly has lacked quorum in plenary sittings held between August 2023 and November 2024, include:

### 1. 28th February 2024:

Lack of quorum noted during a debate on the Employment (Amendment) Bill (Senate Bill No. 11 of 2022)

### 2. 21st February 2024:

After a debate on a motion on the adoption of the report of NADCO.

### 3. 14th February 2024:

lack of quorum during debate on an adjournment motion on rising femicide cases in Kenya

### 4. 5th December 2023:

lack of quorum shortly after comments on delays in disbursements of NGAAF and NGCDF monies

### 5. 3rd October 2023:

lack of quorum during a debate on a motion of adjournment regarding measures towards sustainable living

### 6. 5th October 2023:

during debate on an adjournment motion on the deployment of officers of the National Police Service in Haiti

### 7. 16th October 2024:

during the debate on the Community Health Workers bill (National Assembly Bill No. 53 of 2022)

### 8. 14th August 2024:

after conclusion on debate on Mung Beans Bill with the next order of business being a motion on a report on enhancing reporting of Parliamentary business on online platforms.

### 9. 9th October 2024 (morning sitting):

session didn't commence due to lack of quorum. This was the morning after the impeachment of DP Rigathi Gachagua.

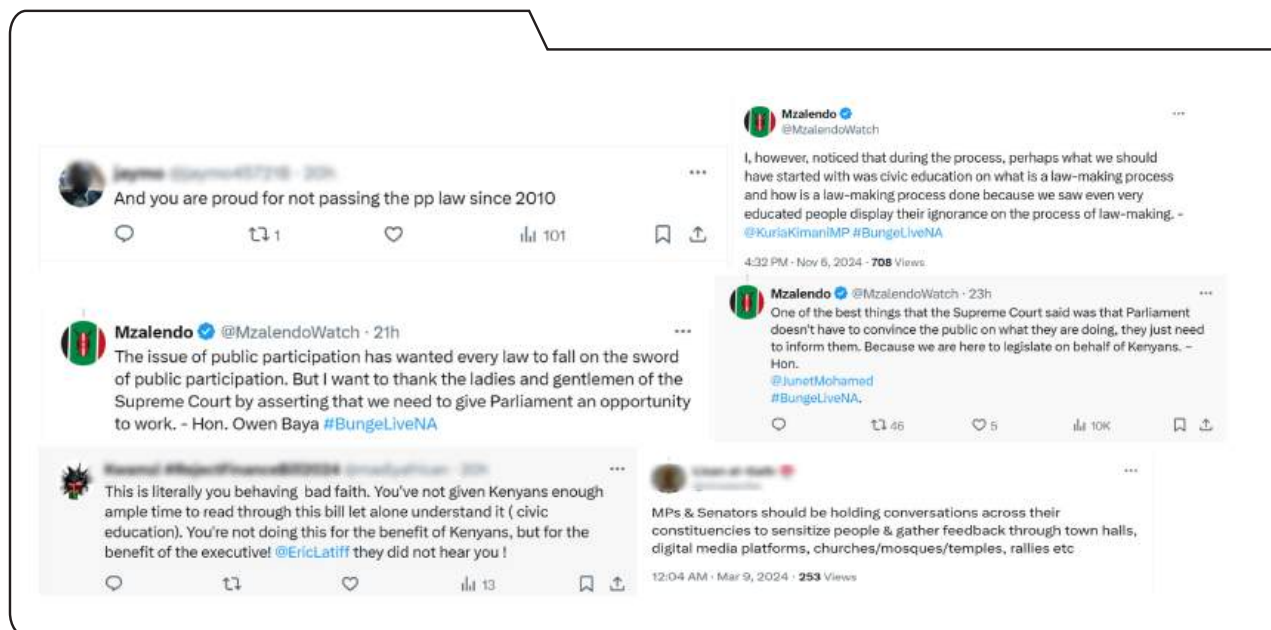
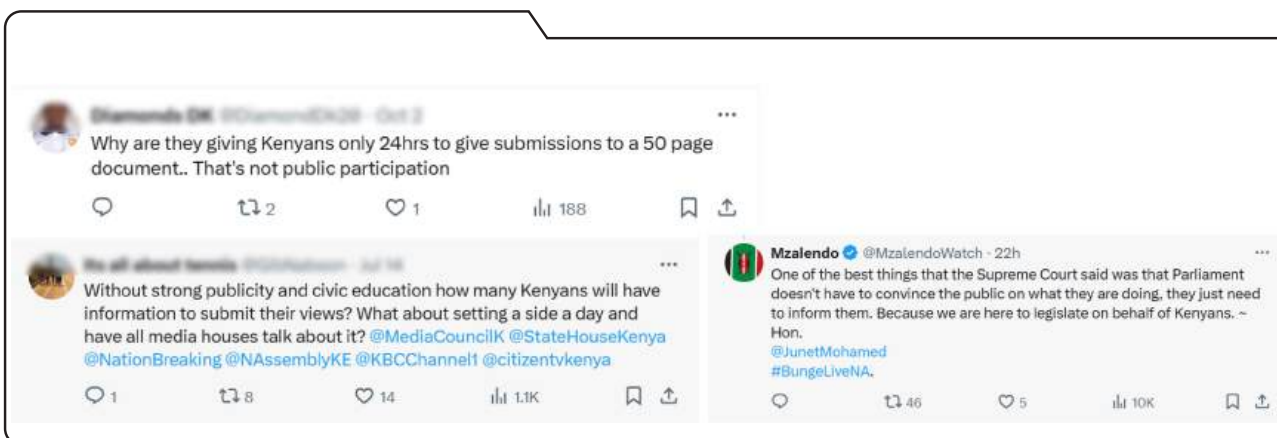
### 10. 17th October 2024:

next on the order was a motion on the adoption of a report on inquiry into alleged unfair trade practices by foreign investors in Kenya. Both the chair and vice-chair of the Trade, Industry and Cooperatives were absent.

# PART 6: PUBLIC PARTICIPATION

## Analysis

With a lack of national legislation on public participation, 13 years after the promulgation of the Constitution of Kenya, 2010, Public Participation in the process of enactment of legislation continues to be a challenge, with Kenyans complaining of inadequate notice and time, inaccessibility to documents and relevant information, and prior civic education ahead of the process. The 13th Parliament has been no different, with the court having to intervene on numerous occasions to ensure that the constitutional principle is upheld. MPs and the members of the public have seemingly dissenting views on the subject.



