REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 17th November, 2020

The House met at the Assembly Chambers at 2.30 p.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

Speaker: I will be making a communication in a few minutes.

Hon. George Karuiru: Thank you, Mr. Speaker. As per last week, I think we left a suspended motion. I cannot see it in the order paper. We had done a motion. We always sit for negotiations even at our homes with no one having powers more than the other. I am wondering what this is in the motion as it reads Committee on Appointments and Reconstitution in number 8.

Mr. Speaker, we had a pending motion. At least you would have stipulated where we are during your communication in regards to the position of that motion. I am wondering whether this House is for some and not for all. I beg for clarity over the same. Thank you.

Speaker: Hon. Karuiru, as I had said, I will be making a communication to that effect. I have sent for the communication to come. That is why Carol has gone for that particular communication. Hon. Robert Maina, on the same case?

Hon. Robert Maina: Ndio. Asante, Bwana Spika. Sijui tuseme nini. Tumeongea kuhusu hili jambo kwa wiki nzima. Wacha tukueleze kama hauna habari. Niliitisha mswada tukiwa na Waheshimiwa wiki iliyopita. Mswada uko hapa na ulipokewa na Naibu wa Karani na akatia saini.

Alhamisi wiki iliyopita, tulimwomba Spika aliyekuwa amekalia Kiti chako. Hivi ni kuwa kwa sababu HBC ilikuwa na akidi, ahairishe Bunge ili waketi na tupatiwe huo mswada. Jambo walilofanya kinyume na sheria ni kuahirisha Bunge hadi siku ya leo. Mheshimiwa Spika, nataka kusema kuwa tulichaguliwa na Chama cha Jubilee. Mheshimiwa Raisi...

Speaker: Order! Hon. Robert Maina. Sit, Hon. Robert Maina.

Hon. Jacob Endom: Bwana Spika, Mheshimiwa anasema kuwa waliomba HBC iliyokuwa ilhali nilikuwa peke yangu. Awache kudanganya hili Bunge. Nilikuwa peke yangu na nikakuja hapa. Mheshimiwa Veronica alikuja na akakuta tunaendelea hapa ndani. Hivyo basi nilikuwa peke yangu kwa HBC.

Hon. Robert Maina: Nakubaliana na Mheshimiwa wa Sosian. Ni sawa kuwa hakukuwa na akidi. Raisi Uhuru Muigai Kenyatta yuko katika mstari wa mbele kupigana na ufisadi. Huu mswada unaongea kuhusu ufisadi katika Bunge la Laikipia.

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Speaker: Hon. Robert Maina, the communication has come. What Hon. Karuiru is asking is that we get the position for the motion has been received by the HBC. I think that it is my time to address that communication and the issue of the motion. Kindly be seated.

Hon. Robert Maina: Thank you.

COMMUNICATION FROM THE CHAIR

Speaker: Hon. Members, I had said that I will be making a communication in a few minutes. This is the communication that I want to make. It goes as follows;

Hon. Members, I wish to report that my office has received notice of a motion signed by Hon. Robert Maina to suspend the Clerk. The County Assembly Service Act No.24, 2017, clearly outlines how the removal or the suspension of the Clerk of the County Assembly, being a staff of the Service, should be effected or processed.

Hon. Members, Section 22 provides the grounds under which the Clerk can be suspended or removed from the office. Further, Section 23 provides the procedure for the removal of the Clerk.

This means that when a Member has an issue with the removal of the Clerk, then that Member is supposed to write to the Service Board. This is because the Clerk is a staff of the Service. When allegations are made to the Service Board, it will then continue and remove the Clerk as per the procedure. I read it as follows;

1. *Where the Board considers it necessary to remove the Clerk; under Section 20 the Board shall;*
    a. *Frame charge(s) against the Clerk.*
    b. *Forward the statement of the said charge(s) to the Clerk together with a brief statement of the allegations in support of the charge(s).*
    c. *Invite the Clerk to respond to the allegations in writing setting out the grounds on which the Clerk relies to and should exculpate himself/herself.*
    d. *Invite the Clerk to appear before the Board either personally or with an advocate as he/she may opt on a day to be specified to exculpate himself/herself.*
2. *If the Clerk does not furnish a reply to the charge(s) within the period specified, or if in the opinion of the Board the Clerk fails to exculpate himself/herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk.*
3. *A motion under sub-section 1 above shall specify;*
    a. *The grounds set out under section 21 in which the Clerk is in breach.*
    b. *The facts constituting that ground.*
4. *Upon notice of the motion under sub-section 2, the Speaker shall refer the matter to a Select Committee of the Assembly consisting of 11 Members and established in*

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accordance with the Standing Orders of the Assembly to investigate the matter within ten days of the receipt of the motion.

5. *The Select Committee shall within ten days' report to the Assembly whether it finds the allegations against the Clerk to be substantiated.*

6. *The Clerk shall have the right to appear and be represented before the Select Committee during its investigation.*

7. *The Assembly shall consider the report of the Select Committee and dissolve whether to approve the motion.*

8. *If the Assembly approves a motion, filed under this section, the Clerk against whom the motion was filed shall be deemed to have been removed from the office from the date the motion was approved.*

Hon. Members, in view of the provisions of the applicable act, the House Business Committee (HBC) could not approve the motion for laying in the House as this would go against the procedure established under the law. One of the main mandates of the Assembly is legislation. The Assembly is therefore placed as the custodian of ensuring that the legislation and laws in place are followed. It would therefore mean handling this matter in any other way, other than as provided under the law; it would amount to an illegal and un-procedural approach. Thank you, Hon. Members.

That is the position. I would also wish to emphasize that in all things that we do and want to achieve results, we must always follow the law. There is nobody who is standing against removal of the Clerk. We must follow the law. I have read the law as it is. I believe that each one of us is conversant with that County Assembly Service Act. I do not think that there is anybody who wants to defend or implicate people for the sake. Let us be guided by the law.

We are a Hon. House that is the custodian of the laws that we make. We should also ensure that these laws are strictly followed. We do not then lower the dignity of this House by not following the law or acting in a manner as if we are not custodians and makers of these laws. I hope that the Members are advised accordingly.

Hon. George Karuiru: Thank you, Mr. Speaker, for the clarity. I just wonder whether this law was made yesterday. We have been having the same debate the whole of last week. It did not even yield.

Hon. Catherine Nyawira: Mr. Speaker, I am standing on a point of order. This is to inform the Hon. Member and also question the reason as to why he is in this Assembly. He is a legislator sent by the Olmoran people. He has been trained for the last three years. How is it that he missed such a document when he was perusing? Let us not expose our ignorance.

Hon. George Karuiru: Thank you, Mr. Speaker. I have been here for three years as well as your office. I wonder how this document was late to be submitted last week for this clarity. Maybe the Members who wanted to chase away the Clerk are right now not in existence.

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Hon. Jacob Endom: Asante sana, Bwana Spika. Nafikiri kuwa hili ni Bunge la sheria. Maneno yanayozungumzwa Bungeni siyo ya kukosana. Mfuate sheria inavyostahili. Hakuna mtu anayekatazwa kuleta jambo Bungeni tukifuata sheria. Najua kuwa kila mtu hapa ameweza kuenda kozi ya *induction.* Wanajua utaratibu wa kumwondoa Spika, Karani, Waziri ama Gavana. Sio mzuri watu kusudiwa kuona kitu na tuje tukosane.

Tunastahili tufuatilie hili jambo na tumalize hata kama ni kesho. Imekuwa sasa mtu akiona mwingine hataki kumsalimia. Sijui ni nani aliyeleta Karani hapa na hatujui ni nani aliyeleta Karani hapa. Hakuna mtu aliyeleta Karani. Sisi sote tulimkuta Karani hapa.