1. In the period covered by this Scorecard, 51 Public Participation calls on different Bills have been made in the National Assembly.
2. Longest Duration: The following bills had the longest Public Participation duration of 20 days: (Dates: 9th December 2023 – 28th December 2023)
  - The Affordable Housing Bill (National Assembly Bill No. 75 Of 2023).
  - Land Laws (Amendment) Bill (No. 2) (National Assembly Bill No. 76 Of 2023)
  - The National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023)
  - The Basic Education (Amendment) Bill (National Assembly Bill No. 59 2023)
  - The Environmental Management & Coordination (Amendment) Bill (National Assembly Bill No. 66 of 2023)
  - The National Employment Authority (Amendment) Bill (Senate Bill No. 48 of 2023)
3. Shortest Duration: The Impeachment of Rigathi Gachagua in the National Assembly had the shortest Public Participation duration of 3 days. (Dates: 2nd October – 5th October 2024)
4. Apart from the Impeachment of Gachagua, the following bills also had short durations:
  - The Division of Revenue Bill (National Assembly Bill No. 14 Of 2024) [14th March – 18th March 2024]
  - The Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024) [27th July 2024 – 1st August 2024]
5. Interestingly also, The Social Health Insurance Bill (National Assembly Bill No. 58 of 2023) had a Public Participation window of 7 days in the National Assembly. [15th September 2023 – 22nd September 2023]
6. Average duration for Public Participation in the National Assembly is:  
 Average Duration = Total Duration (631 days) divided by the Total Number of Bills (51)  $\approx$  12 days

# PART 7:

## OVERSIGHT

Members of the 13th Parliament have been controlling the NGCDF kitty, a role that the courts recently pronounced as unconstitutional given that it falls beyond their scope and mandate – legislate, represent & conduct oversight. There have also been concerns about the utilisation of these funds given that no particular institution conducts oversight on the kitty – beyond the annual reports conducted by the Auditor General. Below is a summary of the 2021/2022 NGDCF report by the Auditor General on how different MPs utilised the funds.

### Interpretation of the NGCDF Audit reports

In public finance audits, the terms unqualified, qualified, adverse, and disclaimer are opinions expressed by auditors about the financial statements of a government or public institution.

Here's a simple explanation for each based on the 2021/2022 NG-CDF Auditor General's report -which are the latest audited reports available.

#### Unqualified Opinion:

Think of this as a clean bill of health for the financial statements.

In the case of NGCDF, none of the constituencies had a clean bill of health in the 2021/22 audit reports.

#### Qualified Opinion:

**This means the financial statements are mostly okay, but there are some issues.**

For the qualified opinion, 221 constituencies fell in this category, which means the majority got a qualified opinion. These are the dominant issues that were raised by the auditors:

- Inaccuracies in Summary of Fixed Asset Register
- Poor workmanship in implementation of projects e.g. dysfunctional boreholes.

Source

<https://www.oagkenya.go.ke/2020-2021-constituency-development-fund-audit-reports/>

- Unsupported Bursary Disbursements
- Variation of the Contract Sum most of the time being reviewed upwards during implementation
- Unconfirmed Project Management Committee Bank Balances
- Non-compliance with the Law on Staff Ethnic Composition
- Irregular procurements
- Failure to Recover Income Tax from Committee Allowances

### Adverse Opinion:

This is serious. It means the financial statements are misleading or don't follow the rules at all.

In the last NG-CDF audited accounts, 15 constituencies got an adverse opinion. The issues raised included:

- Unexplained Variances between the Financial Statements, Ledgers and Notes to the Financial Statements
- Unsupported Budget Utilization
- Unsupported Payments on Projects
- Undisclosed and Unsupported expenditure
- Unconfirmed Bursary Payments
- Irregular Recruitment of Staff
- Irregular payments of allowances
- Inaccuracy of Transfers from National Government Constituencies Development Fund (CDF) Board
- Non-Submission of the Emergency Reserves Utilization Reports to the Board

Source

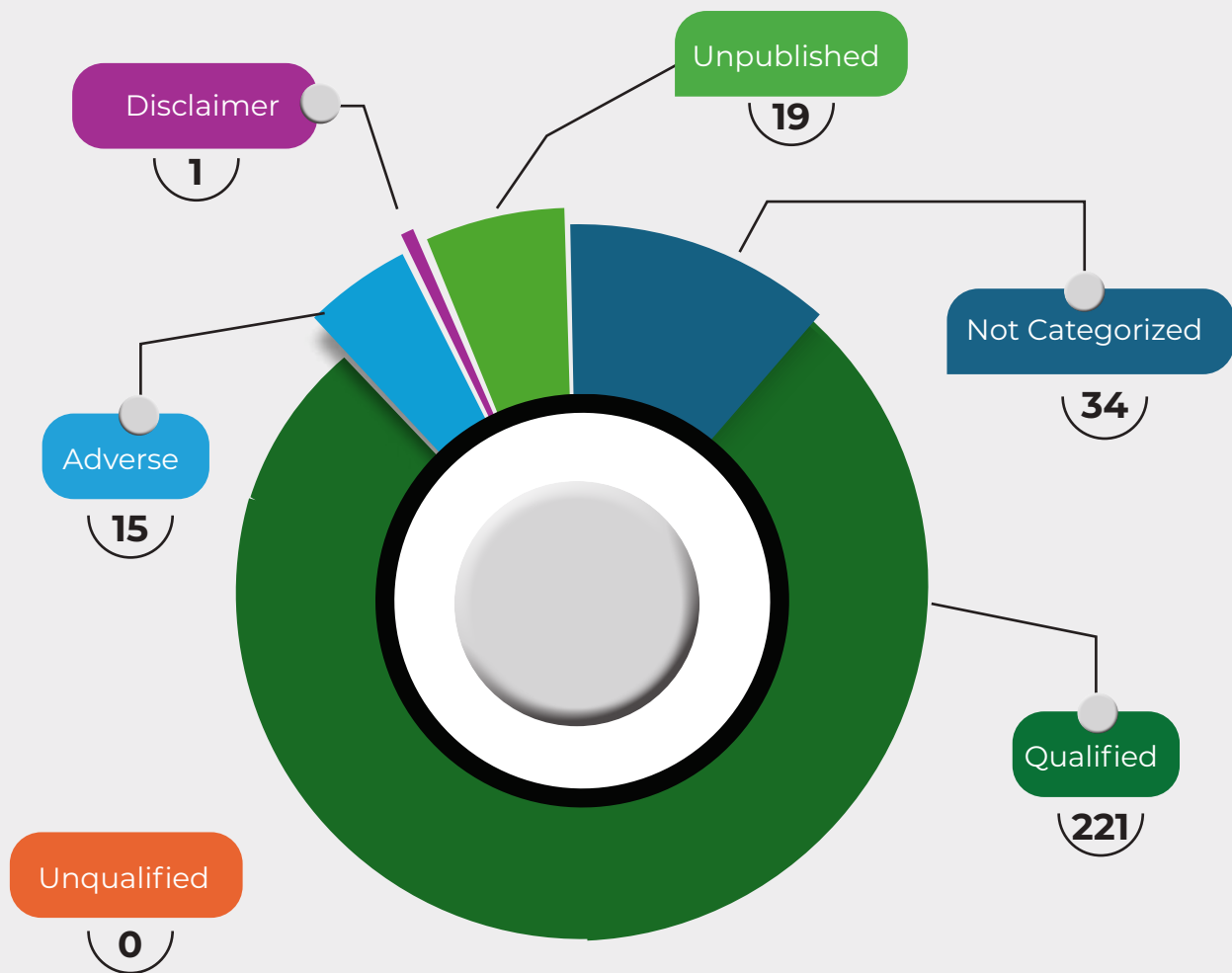
<https://www.oagkenya.go.ke/2020-2021-constituency-development-fund-audit-reports/>

### Disclaimer of Opinion:

This happens when the auditors can't even give an opinion because they don't have enough information.

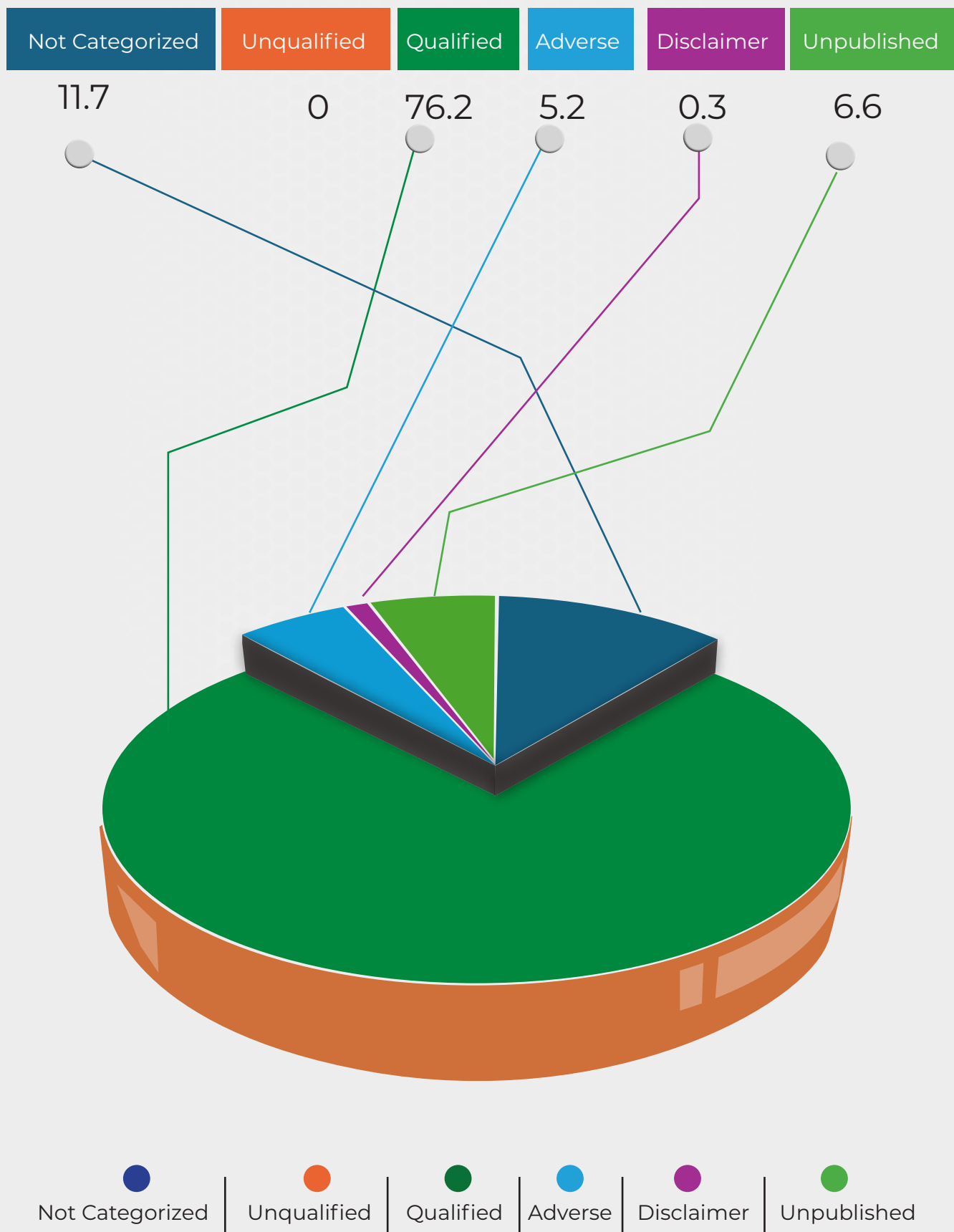
In the 2021/22 audit reports one constituency got a disclaimer opinion.

- Finally, there are 19 constituencies where the reports are not published on the auditor general's website. Further, there are 34 constituencies where the auditor general has not indicated his opinion to enable us to classify.



Source

<https://www.oagkenya.go.ke/2020-2021-constituency-development-fund-audit-reports/>



Source

<https://www.oagkenya.go.ke/2020-2021-constituency-development-fund-audit-reports/>

# THE SENATE



## MOST VOCAL SPEAKERS IN SENATE

NAME	POSITION	GENDER	COUNTY	PARTY	TALLY
Samson Cherargei	SENATOR	M	Nandi	UDA	209
Eddy Gicheru	SENATOR	M	MIGORI	ODM	159
Tabitha Mutinda	SENATOR	F	NOMINATED	UDA	142
Erick Mogeni	SENATOR	M	NYAMIRA	ODM	137
Gloria Orwoba	SENATOR	F	NOMINATED	UDA	136

## What were they vocal about, and how did they vote on key Bills in the House?

### 1. Samson Cherargei:

- Proposed that the Committee report to the Senate on its deliberation of the Employment Amendment Bill (Senate Bill No. 11 of 2022) and recommend its approval without amendments.
- Sponsored the Constitution of Kenya (Amendment) Bill (Senate Bills No. 46 of 2024).
- Moved that the House agrees with the Committee's report on the Employment (Amendment) Bill (Senate Bill No. 11 of 2022).
- Urged the Senate to push for more funding to counties to strengthen healthcare infrastructure and address the cancer crisis, calling for the

Source

<http://www.parliament.go.ke/the-senate/Hansard>

calling for the allocation of Kshs 415 billion to counties to fight healthcare challenges, including cancer.

- Urged the Kenya Meteorological Department to improve predictability and encourage senators to focus on actionable measures in their counties.

BILL	AFFORDABLE HOUSING BILL	PRIMARY HEALTHCARE BILL	SOCIAL HEALTH INSURANCE BILL	SUGAR BILL	IEBC AMENDMENT BILL
VOTE	YES	ABSENT	YES	YES	YES

## 2. Eddy Gicheru:

- Sought updates from the CS of education on CBC implementation regarding infrastructure readiness, awareness promotion, and adherence to education reform recommendations before Grade Nine enrolment.
- Raised concern about the lack of compensation for farmers affected by the Lower Kuja Irrigation Development Project in Nyatike Sub County.
- Criticised the Human Resource Management Professionals Examination Board for imposing exorbitant fees on young professionals seeking certification.
- Sought a statement from the Standing Committee on Information, Communication and Technology (ICT) regarding the alleged breach of confidential subscriber information by Safaricom.
- Proposed that the country declare femicide a national disaster on account of the increased cases of femicide.