Ndugu zangu kama mmesema kuwa mtamtoa, basi mfuate sheria kwa njia inayofaa. Tusipige kelele hapa na hakuna kitu tunachojisaidia nacho. Kila mtu hapa anajua utaratibu. Niliwaambia wenzangu wakuje kwa utaratibu. Wajue kuwa lazima hii sheria ifuatwe ipasavyo. Hawa ndio wanaotunga sheria. Wanajua sheria inavyosema.

Hon. George Karuiru: Mr. Speaker, we know laws in this House. In the Communication from the Chair, you have said that you would read the communication that it is there. Procedurally, it was supposed to be there in the order paper so that you explain what it is. It was a research that was being done. We have Researchers and Clerk Assistants. To know how a car is driven you must go for training. We have undergone training.

Speaker: Hon. Karuiru, maybe I did not get you right. You are saying that the motion was supposed to be in the order paper?

Hon. George Karuiru: Precisely, Mr. Speaker.

Speaker: It cannot be.

Hon. George Karuiru: Even in the communication before. You have read the…

Speaker: Order! Hon. Karuiru. I think that I have advised accordingly. This is that this is an un-procedural business. We cannot be seen to break the law. How does the House Business Committee schedule for a business that is not procedural to come to a procedural House? We are a House of rules and procedures.

Hon. Peter Matunge: Thank you, Mr. Speaker. I wish to assist the Chair for Labour. Mr. Speaker, you have given your communication. We appreciate that you have given that communication. We have read that law. We have gone through that section that you have quoted. You have even quoted the motion section.

We have said that we urge the County Assembly Service Board to suspend the Clerk. It is not us to suspend the Clerk. What was supposed to come to this House is a motion. We have seen the procedure, quoted the law and the grounds as to why we need that person to be suspended. Mr. Speaker, what you should have done…

Speaker: Order! Hon. Matunge. I believe that you are a Member of the Speaker's Panel who is conversant with that particular law. This is for us to be able to Chair this House as it should be. I do not believe that that law will allow someone who cannot stand to speak in this House, to be accused before that person is given the time to be heard. The law is very clear that

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before that motion comes to this House, the Service Board will have given the Clerk time to be listened to. This is not only himself but also if he needed representation of a lawyer.

Those grounds can be substantiated. The motion that came to the House Business talks of two things. These are the allegations which are without any evidence tabled. Whoever wants to remove the Clerk let them be advised to write to the Service Board with substantiated allegations.

Hon. Peter Matunge: Thank you, Mr. Speaker. It is true that I sit in the Speaker's Panel. I am conversant with this section and the procedures that are supposed to be followed. If that was the case and that is what the House Business Committee has seen as the case, you should have given a way forward. Mr. Speaker, you cannot just dismiss an issue that has been raised by the Hon. Members.

Hon. Catherine Nyawira: My Hon. colleague is missing on a point. In your communication you have clearly said what next. This is that they should write to the Service Board with the allegations.

Speaker: That is simply the way forward.

Hon. Mutahi Muritu: Mheshimiwa Spika, nasimama kutoa maoni yangu kulingana na taarifa uliyotoa katika hili Bunge. Ukiwa kama Mwenyekiti wa hili Bunge, naamini kuwa utatumia busara zako unapoamua. Tukubaliane kuwa mswada unaojadiliwa katika hili Bunge ulipokelewa. Tulipate hilo kwanza. Ningeomba sana Wajumbe wanisikilize.

Mswada ulipokelewa na kutiwa muhuri. Imesemekana kuwa Mheshimiwa Spika aliyekuwa wiki jana alikaa katika hicho Kiti. Mheshimiwa Jacob amekiri katika hili Bunge ya kwamba hakukuwa na akidi ya kutosha ili kuweza kuwasilisha.

Mheshimiwa Spika, hakuna yule ambaye ni malaika. Sisi sote tulio hapa ni wanadamu. Umetupatia taarifa siku ya leo na kutusomea sheria. Kumekuwa na sheria na utaratibu Bungeni. Hapo mwanzoni kuna kosa kwa sababu alipokea na kutia muhuri ambao ni nyara za serikali muhimu sana utiwapo mahali popote palipo na kosa.

Mheshimiwa Spika, ningekuomba utoe mwongozo kama kuna kutokuelewana katika taarifa yako. Nimeona leo kumekuwa na watu wengi sana katika hili Bunge. Sijui ni maslahi gani waliyonayo. Kanuni inasema kuwa kama tutafikia kiwango cha kutoa nguo mbele ya umma basi unastahili kutumia Kanuni zetu za Bunge za kuweza kutoa mwongozo. Yanayoendelea katika hili Bunge yasipite mipaka. Nakuheshimu sana Mheshimiwa Spika. Hatuna ushabiki wa aina yoyote katika hili Bunge.

Tunatafuta umoja na uwiano katika hili Bungeni. Nikiwa nimekaa hapa ninakuamini sana pamoja na watafiti wetu na kitengo muhimu kinachoitwa Bunge. Tumeanza kugombana kwa tunachojadili hapa. Sijui ni vitu gani wanavyotaka kufahamu. Sidhani kuna ushabiki ama ushindani wa aina yoyote.

Juzi nilisema kuwa tutumie busara hapa Bungeni. Leo kumekuwa na watu wengi ambao sio wa kawaida. Kwa nini? Hili ni suala linalohusu hili Bunge. Karani tunayejadili ni wa hili

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Bunge letu. Tuangalie Bunge letu na tusije tukajianika sana kwa umma. Sasa tunajielekeza katika mahakama ya umma ambayo haina tija katika Bunge letu.

Mheshimiwa Spika, tumia busara zako. Uko katika Kiti chako. Ukiona hali ilivyo, toa sheria kwa kuwa kanuni zetu zinakuruhusu. Nakuhitaji leo na ninamhitaji mtu mwingine kwa siku zijazo. Naomba utumie busara zako. Hatubishani na taarifa kwa sababu imewekwa katika akidi. Ukiona hali sio nzuri basi ni jukumu lako na sina haki ya kueleza.

Mimi ni kiongozi katika hili Bunge na ninakaa katika Jopo la Spika kama ulivyosema na. Mimi kama kiongozi, siwi kiongozi tu kwa jina. Ninakuwa kiongozi tunapojaribu kusaidiana. Tutulizane hapa. Nawaombea kwa jina la Mwenyezi Mungu tutulie kama tuko na hasira. Hili Bunge ni letu kwa miaka tatu. Hakujakuwa na watu wanaoonekana kama ni mashabiki.

Tutumie chombo chetu. Kwa nini tunajipeleka katika mahakama ya umma? Tunastahili kujadili ndani kwa ndani kama kuna suala kuhusu hili Bunge bila kuwa na mahakama ya umma. Asante sana, Mheshimiwa Spika.

Hon. Chris Mark: Thank you, Mr. Speaker. I would like to echo my brother's word. Mr. Speaker, you have given a good explanation. I do not think that anybody wanted to remove the Clerk. It was a mere suspension or a pending investigation. That bears the case. The Hon. Member said that when you seat in such a Chair, there is wisdom around. There is no champion here. This is because some people are very prepared to counter at whatever cost. We are not heading there.

Everyone can quote a lot of Standing Orders, points of correction and points of information. Where will that get this House? There has been intimidation to some of my colleagues ever since this motion came. This is that some people will be sent to their wards. Bloggers are writing some things with which I think that they should be more creative. There have also been letters.

Mr. Speaker, such things are making this thing to sound as if there is a motive being hidden. Police have been here. It is good that their bosses have seen that it is a waste of resources. They are putting a whole land cruiser here as if we are rioting. We are Hon. Members and we are not rioting. It is good that their bosses have recalled them. Such things are making it sound as if there is something that is being hidden and someone being protected. That should not the case.