BILL	AFFORDABLE HOUSING BILL	PRIMARY HEALTHCARE BILL	SOCIAL HEALTH INSURANCE BILL	SUGAR BILL	IEBC AMENDMENT BILL
VOTE	NO	YES	YES	YES	YES

## 3. Tabitha Mutinda:

- Requested the Standing Committee on Education to investigate the erroneous relaying of the 2023 KCPE results by the Kenya National Examination Council.

Source

<http://www.parliament.go.ke/the-senate/Hansard>

- Supported the Maternal, Newborn, and Child Health Bill advocating for mandatory medical care for malformed newborns, stricter penalties for baby theft, and free medical care for both mothers and infants.
- Supported Senator Syengo's statement on the disbursement of funds to technical and vocational institutions in the country.
- Supported the investigation into the Endarasha Primary School fire incident and advocated for the enforcement of building standards in schools
- Supported the Climate Change (Amendment) Bill, emphasizing the importance of climate action for future generations.

BILL	AFFORDABLE HOUSING BILL	PRIMARY HEALTHCARE BILL	SOCIAL HEALTH INSURANCE BILL	SUGAR BILL	IEBC AMENDMENT BILL
VOTE	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT

#### 4. Erick Mogeni:

- Underscored the importance of transparent and equitable distribution of educational resources to national secondary schools, ensuring that infrastructure support aligns with the educational requirements of students across the country.
- Sought clarification from the Standing Committee on Agriculture on the postponement of KTDA director elections in Nyamira and Kisii.
- Addressed the delay in disbursing funds to county offices by the Parliamentary Service Commission (PSC).
- Asked the Cabinet Secretary for Roads and Transport (Hon. Kipchumba Murkomen) about the lack of road safety features on the Metamayua-Mechel-Jebigombe-Nyansiongo road.
- Supported the Affordable Housing Bill with amendments that "affordable housing" should focus on residences for citizens, aligning with constitutional rights (Article 43), rather than including projects like those for prisons and universities.

BILL	AFFORDABLE HOUSING BILL	PRIMARY HEALTHCARE BILL	SOCIAL HEALTH INSURANCE BILL	SUGAR BILL	IEBC AMENDMENT BILL
VOTE	NO	ABSENT	ABSENT	YES	ABSENT

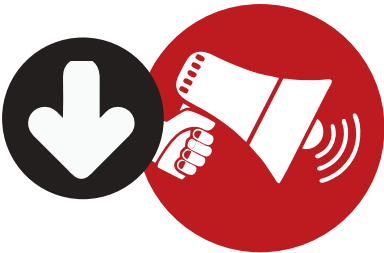
Source

<http://www.parliament.go.ke/the-senate/Hansard>

5. Gloria Orwoba:

- Supported the call for oversight on the welfare of teachers involved in administering and marking upcoming national exams.
- Supported the statement on investigating deaths in schools and advocated for legislative action to address such incidents comprehensively.
- Emphasized the importance of Parliament's role in addressing femicide and gender-based violence, highlighting that the discussions there shape societal norms and attitudes.
- Supported the Affordable Housing Bill, emphasising its potential to create jobs for youth and meet the housing needs of Kenyans.
- highlighted the need to professionalise the fire and rescue services industry in Kenya, emphasising the importance of certification, asset management, and creating dignified jobs for the youth.

BILL	AFFORDABLE HOUSING BILL	PRIMARY HEALTHCARE BILL	SOCIAL HEALTH INSURANCE BILL	SUGAR BILL	IEBC AMENDMENT BILL
VOTE	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT



LEAST VOCAL MEMBERS IN SENATE

NAME	POSITION	GENDER	COUNTY	PARTY	TALLY
Issa Boy	SENATOR	M	Kwale	ODM	6
Betty Batuli	SENATOR	F	Nominated	ODM	19
Shakilla Mohamed	SENATOR	F	Nominated	WIPER	22

Source <http://www.parliament.go.ke/the-senate/Hansard>

## How did the least vocal Senators vote on different key Bills in the House?



### 2. Shakilla Mohamed

BILL	AFFORDABLE HOUSING BILL	PRIMARY HEALTHCARE BILL	SOCIAL HEALTH INSURANCE BILL	SUGAR BILL	IEBC AMENDMENT BILL
VOTE	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT

### 3. Betty Batuli

BILL	AFFORDABLE HOUSING BILL	PRIMARY HEALTHCARE BILL	SOCIAL HEALTH INSURANCE BILL	SUGAR BILL	IEBC AMENDMENT BILL
VOTE	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT

### 5. Issa Boy Juma

BILL	AFFORDABLE HOUSING BILL	PRIMARY HEALTHCARE BILL	SOCIAL HEALTH INSURANCE BILL	SUGAR BILL	IEBC AMENDMENT BILL
VOTE	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT

Source

<http://www.parliament.go.ke/the-senate/Hansard>

# PART 2: BUSINESS CONSIDERED BY SENATE

## Bills at different stages in the Senate.

### Governments-sponsored Bills

Stage	1st Reading	2nd Reading	Committee of the Whole	Passed and Forwarded to the Senate	Subjected to mediation with the National Assembly
Bills		5	5	3	1

Stage	Referred back to Senate with President's reservations	Deferred	Withdrawn	Assented to by the President
Bills	1	1	3	2

Source

<http://www.parliament.go.ke/the-senate/Hansard>

## Private Member Bills

Stage	1st Reading	2nd Reading	Committee of the Whole	Passed and Forwarded to the Senate	Subjected to mediation with the National Assembly
-------	-------------	-------------	------------------------	------------------------------------	---

Bills		5	5	3	1
-------	--	---	---	---	---

Stage	Referred back to Senate with President's reservations	Deferred	Withdrawn	Assented to by the President
-------	---	----------	-----------	------------------------------

Bills	1	1	3	2
-------	---	---	---	---

Source

<http://www.parliament.go.ke/the-senate/Hansard>



## Senators who have sponsored the highest numbers of Bills:

### 1. Sen. Crystal Asige (6): Two Bills co-sponsored with Sen. Margaret Kamar

- The Startup Bill, 2022
- The Learners with Disabilities Bill (Senate Bills No. 4 of 2023)
- The Persons with Disabilities Bill (Senate Bills No. 7 of 2023)
- The Kenyan Sign Language Bill (Senate Bills No. 9 of 2023)
- The County Governments Election Laws (Amendment) Bill (Senate Bills No. 2 of 2024)
- The Constitution of Kenya (Amendment) Bill (Senate Bills No. 17 of 2024)