Mr. Speaker, there is a way forward that comes from your Chair. This thing will not go away. I heard some people saying that over the weekend they may cool down and that some calls might be made. It is okay. In democracy there is lobbying, intimidations and night meetings. These night meetings should be ensured that they are safe. We do not want to lose our Members when people meet at night.

I am saying that there is no person who has enmity towards the other. That one should be known. Members are raising questions in a legitimate manner, the drafted motions. That motion was received. Mr. Speaker, are you telling us that the person who heads that department

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is incompetent? That reflects badly towards you and the leadership here. How did that motion get accepted if that was not the procedure?

Mr. Speaker, I have heard you talking about removal. We are talking about suspension. The Hon. Member brought that motion on the allegations that he feels can be addressed. If those things are not addressed, as you heard Hon. Jacob saying that even greetings are not coming easily.

In fact, that is why we say *Asalaam Aleikum* in Islam. Salaam is a Swahili word that fits with the coastal traditions to bring Kiswahili. It means peace be upon you. If that one cannot be said because a Member feels tension, then it should not be the case. We are a united House. We are all in the Jubilee Party under the President of the Republic of Kenya, Hon. Uhuru Muigai Kenyatta.

We are a House that is united on that course. It is good that if you give a direction. You do not try and force an agenda if you see that the mood of the House is not happy. Thank you, Mr. Speaker.

Speaker: The motion was received. We have been in this House and we have learnt these things. Even if a letter that is addressed to this Assembly came today from wherever, it must be received. Once the Deputy Clerk or the Clerk receives that motion, he then recommends for the Speakers' approval and then there is the House Business to schedule for that business.

The motion that I have seen was received but it was never recommended. It got to the House Business which cannot schedule for that business since it is an un-procedural kind of a business. I have said that this is an Honourable House. We are not going to allow any un-procedural business no matter what. We all know the procedures and the rules of this House. As the Hon. Member for Tigithi has said, let us not be as if we are in a competition. There is no competition here. It can be only be a competition to safeguard the laws that we make.

Hon. Joseph Kiguru: Asante Mheshimiwa Spika. Nashukuru kwa hii nafasi ambayo nimepata. Nimesikia Mjumbe Mheshimiwa akisema ya kwamba sio vizuri tuweze kutoana nguo. Pahali tumefika ni kwa sababu wakati hukuwa kuna aibu iliyotokea katika hili Bunge. Mambo yalienda kwa taarifa za habari. Sijui ni kwa nini tunaogopa na hili ni Bunge la Wanalaikipia. Nafikiri kuwa huu ni wakati mwafaka. Huwa tunasema kwa Kikuyu kuwa kuoga ni kutoa nguo. Wakati mtu ameamua kuenda mtoni basi aingie bila nguo.

Tunatoshana kwa sababu ya sheria. Mheshimiwa Spika, umeongea na ni vizuri umesaidiwa na roho ambaye ametembea na kukushauri. Nilikuwa nataka kushutumu Kiti chako nilipokuwa nasimama. Hii ni kwa sababu tunataka kubadilisha hili Bunge na kuwa Bunge la kufunzana sheria badala ya la kuunda sheria. Hivi ni kuwa mtu anaweza kukaa chini na apange atakavyo leta mswada na mipangilio yake bila kufuatilia sheria.

Sisi kama Wakristo tulipandwa ndani ya msingi mmoja. Nitanukuu katika kitabu cha Wakorintho wa kwanza sura ya tatu, aya ya kumi, kinasema kuwa msingi wa imani umewekwa tayari. Hapo chini kinasema ya kwamba hakuna msingi mwingine unaoweza kusimamishwa kwa muamini.

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Sheria zimewekwa wazi katika hili Bunge. Nafikiri kuwa chochote kitakachoingia katika hili Bunge kiwe kimefuata sheria. Tulikuwa tumejiandaa. Kuchaguliwa kwa aliyeleta mswada ni kwa sababu watu walikuwa na imani kuwa huyu ni mtunga sheria na anaelewa kazi anayopeleka Bungeni.

Speaker: Order! Hon. Kiguru.

Hon. Robert Maina: Mheshimiwa Spika...

Speaker: Order! Hon. Kiguru.

Hon. Joseph Kiguru: Nimesema sio ushabiki.

Hon. Robert Maina: Huyu anajidai na ni askofu. Hawezi simama hapa...

Speaker: Order! Hon. Maina.

Hon. Joseph Kiguru: Mheshimiwa Spika, hili ni Bunge la sheria.

Speaker: Order! Hon. Kiguru.

Hon. Robert Maina: Kwani hili Bunge ni lako? Hata yeye aketi. Ni letu.

Hon. Joseph Kiguru: Hili ni Bunge la sheria. Peleka kwako mjinga. Kumbafu.

Speaker: Order! Order!

Hon. Robert Maina: Kwani hili Bunge ni lako. Heshimu Kiti cha Spika.

Speaker: Hon. Kiguru and Hon. Maina, Order! Hon. Members, let us not turn this House to be like any other House outside there. I believe that as Hon. Members we are leaders. We should be examples to the people we lead. We carry ourselves with all the decorum that befits the position of a Hon. Member of the County Assembly. I believe that we have rules. If the Speaker gives you the chance to speak, then speak your mind but when the Speaker orders you, kindly sit.

I believe that violating that I will not hesitate to use the Standing Orders No. 103,104 to 106. It will allow me to send you out of this Assembly for the remaining session. We must carry ourselves with the dignity that is required. This is in no matter of the side that we come from. We must carry and conduct ourselves in the manner that is required. It was Hon. Kiguru speaking then Hon. Maina rose on a point of order.

Hon. Robert Maina: Mheshimiwa Spika, kwa Kiti chako tukufu huwezi kubali mtu anayejiita askofu asimame hapa kunitusi. Nililetwa hapa na...

Speaker: Hon. Maina, you are rising on a point of order because of what Hon. Kiguru was saying. I want you to just rise on that point of order. Say what the issue is. I do not want it to get into the quarrels.

Hon. Robert Maina: Asante, Mheshimiwa Spika. Umempa nafasi Mheshimiwa Kiguru aongee yake. Awache kutaja watu. Tumeletwa hapa na wananchi waliotuchagua na

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tunajua sababu. Mheshimiwa Spika, kunukuu maneno yanayokera mtu na uko hapo, unafaa umwambie atoke katika hiyo laini. Aende katika ajenda yake kisha aketi.

Mheshimiwa Spika, wacha niseme kuwa sisi sio bubu tukiwa hapa. Tunajua mambo mengi. Tunajua mikutano iliyofanywa usiku na yale yaliyopangwa. Hivyo basi hatuwezi kubali mtu aje hapa kutusi mwingine.

Speaker: Order! Hon. Maina.

Hon. Robert Maina: Hatuwezi kubali...

Speaker: Hon. Robert Maina, you rose on a point of order because of what Hon. Kiguru had said. You are therefore not allowed to communicate things that were not in whatever that he was saying. Let Hon. Kiguru finish then I will give Hon. Ndiritu, Hon. Meshami, Hon. Kanyutu and then Hon. Mugweru.

Hon. Joseph Kiguru: Mheshimiwa Spika, pole kwa yale yaliyotokea. Nilikuwa nikiomba Wajumbe wenzangu kuwa tusibadilishe hili Bunge isiwe sehemu la soko. Niko na sababu ya kusema hivyo. Hii ni kwa sababu nilipofungua televisheni yangu wiki iliyopita, nilipata ni kana kwamba tulikuwa sokoni. Hili liwe Bunge la sheria na tufuate sheria.

Najua ya kwamba sababu ya kuiingia katika hili Bunge ni kuwa inajulikana tunaelewa sheria. Mambo yalitokea kwa wengine kusema kuwa kuna *super* MCAs. Nimekuja nijue *super* MCA na pengine nipate sehemu yake ya kukaa. Haya ni matamshi yasiyolingana na sheria. Asante Mheshimiwa Spika. Nimemaliza.

Hon. Mutahi Muritu: Mheshimiwa Spika, nakuomba kuwa tusitoke kwenye hoja. Tunachojadili ni taarifa uliyotoka Bungeni. Ninaona Wajumbe wakijielekeza kwingine. Umeona kwa dakika chache zilizopita hapa. Nilikuomba mwanzoni kuwa utumie busara zako na unaweza kutoa mwongozo. Kanuni ya kwanza katika Kanuni za Bunge inakuruhusu kutoa mwongozo. Nashindwa ni kitu gani hiki. Tusije tukaleta vitu vingine ambavyo havitatusaidia. Tulisema kuwa hili ni Bunge la heshima. Tunajua hivyo. Asante.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nimesimama hapa kuchangia kwa mambo ya mswada. Kabla niende hapo nimeshangaa nilipoona Mheshimiwa Kiguru anayejiita askofu akiongea mambo...

Speaker: Order! Hon. Ndiritu.

Hon. Jacob Endom: Bwana Spika, nataka kusema kuwa hili Bunge ni la viongozi. Ukitaka kumwongea unapitia kwa Spika lakini sio Mheshimiwa binafsi. Hili sio Bunge la kuelekezana hivyo. Mtu anaongea kupitia kwa Spika lakini sio kwa Mheshimiwa mwenzake.

Speaker: Hon. Ndiritu, kindly stay in the motion.

Hon. Stephen Ndiritu: Bwana Spika, nafikiri ninamwongea kupitia kwa Spika.

Speaker: We are discussing the communication. That is what we are debating. Let us avoid name calling, kindly.

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Hon. Stephen Ndiritu: Mr. Speaker, I think that you are not fair to all Members. Why can you allow the Hon. Member to say a certain word? Mr. Speaker, can you protect me from him. I want to make a debate on your communication and this motion.

Speaker: Hon. Ndiritu proceed.

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika. Nafikiri yangu muhimu…

Speaker: Hon. Ndiritu you will be out of order. You started in English and you must finish in English.

Hon. Stephen Ndiritu: Bwana Spika, nimeanza kwa Kiswahili nikaongeza Kizungu. Hili Bunge linakubali lugha yoyote. *It is not that we are not learned. We are well learned and we know how to speak those languages.*

Speaker: Order! Hon. Ndiritu.

Hon. Stephen Ndiritu: Asante, Bwana Spika.

Hon. Jacob Endom: Bwana Spika kulingana na Kanuni za Bunge, kama utaanza kwa Kiswahili basi malizia kwa Kiswahili na kama utaanza kwa Kizungu basi malizia kwa Kizungu. Mheshimiwa anachanganya kila lugha. Juzi ameongea Kikuyu hapa. Tulimwambia aeleze Kikuyu na anatwambia haelewi Kiswahili ilhali leo anaongea Kiswahili na Kizungu.

Speaker: Hon. Ndiritu proceed. Let us remain in the debate. I wish that we strictly remain in the debate that we are discussing. We do not dilute this issue. It is a substantial issue that you brought only that we have to follow the law. We remain focused on that motion.

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika. Nilikuwa nimeshangaa. Hiyo ndiyo niliyoanza nayo na hata kwa HANSARD iko. Mheshimiwa Kiguru ambaye ni askofu na husema kila wakati kuwa yeye ni askofu...

Hon. Joseph Kiguru: Mheshimiwa Spika, ningetaka utupatie mwongozo kwa sababu HANSARD ikiangaliwa hakuna wakati ambapo nimetaja jina la mtu. Ni vizuri kusema hivyo. Sijui kana kwamba katika nakala lake pengine kichwa cha habari ni Kiguru. Atueleze kwa sababu ikiwa hataendelea bila kutaja jina langu basi haitakuwa nzuri. Ninamheshimu na ni rafiki yangu. Ninataka tufuate sheria. Wakati wa kujadili kwangu sikutaja jina la mtu hata HANSARD ikifunguliwa.

Hon. Stephen Ndiritu: Mheshimiwa Spika, hili ni Bunge la haki na sheria. Mheshimiwa Kiguru ametaja Mheshimiwa Roberto. Amesema Mheshimiwa Roberto akiwa pale. Ninasema hivyo kwa sababu Mheshimiwa Roberto yuko pale.

Hon. Catherine Nyawira: Mr. Speaker, I think that I was in this Assembly. The Hon. Member did not mention the name of the Hon. Member from Ngobit. He said the drafter of the motion. He did not mention his name. He was giving an example.

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika kwa hayo mambo. Tulipokuwa tukiingia katika hili Bunge, kuna mambo tuliyokuwa tumejadiliana. Umetoa mwelekeo na kuna

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mambo tunayoongea kuhusu huu mswada. Sheria na Kanuni za Bunge ziko wazi. Mswada wowote unapokuja katika hili Bunge uko na haki ya kupokewa. Hiyo ni Kanuni ya Bunge.

Mawakili wa Bunge wanaosaidia kufafanua wanaelewa hilo. Ningetaka kusema ya kwamba mswada ulio hapa uliletwa na kupokewa. Kamati ya Shughuli za Bunge haina nguvu zozote za kukataa mswada wowote.

Hon. Daniel Nyausi: Mr. Speaker, I have got information to the Member. I would like to inform the Hon. Member and the House. This is that the HBC cannot allow an illegal business to enter to the Floor of the House. May it be this one or the other one.

Hon. Stephen Ndiritu: Bwana Spika, ndio maana nasema kuwa ni kama hata wewe unapendelea upande mwingine. Ni kama wewe uko na pande yako unayoongoza. Tunaweza kukuachia hiyo. Huyu Mheshimiwa Nyausi ambaye ni Naibu wa Spika ananipatia ujumbe ambao sitaki.

Hon. Jacob Endom: Naona kama tulikubaliana kuwa hili Bunge ni la viongozi. Bwana Spika, hapa lazima utoe mwelekeo. Hatuwezi kuwa tunaongea kitu kimoja na kuelekezana. Mheshimiwa Mutahi alisema utoe mwelekeo kwa kuwa wewe ndiye kiongozi wa hili Bunge. Siku ya leo naona kuwa wanaongea vizuri. Tulikuwa tunaongea vibaya hapa siku nyingine. Tuongee kwa heshima tafadhali.

Hapana kumwambia Spika kuwa analenga upande huu. Nyinyi ndio mlioleta. Ni Spika wa hili Bunge. Huwezi sema kuwa anapendelea huyu ama yule. Huyo ni Naibu wa Spika na wewe ni Mheshimiwa. Usirudi kusema kuwa anapendelea huko.

Speaker: Hon. Jacob, you do not address a Member directly.

Hon. Jacob Endom: Lazima tufuate utaratibu wa hili Bunge. Tunaweza kukaa hapa hadi jioni tukijadili.

Speaker: I really wish to give a number of you time to contribute. I said that it would be Hon. Ndiritu, Hon. Kanyutu, Hon. Meshami and Hon. Mugweru. I would really wish that we remain on that debate. I had already called those Members to make their contribution. I would really wish that we guide ourselves. We restrain ourselves not to go outside the debate that we have. This is so that everyone has the time to make their own contribution. Each one of us has the right to be heard. It is also important that we debate in an honourable way.