### 2. Sen. Samson Cherargei (5)

- The Constitution of Kenya (Amendment) No. 2 Bill (Senate Bills No. 46 of 2024)
- The Prevention of Livestock and Produce Theft Bill (Senate Bills No.12 of 2023)
- The County Governments (Amendment) Bill (Senate Bills No. 25 of 2023)
- The Public Service (Values and Principles) (Amendment) Bill (National)
- The Cancer Prevention and Control (Amendment) (No. 2) Bill (National Assembly Bills No. 45 of 2022)

### 3. Sen. Sen. Hamida Kibwana (3)

- The E-Health Bill (Senate Bills No. 32 of 2023)
- The Public Finance Management (Amendment) Bill, (Senate Bills No. 40 of 2023)
- The Nuts and Oil Crops Development Bill (Senate Bills No. 47 of 2023)

### 4. Sen. Karungo Thangwa (3)

- The County Wards (Equitable Development) Bill (Senate Bills No. 20 of 2024)
- The County Governments (State Officers' Removal from Office) Procedure Bill (Senate Bills No. 34 of 2024)
- The Public Holidays (Amendment) Bill (Senate Bills No. 31 of 2023)

## Four Bills were successfully passed and assented into law.

Those Bills are:



### 1. The Primary Health Care Bill (Senate Bills No. 44 of 2023)

**Sponsor:**

**This Bill was sponsored by the Senate Majority Leader, Senator Aaron Cheruiyot.**

**Objectives of the Bill:**

The Bill sought to provide a framework for the delivery of and access to and management of primary health care. The Bill aimed at ensuring that every Kenyan progressively attains their right to the highest possible standard of health care by strengthening primary health care. The Bill proposed the creation of a Primary Healthcare Advisory Council to guide the national and county governments in implementing primary healthcare services. Further, the Bill proposed the establishment of County Primary Health Care Advisory Committees to support effective primary healthcare delivery by mobilizing resources, advocating for healthcare, and planning and developing primary healthcare services.

Additionally, the Bill sought to create primary healthcare networks, community health units and other stakeholder-centred engagement forums to promote accessible, equitable and sustainable primary healthcare services at all levels of a community. The Bill sought to provide for the role of multi-disciplinary teams (a team of health care professionals with diverse expertise and skills who jointly assess, plan and manage health care that matches patients' needs and those of the bigger population to improve health outcomes) in the provision of primary health care service.

Concerns on the Bill: Concerns were raised pertaining to the financial aspects of the Bill and its dissonance with other relevant health bills like the Social Health Insurance (SHI) Bill. Firstly, the Primary Health Care (PHC) Bill did not clarify how primary care networks would be financed or managed, leaving questions about whether facilities will budget independently or as part of a network. Additionally, it was unclear how financial management systems would be implemented within the Networks. Furthermore, the SHIF Bill mentioned a Primary Health Care Fund designed to finance services at primary healthcare facilities such as dispensaries and health centres but failed to address how this fund interacts with the Primary Care Networks or Community Units established under the PHC Bill.



## 2. The County Government Additional Allocation Bill 2023 (Senate Bills No. 26)

### **Sponsor:**

**This Bill was sponsored by Senator Ali Ibrahim Roba, Chairperson of the Standing Committee on Finance and Budget.**

### **Objectives of the Bill:**

The Bill's main purpose was to provide for additional revenue allocations to county governments for the 2023/2024 financial year and outline the responsibilities of the National Government and county governments in relation to such allocation. In relation, the Bill allowed for additional allocation from the National Government's share of the revenue or from loans and grants provided by development partners. This meant that the county governments would get a conditional or unconditional additional allocation from the National Government through the transfer of funds from the Consolidated Fund to the respective County Revenue Funds and special purpose accounts.

The Bill also provided that any additional funds allocated to county governments were to be included in Counties' appropriation bills. It also mandated the National Treasury to facilitate agreements between county governments and development partners and present them to both the National Assembly and the Senate. The Bill further provided that the Cabinet Secretary for Finance would publish a monthly report detailing the actual transfers of additional allocations to county governments. Additionally, each county treasury was required to record all conditional allocations from the National Government in its accounts.



## 3. The Facilities Improvement Financing Bill, 2023

### **Sponsor:**

**This Bill was sponsored by the Senate Majority Leader, Senator Aaron Cheruiyot.**

### **Objectives of the Bill:**

The principal object of the bill was to provide for public health facility improvement financing and management.

The justification for the Bill was found in Section 109(2)(b) of the Public Finance Management Act, 2012, which stipulates that the County Treasury for each county government shall ensure that all money raised or received by or on behalf of the county government is paid into the County Revenue Fund. The Bill aimed to ringfence money generated in health facilities, ensuring a predictable, regular, and steady source of funding for health facility operations in the counties. This is intended to guarantee that funds are utilized for the improvement of patient care at individual health facilities, preventing them from being absorbed into county coffers.



#### **4. The County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022)**










##### **Sponsor:**

**The Bill was sponsored by Senator Mariam Omar, a nominated Senator.**

##### **Objectives of the Bill:**








The Bill sought to streamline licensing processes across Kenya's counties to enhance efficiency, reduce bureaucratic hurdles, and promote ease of doing business. The Bill provides for a uniform framework for the application, issuance, renewal, and revocation of licenses by county governments, ensuring predictability and transparency in licensing procedures. It also establishes timelines for these processes and introduces mechanisms for addressing grievances related to licensing decisions. Ultimately, the Bill aims to foster an enabling environment for investment and entrepreneurship, contributing to economic growth and development at the county level.

## Bills under different themes and categories

Category	No. of Bills
 <b>Agriculture</b>	9
 <b>Devolution</b>	19
 <b>Health</b>	7
 <b>Roads and Infrastructure</b>	2
 <b>Labour</b>	3
 <b>Social Welfare</b>	6
 <b>Parliamentary Affairs</b>	1
 <b>Electoral Issues/Reforms</b>	7
 <b>ICT</b>	2

Source

<http://www.parliament.go.ke/the-senate/house-business/bills-tracker>

	<b>Energy</b>	<b>1</b>
	<b>Education</b>	<b>1</b>
	<b>Public Fiscal Affairs</b>	<b>3</b>
	<b>Climate and Environment</b>	<b>2</b>
	<b>Integrity</b>	<b>1</b>
	<b>Civic Engagement</b>	<b>1</b>
	<b>Mining</b>	<b>2</b>

## Motions

Total Number	Adopted	Adopted	Adjournment motions	Withdrawn	Negated
139	59	7	6	3	6
Total No. of motions within the period under review	Government-sponsored motions adopted	Private Members motions adopted	Adjournment motions	Withdrawn	Negated

### Government sponsored motions

- Inquiry into the alleged irregularities in the procurement of long- lasting insecticide treated nets at KEMSA
- Current state of the Nation (after the protests)
- Approval for appointment of Mr. Douglas Kanja Kirocho as Inspector General of the National Police Service
- Establishment of the National Dialogue Committee

### Negated Motions

- Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024

### Private member motions adopted

1. High cost of electricity in the country
2. Declaration of cattle rustling and banditry as a national disaster and establishment of a Special Fund for Victims
3. Approval of Conditional Grant for the construction of Mombasa Municipal Stadium