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika. Ningeomba uweze kunilinda. Sijui hizi kanuni zinatoka wapi. Ninafinywa kila wakati. Nilikuwa nataka kusema ya kwamba huu mswada uko na haki. Hakuna mtu aliye na nguvu ya kuzuia huo mswada kulingana na ulivyotoa uamuzi.

Sheria inasema vizuri ya kwamba njia inayofaa kufuata mswada wowote unapoingia Bungeni. Tunafuata hilo. Inaonekana kuwa kuna mtu katika hili Bunge anayeweza kufanya mambo anayotaka kisha tukose kumgusa. Nilisema juzi na nikaambia Spika aliyekuwa katika Kiti chako, ya kwamba kuna mtu anayejaribu kudhibiti hili Bunge kama mali yake. *I said very well here that this is an institution. It is not a private entity. That is why we said that if we want*

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democracy in this Assembly, Mutwiri must go. I also said this that if we want freedom in this Assembly Mutwiri must go.

Speaker: Order! Hon. Ndiritu. You must listen to the Chair. You are saying that this is not someone's property. It is an Honourable House for all the Members. You must abide to the rules of the House. If you talk of it being an institution, then it has guidelines and regulations. We are a House of rules and procedures so let us follow the procedures. If you bring any business that is procedural and that business is not allowed in this House, then we will have an issue with this Assembly. We cannot allow a non-procedural business to continue in this House. Therefore, the issue is not what we said last week and I think we are debating what is in the communication from the Chair which guides us on how we proceed on the suspension of the Clerk as guided by the law but I have given the position. I think we need to limit ourselves from there. You have two more minutes for you to finish.

Hon. Stephen Ndiritu: Nafikiri nimeongea dakika mbili ilhali sheria inaniruhusu dakika ishirini. Niko na dakika kumi na nane.

Speaker: Hon. Ndiritu you have two more minutes.

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika. Ndio maana nilikuwa nasema kwa hiyo sheria ambayo unasema inaongea kuhusu mtu yeyote lakini hawa sio watu mbali ni waheshimiwa. Bunge, yeyote inafaa kuleta mjadala. Kwa hivyo ile barua ambayo wanasema ni ya mtu ambaye yuko huko nje lakini wale ambao wako hapa tunafaa kuleta mjadala wa kusimamisha huyu kazi kwa sababu yale mambo ambayo tunaongea hapa unayaelewa.

Kuna mambo ambayo yanaendelea katika Bunge hili na juzi tulisema tunataka *exchequer report*. Pia tulisema mambo ya uajiri hapa hufuata familia moja. If we want democracy in this Assembly Mutuiri must go...

Speaker: Hon. Ndiritu, I still continue to remind us what the laws says, any person who cannot stand in this Assembly and defend themselves, you have no authority whatsoever to bring allegations that you cannot substantiate. Some of these people we are mentioning here will not have any chance to stand in this Assembly to defend themselves. Therefore, as a House of order those who made these Standing Orders are Members just like us. We cannot be seen to break the same rules that we made.

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika. Madai ambayo unasema hapa ni lazima uweze kueleza. Pia huwezi kueleza kama mjadala haujapita. Tunataka huu mjadala upite ili haya madai yaletwe. Bwana Spika, sijui ni kwa nini unalinda Karani wetu. *You should also declare interest in this matter.* Vile mambo yanaendeshwa katika Bunge hili, Bunge ikiharibika wewe unaanguka. Bunge ikienda kombo wewe pia unaenda kombo.

Sisi kama Wabunge Waheshimiwa ambao wameletwa hapa tunafuata sheria. Tulisema tuko na mswada lakini sijui ni kwa nini hakuji hapa ili aseme hayo madai ni ya uongo...

Speaker: Order Hon. Ndiritu! Hob. Jacob.

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Hon. Jacob Endom: Bwana Spika, Kanuni za Bunge Nambari 94(4) inasema Mheshimiwa hastahili kuongea zaidi ya dakika ishirini. Mheshimiwa ameongea nusu saa. Kwa nini unamruhusu aongee dakika nyingi hivyo.

Hon. Stephen Ndiritu: Bwana Spika, sijui Mheshimiwa Jacob ni Katibu msimamizi wa wapi. Inaonekana yeye ndiye anaangalia masaa. Sitajielekeza hapo...

Hon. Jacob Endom: Mr. Speaker, I am not a Clerk. Mimi ni Mheshimiwa katika Bunge hili na nanukuu Kanuni za Bunge hili. Kwa hivyo Mheshimiwa awache kunibandika majina. Juzi aliniita *super MCA*. Mimi ni *super MCA* kwa sababu nililetwa na Waheshimiwa kutoka Sosian. Nakubali kwa sababu mlinikuta katika Bunge hili. Wewe utaenda nyumbani lakini bado utaniacha hapa.

Speaker: As I give Hon. Ndiritu to continue, from where I sit if you continue with this debate and we do not contain ourselves with the issues we have at hand, we will have no choice but to give the way forward. Members, let us use the time we have been given to discuss the issues we have at hand.

Hon. Chris Mark: Mr. Speaker, it is a concern that I had raised last week. These doors are usually for safety and security. If a commotion may appear, it will be on you because you only left us with one door. Someone cannot even go outside to pick a call because that door is locked. Mr. Speaker, Hon. Members are well behaved. We are not dangerous and we are not going to bring anything in the presence of the Assembly. In fact, there is an officer who sits there. I kindly ask you for your guidance so that these doors can be open.

If someone wants to make an emergency phone call, you have to come all this way and every time we pass this way, the Serjeant is very cautious because he thinks someone wants to pass with the mace. Mr. Speaker, I beg for that door to be open.

Speaker: Thank you, Hon. Member for raising that. Serjeant-at-Arms will look into that.

Hon. Stephen Ndiritu: Thank you, Mr. Speaker. I was winding-up and I said earlier that this is a House of order and that is why we followed the due process so that we bring this motion in this House. By that Mr. Speaker…

Speaker: Hon. Ndiritu, I wish to correct you because the communication I read, if you still continue insisting that that motion followed the procedure and law, then I have no reason why it was not scheduled for business by the House Business Committee. It is simply because it is not procedural. Kindly wind-up.

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika. Unaambia Bunge ifuate sheria lakini huambii Katibu Mkuu afuate sheria. Katibu Mkuu amekuwa dikteta. Ndio maana tunasema mambo ambayo anafanya hafuati sheria. Wakati tulikuwa tunataka huu mswada uingie hapa amekataa…

Speaker: Order Hon. Ndiritu! Hon. Jacob.

Hon. Stephen Ndiritu: Mr. Speaker, which standing order is he standing on?

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Speaker: That one is mine.

Hon. Jacob Endom: Nauliza kama tuko kwa mjadala ama mawasiliano ambayo ulitoa katika Bunge hili. Mheshimiwa anaongea akichangia kuhusu Katibu Mkuu lakini nafikiri ulitoa mwongozo wako. Kwa hivyo tunaona kana kwamba tunapotea njia.

Speaker: Hon. Ndiritu kindly finish.

Hon. Stephen Ndiritu: Bwana Spika, sijui ni kwa nini kwa sababu hawa ndio wananipotezea wakati. Mimi huwa naongea dakika tano na kumaliza. Kama ufisadi umeruhusiwa katika Bunge hili basi tuseme ni sheria. Bwana Spika, kama kunyima watu haki ya kuongea ni sheria basi hiyo ndiyo njia ambayo tutafuata. I don't know why you are protecting the Clerk and you are the Speaker. You are the head of this Institution yet you are allowing somebody senior than you to…

Speaker: Order Hon. Ndiritu! Hon. Mugweru.

Hon. Daniel Mugweru: Hon. Speaker, I need your indulgence on this because you are seated on an honourable seat. The position of a Speaker is a symbol of authority. You cannot warn somebody once, twice and thrice yet you are not taking any action. You must take action. We cannot allow this to go on. If somebody cannot go by the rules, let him be out. That is the position. Take that position Mr. Speaker.