Source

<http://www.parliament.go.ke/the-senate/house-business/motion-tracker>

4. Status of pending bills in counties
5. Integration of ethnic minorities and marginalised communities in Kenya
6. Conferment of City Status to the Municipality of Eldoret
7. Establishment of an ad hoc committee on the compensation to Kenyan Victims of the 1998 bombing of the US Embassy in Nairobi
8. Rise insecurity in Turkana

### Adjournment motions

- Increased cases of femicide
- Untimely death of marathon world record holder Kelvin Kiptum
- Rising cases of violent murder in the country, mainly targeting young women and girls
- Strike by medical personnel in the Country
- Flooding countrywide
- The security situation in Lamu County heightened by the recent attacks by suspected Al-Shabaab militants

## Statements

- A number of statements were made to the Senate, with different Senate committees assigned the responsibility, as shown below:

Committee Responsible	Statements Made Pursuant to S.O 52 (1)
Land, Environment and Natural Resources	84  Prominent issues handled by this committee: <ul style="list-style-type: none"> <li>● Human-wildlife conflict</li> <li>● Land ownership rights: compensation, title deeds, resettlements</li> <li>● Climate in relation to natural resources i.e water catchment areas</li> <li>● Conservation and Preservation of natural resources</li> </ul>
Education	80
Security, Defence and Foreign Relations	77
Labour and Social Welfare	67
Health	66
Transport	65
Finance and Budget	57
Agriculture, Livestock and Fisheries	35
Energy	33
Trade, Industrialisation and Tourism	26
Devolution	20
ICT	18
Justice, Legal Affairs and Human Rights	11
National Cohesion	6

Source

<http://www.parliament.go.ke/the-senate/house-business/statements-tracker>

# PART 3:

## COMMITTEE WORK

### Senate Committee Bills



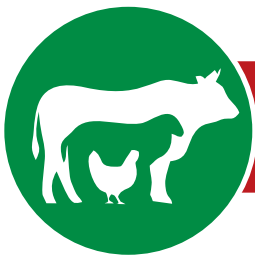
#### 1. Committee on Finance and Budget

- The Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023) – Bill passed in both Houses and assented to.
- The Equalization Fund (Administration) Bill (Senate Bills No.14 of 2023 – Bill passed by the Senate (12/10/2023) with amendments and referred to the National Assembly for consideration
- The Equalization Fund Appropriation Bill (No.2) (Senate Bills No. 30 of 2023) - Bill passed by the National Assembly with amendments on 13th June 2024 and referred back to the Senate.
- The County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024) – National Assembly amendments rejected by the Senate on 23rd October 2024. Bill referred to a Mediation Committee
- The County Allocation of Revenue Bill (Senate Bills No.25 of 2024) - The President referred the Bill back to the Senate for reconsideration on 11th July, 2024



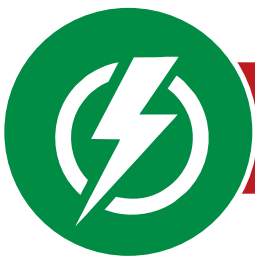
## **2. Committee on Labour and Social Welfare**

- The Heritage and Museums Bill (Senate Bills No. 8 of 2023) – Second Reading



## **3. Committee on Agriculture, Livestock and Fisheries**

- The Coffee Bill (Senate Bills No. 10 of 2023) – Bill passed by the Senate (21/03/2024) with amendments and referred to the National Assembly for consideration



## **4. Committee on Energy**

- The Local Content Bill (Senate Bills No. 50 of 2023) – Bill at Committee of the Whole stage

# PART 4:

## QUORUM AND ATTENDANCE

- Article 121 (b) of the Constitution of Kenya provides that the quorum for the Senate shall be 15 Members.
- 26 sittings out of a total of 177 sittings were adjourned due to lack of quorum, translating to 15% of the total sittings. Of the 26, six failed to kick off for failure to achieve attendance of at least 15 Senators.

### QUORUM

**Sen. Maanzo:** Mr. Temporary Speaker, Sir, on a point of order, I would like to rise under Standing Order No. 41 on Quorum. This matter is so grave and important for every single county and it has to proceed when there is a full quorum of the House.

*(Several Senators spoke off record)*

I have also applied it under the Standing Order No.39. The quorum should be 15 Members.

**The Temporary Speaker (Sen. Wakili Sigei):** Order, hon. Members! I have confirmed that we do not have quorum as of now.

Serjeant-At-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

**The Speaker (Hon. Kingi):** Sen. Faki, you may have the Floor.

**Sen. Faki:** Asante, Bw. Spika, kwa kunipa fursa ya kuchangia Hoja hii. Kubanduliwa mamlakani kwa gavana kwa kupitia njia ya *impeachment* ni jambo muhimu sana ambalo linatoa matatizo makubwa kwa yule ambaye anabanduliwa. Hii ni kwa sababu ukibanduliwa mamlakani, ina maana kwamba, huwezi kukaa katika ofisi ya umma kwa kazi yoyote ile ambayo una nia ya kuifanya. Kwa hivyo, ni lazima tumpe yule mhusika nafasi nzuri ya kuweza kujitetea kutokana na mashtaka ambayo yanamkabili.

Njia ya kamati ni mwafaka kabisa ambayo inampa mhusika nafasi nzuri ya kujitetea na kusikiza yale mashtaka ambayo yataletwa mbele yake. Ijapokuwa kikao cha Seneti nzima kina nafasi sawa na kamati, tumeona katika historia ya *impeachment* ya waheshimiwa Sonko na Waititu, hawakupata fursa nzuri ya kujieleza. Hii ni kwa sababu kazi yenyewe ni nyingi na inatakiwa ifanyike kwa muda wa siku mbili.

Wiki iliyopita, Mawaziri wawili walirudi kwa vile hatukuwa na *quorum* katika Bunge hili. Tukikaa hapa siku ambayo itatakiwa tukae, tunajua mara nyingi, Maseneta huhelewa kufika katika Bunge hili asubuhi.

Kwa hivyo, itakuwa ni aibu kwamba wale ambao wataamua kesi hawako mahakamani lakini kesi inaendelea kusikizwa bila wao. Naona njia mwafaka ni kuwa na Kamati. Wale ambao watachaguliwa katika Kamati ni Maseneta kama Maseneta wengine.

**There are several instances where a quorum in the Senate was not achieved. Some of the instances include:**

### 1. 27th May 2024:

during debate on the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023)

### 2. 22nd May 2024:

during debate on a motion on the report on the status of projects by the conditional grant for construction of county headquarters

### 3. 2nd August 2023:

during debate on a motion on the approval of the County Governments Equitable Share Cash Disbursement Schedule for FY 2023/2024.

Source

<http://www.parliament.go.ke/the-senate/Hansard>

**4. 1st November 2023:**

during debate on the Prevention of Livestock and Produce Theft Bill (Senate Bills No. 12 of 2023)

**5. 27th February 2024:**

during debate on a motion on the adoption of a report on the inquiry into the high cost of electricity in the country.

**6. 21st November 2023:**

during debate on an adjournment motion on prevailing heavy rains and flooding in parts of the country

**7. 1st August 2023:**

debate on a motion on the approval of the county government equitable share cash disbursement schedule for FY 2023/2024

**8. 19th October 2023:**

during the debate on the Care and Protection of Child Parents Bill (Senate Bills No. 49 of 2023)

**9. 15th October 2024 (afternoon):**

Members were reacting to a communication from the Speaker regarding the failure of the Governor of Isiolo to appear before Senate Committees

**10. 1st October 2024:**

during debate on a motion on the approval of the appointment of David Kibet Kemei to the position of Director-General of Communication Authority

# PART 5: PUBLIC PARTICIPATION

Public participation continues to be an issue of discussion in Parliament and even by the citizens on how Senate, and Parliament in general conduct their business. Members of the public have shared different sentiments on the principle of public participation, especially in the legislative process.



The Senate received over 200,000 submissions, reaching the maximum capacity of the allocated email addresses. Alternatively, you may send your submissions to:  
[senatejlahr@parliament.go.ke](mailto:senatejlahr@parliament.go.ke)

We apologise for any inconvenience caused.



Wangari Githaka [@wangarigithaka](#) Oct 25

Noting that your own systems faced a challenge that affects any and all citizens that may be trying to send their feedback, have you added the deadline from 5pm today?



199



Alvin Githaka [@alvingithaka](#) Oct 25

So you were asking 40+ million ppl to send to a 200k capacity mailbox?  
[#FormIEBC](#)

1

4

23

1.2K



Alvin Githaka [@alvingithaka](#) Oct 25

Attention Kenyans!  
The Senate email addresses for submissions are full (over 200,000!).

With the budget allocated why would you not have:

\*An online portal that's linked to your [#edrms](#) [#system](#) ?

[#Kenya](#) [#Parliament](#) [#PublicParticipation](#)

When is the recruitment?



2

543



In the period under analysis, the Senate has made 35 calls for public participation on different Bills.

- **Longest duration:**

The bill with the longest public participation duration is the "Environment Laws (Amendment) Bill (Senate)" with a duration of 24 days. (1st October 2024 – 25th October 2024).

- **Shortest duration:**

The bill with the shortest public participation duration is the "The Digital Health Bill (National Assembly Bill No. 57 Of 2023)" with a duration of 3 days. (4th October 2024 – 7th October).

- The average duration for public participation in the Senate during the period under review, across all the bills is approximately 13 days.

# PART 6:

## HIGHS AND LOWS IN PARLIAMENT



### The Kenyan Parliament in 2024: A Year of Turmoil and Dysfunction

#### 1. Display of Opulence by MPs amidst public outrage:

Public anger over proposed tax hikes in Kenya has intensified in recent months, fueled in part by the perception of excessive displays of wealth by Kenyan MPs. Social media platforms like TikTok and X (formerly Twitter) have amplified the visibility of lawmakers' lavish lifestyles, which stand in stark contrast to the economic struggles faced by many Kenyans, particularly the youth who constitute a large segment of the population.

This discontent is rooted in the belief that MPs prioritize personal enrichment over the well-being of their constituents. The perception of MPs engaging in extravagant spending while advocating for tax increases erodes public trust and fuels resentment. The optics of such actions contribute to the view that MPs are out of touch with the realities faced by ordinary Kenyans. This disconnect further exacerbates public anger and deepens the divide between the governed and those in power.

#### 2. Parliamentary Absolution of CS Linturi:

The impeachment of Mithika Linturi as Agriculture Cabinet Secretary highlights significant challenges in parliamentary accountability. Allegations against Linturi included the approval of substandard fertiliser, raised concerns about compromised food security. Despite these accusations, the parliamentary committee's decision to absolve him from wrongdoing exposed systemic weaknesses in oversight, especially given the serious economic and social implications of the scandal.

This outcome fuelled public discontent, with many questioning Parliament's integrity and commitment to impartial governance. Critics argued that political allegiances and undue influence overshadowed the need for thorough investigations. Such perceptions erode public trust, especially in an institution tasked with protecting national interests.

The case also underscores the broader struggle to balance political affiliations with effective legislative scrutiny. Parliament's failure to hold Linturi fully accountable signaled a missed opportunity to set a precedent for transparency. As a result, the scandal reflected poorly on Parliament, portraying it as complicit in shielding individuals from accountability.

### **3. Public Participation Challenges: Rushed Processes and Limited Notice:**

Public participation is a fundamental principle enshrined in the Constitution of Kenya, which guarantees citizens the right to engage in the decision-making processes that affect their lives. However, while the Constitution emphasizes the importance of inclusive governance, recent trends in Parliament suggest that public participation has not been fully realized.

Instead of being a continuous, collaborative process, public participation in the current Parliament has often been treated as a one-off event, undermining its potential to enrich the legislative process and strengthen democracy. One of the key challenges is the uneven timelines for public participation. In many cases, the public is given limited notice or insufficient time to respond to proposed laws, leaving little room for meaningful engagement. The rushed nature of these consultations often means that important views and concerns are left unheard, which undermines the legitimacy of the process and the quality of the legislation being passed.

This approach diminishes the value of public input and fails to foster a sense of collaboration between lawmakers and the citizens they represent. As a result, the public's ability to influence legislation is weakened, and the process becomes more about ticking boxes than about building consensus and creating laws that reflect the will of the people.

### **4. Occupy Parliament: Protests and Police Brutality Expose Deepening Divide**

The "Occupy Parliament" protest has been marked as a turning point, emphasizing the consequences of ignoring the voices of the citizens. The protest was sparked by widespread dissatisfaction with the Finance Bill, which many Kenyans viewed as a heavy burden on the public. As a result, protesters stormed Parliament, demanding that MPs listen to their concerns and prioritize the needs of ordinary citizens. This protest was not just a reaction to one bill, but a broader expression of discontent with a political system that many felt had lost touch with the everyday struggles of the people. It served as a clear message: if the government continues to disregard its citizens, it risks further alienation and loss of legitimacy.

The protest, however, took a darker turn, with incidents of police brutality and the tragic loss of lives. The use of force by law enforcement against peaceful protesters raised concerns about the state's approach to handling dissent. The deaths and injuries that occurred during the protests highlighted the dangers of unchecked power and the state's willingness to suppress voices of opposition. This violence underscored the deepening divide between the government and the people, signalling a growing unrest that can no longer be ignored. It showed that when the government fails to address the grievances of its citizens, the consequences can be

dire, not only in terms of public trust but also in terms of human lives. The "Occupy Parliament" protest has thus become a critical moment for reflection on Kenya's governance. It serves as a stark reminder that political leaders must listen to their citizens and address their concerns meaningfully. Parliament must recognize the importance of engaging with the public and work toward creating a more responsive and accountable political system.