Speaker: Hon. Ndiritu, kindly finish.

Hon. Stephen Ndiritu: Mheshimiwa Spika, sijui ni sheria gani anafuata. Nafikiri yeye ndiye anafuata sheria kuliko sisi. Yeye hana nguvu ya kunitoa. Kama ana nguvu ya kunitoa katika Bunge hili akalie hicho kiti. Kwa hivyo Bwana Spika…

Speaker: I said we restrain ourselves to the debate. Kindly be seated. Hon. Members, because it has become difficult for us to abide with the rules of this House, I made a communication and gave the clear position. Then I have no other reason to continue with that debate if it becomes so difficult for us to follow the law. I think I would have followed what the Hon. Member for Tigithi said that we need to give the way forward because we cannot be just a House where Hon. Members want to throw words at each other.

I gave you the freedom to make your contributions but you want to abuse that freedom which is not right. Hon. Kanyutu do you have something to say?

Hon. Simon Kanyutu: Mr. Speaker, I wanted to make my input on the same.

Speaker: Kindly go on.

Hon. Simon Kanyutu: Mr. Speaker: I stand to contribute to your communication pertaining to that motion. I am concerned on what is going on in the floor of this House and what has been happening since last week. This has resulted to an issue which at the end of the day it might have this Assembly not considered to be what it ought to be. Our role is oversight, legislation and representation.

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Mr. Speaker, when I am here I represent the people of Marmanet. I also legislate and oversight on what we ought to do. The ruling is good but why don't we dig to see the reason as to why the motion of that kind was brought to the floor of this House. Mr. Speaker, my mood is not good because there is none of you that I have communicated to prior to the motion that ought to be brought in this House because there is something that is cooking.

Where we are heading to will be that the motion might not come to the floor of this House. What will be the next step because the Hon. Members will not keep silent? Mr. Speaker, being the Chair of this Assembly we need to focus on how to make a resolution. What is coming out clearly is there have been rumours. You have stated there is the procedure of the removal of the Clerk. I have read that motion from an honourable Member and it was clearly written that it is the suspension as the investigation will be done to the issues that are coming from the Hon. Members.

Mr. Speaker, I beg for the procedures of suspension we understand them so that by the time a suspension is done it can be done for a week or two weeks for the issues that are burning Hon. Members are clarified. I am concerned because the floor of this House has committees and each department has a chair. We have the Chair for Labour Committee who has been complaining he raised a concern and the concern was not addressed. By the time the motion was being brought here was due to that concern raised by the Labour Committee.

Had the issue been resolved, would we be having what we are having now? Mr. Speaker, now I am turning to be a preacher, read Isaiah 10:1-4. I was lucky because I am a beneficiary of a trip where the Governor granted me a chance to travel to Israel. So I have been to Jerusalem and I am conversant with some of these issues. That verse says that we are doomed. We make unjust laws that oppress my people. That is how you keep the poor from having their rights from getting justice. That is how we take what belongs to widows and orphans.

Mr. Speaker, the reason for suspension had a purpose. The beneficiaries on why the motion was being raised cannot really support. Had the issue been addressed I am sure we will not be having these issues. It is unfortunate we are having six Serjeant at Arms and we have been seeing two. If my memory serves me right, have we ever had people guarding the mace? This is an issue and let us be open. We may try to hide some issues but at the end of the day they will come up. If an exercise is going on in the Assembly and Members are not being informed on the procedure and process that has gone through, how will they settle and feel comfortable as they wait for the outcomes.

Mr. Speaker, give the way forward knowing well that by the time Hon. Members were drafting that suspension motion they were not happy. Had the issue been addressed prior to it being brought here, nobody would be in that route. Who would be happy to get somebody in trouble when we have another way of resolving the issue? If we chest thump, every person will claim his position but at the end of the day this House will not go the right way. Mr. Speaker, I beg the burning issue that is causing this division be resolved even if the motion will not go through.

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If it will not be resolved I will be a member of the people who want to feel justice and see the truth have been tabled. If the truth and justice is tabled, who is there to fight anyone? The reason the Hon. Members are suspending the Clerk is because he is the CEO. If he was not the CEO nobody would be pointing fingers on him. We have nothing personal towards the Clerk. Being the CEO, if the concerns the Hon. Members raised in this House were addressed nobody would be pointing fingers to the Clerk.

Now something pertaining to them that they want clarity from that has neo been clarified, there is no way Hon. Members will sit here and feel comfortable as we continue with the businesses of this House. Mr. Speaker, that is my contribution and as you give your direction we need to focus on what is bringing about this division. What is coming out that will make Hon. Kanyutu feel that he has not been given his right or his people have not been given justice that ought to be given to them?

Mr. Speaker, that is my contribution and at the end, what I read in that motion is that the mover of the motion requested the Service Board…

Speaker: Which motion?

Hon. Simon Kanyutu: The one that was said not to be brought on the floor of this House. They were to request the County Assembly Service Board…

Hon. Joseph Kiguru: Mheshimiwa Spika, nauliza kama ni utaratibu kutaja kitu ambacho hakiko katika biashara ya Bunge. Ni kana kwamba kuna mjadala ambao hatuoni. Nashukuru milango imefungwa lakini kuna vitu ambazo zinaingia ndani. Bwana Spika, sijui ni mjadala gani ambao unaongelewa. Kwa nakala ambazo niko nazo hakuna mjadala kama huo.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I have clearly stated that the beneficially hardly knows what is happening. Mr. Speaker, last week we were in the floor of this House and it was pathetic…

Hon. Joseph Kiguru: Mr. Speaker, I need clarity because the Hon. Member said *the beneficiary*. I don't know the benefits and that is why I need clarity.

Speaker: Hon. Kanyutu kindly clarify.

Hon. Simon Kanyutu: Mr. Speaker, I can clarify. All the members that were supporting the motion from outside that was to be brought in the floor of this House are those who are not beneficiaries. The other ones do not know how the motion was drafted…

Speaker: The beneficiaries of what? This is what the clarity the honourable Member is asking. They are not the beneficiaries of what?

Hon. Simon Kanyutu: The allegations that they want clarity from. I need clarification and that is why we were seeking for the suspension of the Clerk…

Speaker: I think we need to be clear on these allegations. Mention them because we are in this House…

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Hon. Simon Kanyutu: Mr. Speaker, the motion was very clear…

Hon. Chris Mark: Mr. Speaker, Sir, you are putting the Honourable Member in an awkward position. The Member has raised to you that the details of the motion that is not in the House should not be discussed then you went ahead and told the Honourable Member to discuss the same. Why are we contradicting?

Speaker: Order Hon. Christopher Mark! Hon. Kanyutu is talking of beneficiaries. We asked the beneficiaries of what? Are they the beneficiaries of the motion?

Hon. Simon Kanyutu: Yes. Thank you, Mr. Speaker…

Speaker: So the motion was to benefit some Hon. Members here?

Hon. Simon Kanyutu: The Members who benefitted had no issue. The motion being brought is for Hon. Members to get clarity…

Speaker: Hon. Kanyutu, the clarity you are seeking is what Hon. Kiguru was asking you explain what the benefits were.

Hon. Simon Kanyutu: Mr. Speaker, I am sure you have the motion…

Speaker: You really debated well and I was about to tell Hon. Members to follow that kind of debate because you have contained yourself on the issues of the motion. I congratulate you and you may continue.