## **5. KDF Deployed Without Constitutional Approval**

On June 26, 2024, the Kenyan government deployed the Kenya Defence Forces (KDF) without seeking the required approval from Parliament, as outlined in Article 241(3) of the Constitution. This Article stipulates that the deployment of the military within the country requires parliamentary authorization, which was bypassed in this case. The failure to seek this approval underscores Parliament's diminished role in holding the executive accountable.

This incident highlights a recurring issue where Parliament acts as a rubber stamp, rather than exercising its oversight function. Not reviewing the decision allowed the Executive to bypass necessary checks, leaving citizens with questions about the use of military force in domestic affairs.

The lack of parliamentary oversight on such important matters further erodes public trust in democratic governance. When Parliament fails to assert its constitutional authority, it diminishes its role in safeguarding the rights and interests of Kenyans, particularly in matters of national security and the proper use of state power.

## **6. Political Manoeuvring in the Impeachment of the DP**

The impeachment motion against Deputy President Rigathi Gachagua exposed the complex interplay of public participation, political power struggles, and concerns over state capture in Kenya. While the motion initially gained traction, widespread public participation across the country allowed citizens to voice their opinions, revealing significant divisions in public sentiment. Heated debates, partisan rhetoric, and procedural wrangling characterized the impeachment proceedings. This process underscored the importance of involving the public in governance, even as political dynamics complicated its outcomes.

Public forums became battlegrounds for power between factions supporting and opposing the DP, reflecting deeper struggles within the ruling coalition. This impeachment attempt highlighted the fragility of political alliances, as competing interests surfaced under the guise of addressing corruption and state capture. However, the waning momentum of the motion revealed that political expediency often outweighed genuine accountability efforts.

While public participation demonstrated its value in promoting transparency, it also exposed how entrenched political interests can undermine democratic processes. The impeachment saga serves as a critical reminder of the need to strengthen institutions to resist the influence of power struggles and ensure accountability remains a priority.

## **7. Quorum: Chronic Absenteeism Plagues Parliament**

The persistent issue of quorum in Kenya's Parliament represents a significant failure in legislative responsibility. Many crucial sessions, including debates on pressing national issues, have been adjourned due to insufficient attendance by MPs. This chronic absenteeism undermines Parliament's ability to function effectively, delaying vital legislative and oversight duties essential for governance.

Quorum hitches expose a lack of accountability among MPs, as the disruption of business reflects poorly on their commitment to public service. Despite being tasked with representing their constituents, absentee MPs prioritize personal or political interests over legislative obligations. This recurring problem has eroded public trust in Parliament. Citizens perceive the institution as disconnected from their needs, further diminishing confidence in the democratic process.

## **8. Rubber Stamp Vetting of CSs:**

The vetting of Cabinet Secretaries highlighted Parliament's failure to exercise robust oversight, with the process largely reflecting the executive's will. Despite public dissatisfaction and demands for accountability, dismissed Cabinet members were re-nominated with minimal scrutiny. Allegations of integrity violations and poor performance were largely overlooked, demonstrating Parliament's reluctance to challenge executive decisions.

Instead of serving as a check on the Executive, Parliament appeared complicit, rubber-stamping nominees without substantive interrogation. This failure undermined public trust and allowed the executive to dictate terms, bypassing meaningful adherence to constitutional standards on leadership and integrity.

## **9. Hasty Implementation of SHIF Exposes Parliament's Neglect of Due Diligence.**

The rushed implementation of the Social Health Insurance Fund (SHIF) has revealed the failure of MPs to thoroughly assess and address concerns before passing the legislation. The fund's rollout has been chaotic, with logistical and financial challenges exacerbating the situation. MPs, despite warnings and red flags, overlooked critical details and did not demand adequate planning or budgeting. Their failure to scrutinize the plan properly has left citizens suffering due to gaps in coverage and services.

In their haste to pass the SHIF legislation, MPs neglected to question its readiness, a lapse that has led to widespread confusion and frustration. Instead of ensuring the system was equipped to handle the needs of citizens, lawmakers prioritized speed over thorough oversight. This lack of diligence during the legislative process has directly contributed to the current healthcare delivery crisis.

MPs have betrayed the public trust by failing to hold the government accountable or demanding detailed implementation strategies. Their negligence in ensuring the proper functioning of SHIF has resulted in citizens bearing the brunt of the shortcomings. The failure to anticipate the challenges that have unfolded reflects poorly on the MPs' commitment to the welfare of the Kenyan people.

## 10. Oversight and Separation of powers

Over the past year, Parliament's oversight role has been noticeably weak, exposing a troubling shift toward becoming an echo chamber for the executive. Instead of robustly scrutinizing policies and decisions, Parliament has frequently aligned itself with the executive's agenda, often at the expense of the public interest. A glaring example is the handling of the Adani deals. Despite widespread concerns from Kenyans about the lack of transparency and potential exploitation in these agreements, Parliament provided uncritical support, failing to demand accountability or ensure that due diligence was conducted. Ironically, when the president withdrew from the deals, Parliament swiftly shifted its stance, applauding the decision without acknowledging its own complicity in initially endorsing the agreements. This behaviour highlights an alarming lack of independence and a failure to uphold their constitutional mandate to protect the public interest.

The Finance Bill 2024 further underscores Parliament's dereliction of duty in oversight. The bill, widely criticized for introducing punitive tax measures that burden ordinary citizens, sailed through Parliament with minimal resistance, revealing lawmakers' prioritization of executive directives over constituents' welfare. Similarly, during the vetting of Cabinet Secretaries, Parliament appeared to act as a rubber stamp, approving nominees with questionable qualifications and integrity issues without rigorous examination. These instances demonstrate a troubling trend: instead of acting as a check on executive power, Parliament has become complicit in advancing its agenda, undermining democratic principles and eroding public trust in its role as a defender of accountability and good governance.



### 1. Minority Whip

Hon. Millie Odhiambo, the Member of Parliament for Suba North, was nominated as the Minority Whip in the National Assembly. This was a huge milestone in women's leadership in the National Assembly as she is the first woman to hold the position of Minority Whip in Kenya's National Assembly. Her appointment marked a significant milestone in the country's political history, as she is also one of the few women to hold such a high-ranking parliamentary leadership role. Before her, men predominantly occupied this position.



# The 2024 Parliamentary SCORECARD

## **MZALENDU TRUST**

ACK Garden House

2nd Floor, Wing A | 1st Ngong Avenue

P. O. Box 21765, 00505 Nairobi, Kenya

✉ : [info@mzalendo.com](mailto:info@mzalendo.com) | 🌐 : [www.mzalendo.com](http://www.mzalendo.com)

📘 : [mzalendowatch](https://www.facebook.com/mzalendowatch) | 📺 : [@mzalendowatch](https://www.youtube.com/@mzalendowatch)