Hon. Simon Kanyutu: Mr. Speaker, when you read the mood of this House I clearly stated I had informed you on what was going on though not on the floor of this House. I did that as a friend so that you guide on how we can solve the issues before they come out of hand. The reason…

Hon. Joseph Kiguru: Mheshimiwa Spika, Mheshimiwa kutoka Marmanet ni jirani na rafiki lakini kuna mambo ametaja kwamba kuna mjadala ambao nanufaika. Ningetaka kujua ni kwa njia gani kwa sababu miaka ambayo inakuja ningetaka kuwa Gavana wa Kaunti ya Laikipia na hii ni njia moja ya kuharibu majina ya watu. Mheshimiwa Spika, ningetaka aeleze nimenufaika kwa njia ipi. Sio mtu mwingine nauliza ila yule ambaye amesema niko mmoja wa wale wananufaika na huu mjadala.

Speaker: I believe this is what Hon. Kanyutu is to clarify. Kindly.

Hon. Simon Kanyutu: Mr. Speaker, I am clarifying very well and we have the allegations that are in that motion. The allegations are touching on some of our Hon. Members who are known to have benefitted on those allegations…

Speaker: What allegations?

Hon. Simon Kanyutu: The ones that are in that motion…

Hon. Stephen Ndiritu: Corruption.

Speaker: Hon. Kanyutu, I think Hon. Christopher Mark has guided that we do not refer ourselves to a motion that is not in this House. I had also ordered that because we are not aware

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of that. I am wondering how Hon. Kiguru becomes a beneficiary of a motion that is also not supporting. You need to make it clear what were the benefits.

Hon. Mutahi Muritu: Mheshimiwa Spika, mwanzo niliomba tunajielekeza vibaya hata ukiwa kwa kiti chako. Sijawahi kuona siku hata moja tukijadili taarifa ambayo wewe mwenyewe unatakiwa kutupa taarifa. Baadaye umefungua na imekuwa ni mswada mwenyewe na tumeenda ndani zaidi. Hata saa hii tukienda kwa kumbukumbu ya Bunge tukiwa wote tunakiuka sheria. Tunachokijadili sasa hivi tunakiuka sheria. Ndipo nikasema utoe mwongozo tusije tukaanza kuulizana kwa sababu tumeugeuza kuwa mswada.

Kwa hivyo tuangalie ni kitu gani tunachokijadili. Nilikuomba kwa heshima yako utoe mwongozo. Tukianza kujibizana kuwa huyu amemtuhumu yule na yule mwingine anajaribu kujitetea hatupati mwelekeo mzuri.

Speaker: I gave Hon. Members a chance to speak because they also show that they want a chance to speak. If Hon. Members did not want that chance to speak, I don't think they will be switching on their microphones. I can see the Hon. Members for Mukogodo West is still raising for his chance to come. I said we restrain ourselves not to move that debate. Hon. Kanyutu had gone very well only that he said an issue to do with benefits that Hon. Kiguru is seeking clarity. If you can clarify that and continue, I think we would save ourselves time.

Hon. Simon Kanyutu: Mr. Speaker, it is only that I did not want to dig deeper with the motion because the motion had just outlined. If we dig deeper we will start deliberating the motion but when I am speaking from this end there is someone else speaking from the other end. At the end of the day we will come to a conclusion. Mr. Speaker, if the motion is not going through, I do not have to clarify to that motion. If the motion is going through, I will clarify…

Hon. Joseph Kiguru: Mheshimiwa Spika, itakuwa sio haki. Kuna matamshi ambayo Mheshimiwa ametoa kunihusu. Ikiwa hawezi kueleza aondoe hayo matamshi. Hii ni kwa sababu hutuma ambayo ameniwekea inaweza kutumika mahali kwingine. Aidha aeleze kinagaubaga ama aondoe.

Speaker: I think that is a straight forward issue that Hon. Kanyutu needs to clarify. If the issues you are to clarify, you want to reserve them for now then you just have to withdraw.

Hon. Simon Kanyutu: Mr. Speaker, I can make the clarity if need be. The issues that was bringing the motion in the floor of this House is employment and there are people who have benefitted and those who have not benefitted. That has caused all this trouble. That is what I stated. The issue pertaining to the Clerk being suspended is the issue pertaining to employment. The people who are defending claims they had their issues. The other Hon. Members are in darkness. Had the issue been resolved, would we be having two groups, one supporting and the other one opposing…

Speaker: Hon. Kanyutu, I wish to kindly provide information to this House and I know that is what Hon. Mutahi has been claiming I give guidance. It will be very dangerous when we Hon. Members will be seen as if we are engaging in issues of employment of our staff in a way that we are looking on how we can benefit. Each one of us knows how dangerous that is

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even for yourself especially when one wants to be favoured to get benefit. I wish we restrict ourselves from such.

For us to give justice to Hon. Members, you cannot substantiate if one is a beneficiary. The only way to give justice is to withdraw that so that we can go Hon. Meshami, Hon. Matunge, Hon. Mugweru then we finish.

Hon. Simon Kanyutu: Mr. Speaker, I wish we refer to the HANSARD because I said some Members. I did not quote anyone. If somebody is feeling I am being mentioned can we refer to the HANSARD. I never mentioned anyone but I said there are some beneficiaries and that is when a point of clarification came up.

Speaker: I wish to postpone that clarity to tomorrow so that we can confirm from the HANSARD report if you referred to the Member. Even if you said the Member, when you talk of the Member it is that Member. Let us get that clarity from the HANSARD tomorrow. Kindly wind-up your debate then we continue.

Hon. Simon Kanyutu: Thank you, Mr. Speaker for your good ruling…

Hon. Joseph Kiguru: Mheshimiwa Spika, kupitia kiti chako haitafanyika haki kwa sababu kwa hakika wakati nimesimama mara mbili amesema pengine niko mmoja wa wale ambao wananufaika. Haitakuwa haki ila itakuwa madharau na kukosa heshima kwa hicho kiti chako ambacho umekalia…

Speaker: Order Hon. Kiguru! I have just given a directive because the HANSARD is recording. I said it is not a must he mentioned Hon. Kiguru. If you say that article *"the",* (the Hon. Member) it has a lot of meaning because it will be referring to him. That is why I said we confirm with the HANSARD record then we shall address that tomorrow at 2.30 p.m. I will be very keen to follow on that and I know you will get justice. Hon. Kanyutu kindly wind-up.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. Were it not for the interruption, I don't like taking a lot of time but through your Chair and being the head of this House let this issue be resolved. Even if the law doesn't allow that motion to be in the floor of this House, let us have a remarkable resolution that will ensure we don't have what we are seeing here. I may feel that I will be seen to support a certain end while the other person supported the other. Mr. Speaker, I thank you and I am happy with your ruling. I am sure every issue will be tackled before anything else comes out of it.

Hon. George Meshami: Asante, Mheshimiwa Spika kwa kunipatia hii nafasi. Nasimama kuchangia wakati ulikuwa nje wiki iliyopita ulisikia Bunge lako tukufu limekuwa na msukosuko na ni kwa sababu ya mjadala ambao umeletwa katika Bunge lako ambao haukuendelea kulingana na vile ilistahili. Asante kwa mwelekeo ambao umetoa ambao ni wa busara. Wiki iliyopita hatukufanya biashara yeyote na natumai uko na habari.

Wakati leo utaratibu wa biashara za Bunge ulikuja tulidhani mjadala uliokuwa uletwe na Mheshimiwa utakuwa na yuko na haki ya kuleta mijadala katika Bunge lako. Nafikiri Mjadala ambao umeletwa katika Bunge lako tuko na wataalam wa sheria. Huo mjadala

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uliandikwa vizuri na kukabidhiwa Naibu wa Katibu Mkuu. Yeye alidhibitisha ya kwamba inafaa kuletwa katika Bunge...

Speaker: Hon. Meshami, because I chair the House Business Committee and I have seen the motion, the Deputy Clerk has not signed that the motion is supposed to be here. He just received. Kindly continue.

Hon. George Meshami: Nakubaliana na wewe Mheshimiwa Spika. Huo mjadala ulifika katika meza yake. Alituahidi atauwasilisha katika Ofisi ya Spika na Kamati ya Biashara katika Bunge. Bwana Spika, ningependa kuomba kwa sababu tumekuwa na mijadala mingi katika Bunge hili. Zingine zimepita na zingine kuangushwa. Juzi tulikuwa na mjadala wa kuondoa Bwana Ndai katika Kaunti yetu na sijasikia ukisema katika kiti chako huu mjadala haufai. Leo nimesikia ukisema mjadala ambao umeandikwa na mheshimiwa haujafuata sheria...

Hon. Jacob Endom: Asante sana, Mheshimiwa Spika. Wakati nilileta mjadala wa kutoa Bwana Ndai kwenye kiti nilikuwa nimepitia utaratibu ambao unastahili. Mara ya kwanza nilipoleta niliambiwa sijafuata utaratibu. Nilirudisha na kutengenezewa kwa wiki moja kisha nikaurudisha katika Bunge hili. Sisi hatujakataa Bunge kuletewa huu mjadala lakini kesho mkifuata utaratibu tunafurahi mnapoleta huo mjadala katika Bunge hili...

Hon. Salma Zamzam: Asante sana, Mheshimiwa Spika. Tunakuheshimu na kushukuru na ningependa...

Speaker: Hon. Nyawira what do you want? You are raising your arm.

Hon. Catherine Nyawira: Mr. Speaker, I want a clarification from the Hon. Member. Whether she is using the correct language to address your chair.

Hon. Salma Zamzam: Nimetumia Kiswahili na kusema Asante sana Bwana Spika. Yeye ni Spika wangu mvua inyeshe jua iwake. Ni kutoka kitambo sijamjua jana...

Speaker: I wish to request Hon. Members not to be emotional. We are just debating.

Hon. Salma Zamzam: Asante sana, Mheshimiwa Spika kwa kunilinda kutoka kwa dada yangu. Ningependa kuambia Mheshimiwa Jacob kwamba bado yeye ni rafiki yangu lakini amesema ile siku mjadala wa Waziri wa Fedha uliletwa katika hili Bunge hakutusomea sheria. Leo tunasikia ukitusomea sheria. Tunaomba Mheshimiwa utusikize. Tunataka tu kutetea. Hakuna sheria Mheshimiwa Jacob alileta ili tufuate kumfurusha Ndai...

Hon. Jacob Endom: Ningetaka kueleza dada yangu kwamba nilipitia utaratibu. Niliambiwa ni mbaya na nikarudishwa. Kwa sababu mimi ni Super MCA nilikuwa najua ni nini nafanya. Kwa hivyo kama hujajua ni nini unafanya, fuata sheria vile inastahili.

Speaker: I wish to request Hon. Members to allow Hon. Meshami make his contributions.

Hon. Simon Kanyutu: Mr. Speaker, I started on a point of clarification because the motion that was there is not about removal but suspension. There is a difference between suspension and removal.

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Speaker: The law that I read is very clear on the procedure we follow when we want to suspend or remove the Clerk from the office.

Hon. George Meshami: Asante sana, Bwana Spika. Naomba nipatiwe nafasi nimalizie. Bwana Spika, leo uko katika Bunge hili na naomba ututendee haki yetu. Kama kuna marekebisho ya sheria ambayo haikuwa imekamilika tusaidie turekebishe kwa sababu tuko na ushahidi wa kutosha. Tunaomba mjadala ambao tunatarajia ukuje kuja ili Biashara ya Bunge lako ipate kuendelea.

Hii ni wiki ya pili bila maendeleo ya biashara katika Bunge. Naomba kwa unyenyekevu bila mapendeleo. Kama kesho kuna mtu tunataka kuondoa kuwe na sheria ya kuondoa kwa haraka. Kuna wale ambao sheria inatambulika. Kilio katika Bunge lako tukufu ni moja tu. Kulikuwa na uajiri ambao ulifanyika katika Bunge lako na Kamati ya Wafanyikazi walipata nafasi ya kuandika barua ya kusimamisha lakini haikusimamishwa.

Kwa hivyo tunaomba tupatiwe haki yetu. Huo mjadala uje katika Bunge letu ili iangushwe ama ipitishwe. Asante, Mheshimiwa Spika.

Hon. Peter Matunge: Thank you, Mr. Speaker. Please do not forget my Sister Hon. Zamzam. I know Hon. Members...

Hon. Daniel Nyausi: Hon. Speaker, some of us are putting mikes on while Hon. Matunge was given a chance a second time yet we have no chance.

Speaker: I gave him to raise a concern he had. He has not made his contributions.

Hon. Peter Matunge: Thank you, Mr. Speaker. Hon. Deputy Speaker should understand the Standing Orders. I was on a point of clarification and now I am seeking to speak for myself. I appreciate your communication. Those who were for the motion, we do not like the way we are going. We wish to sort this issue in a civilised manner but it was in this House where we said if democracy fails then we will use thorax. That is why one of the Hon. Member is saying they were ashamed to see what happened in this Assembly because we said that the democracy was not working.

Mr. Speaker, you said the procedure of removing the Clerk. Yes, we quoted in that motion the law (the County Assembly Service Act). We want the Service Board to suspend the Clerk. Mr. Speaker, in employment there are three things that can happen to an employee. One the employee can be interdicted, two the employee can be suspended and three the employee can be dismissed…

Speaker: Order Hon. Matunge! Hon. Jacob.

Hon. Jacob Endom: Bwana Spika, nafikiri katika Bodi ya Uajiri hakuna barua yeyote imefika kutoka kwao. Ukiongea, ongea kitu ambacho kimefika na tumepokea kwa sababu sisi kama Bodi ya Uajiri hatujapata barua kama hiyo.

Speaker: Hon. Matunge kindly continue.

Hon. Peter Matunge: Mr. Speaker, I have not spoken of any letter…

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Speaker: Order Hon. Matunge! Hon. Karuiru.

Hon. George Karuiru: Thank you, Mr. Speaker. I wonder how you are giving people chances. They are not raising point of orders or clarifications. Then you are going on to clarify. Thank you.

Hon. Peter Matunge: Thank you, Mr. Speaker. I was not discussing any letter. What I am discussing is the procedure you have quoted we have not followed. There are three things that lead to unemployment of any employee. Interdiction, suspension and dismissal. We were seeking for the employee to be suspended. Suspension is pending investigation then the employee is given a chance to come and defend himself.

Mr. Speaker, when we did impeachment motion in this House, we passed the motion and then those who were accused were given chance to come and defend themselves when the committee was formed. We are asking the employee to be suspended pending investigations and then he will be given a chance. Out of that let me refer to the Standing Orders No. 151on the role of the House Business Committee.

Mr. Speaker, you said the House Business Committee refused to pass the motion because it was not following the law. In the Standing Order No. 151 (5) states;

The House Business Committee shall;

(a) Prepare and, if necessary, from time to time adjust the Assembly Calendar with the approval of the Assembly;

(b) Monitor and oversee the implementation of the Assembly Business Programmes;

(c) Implement the Standing Orders respecting the scheduling or programming of the business of the Assembly and the functioning of the committees of the Assembly;

(d) Determine the order in which the reports of committees shall be debated in the Assembly;

(e) May take decisions and issue directives and guidelines to prioritize or postpone any business of the Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority, as the case may be.

(f) Consider such matters as may from time to time arise in connection with the business of the Assembly and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the Assembly.

Mr. Speaker, in these Standing Orders, I have not seen anywhere the House Business Committee failing to bring the business of the House. The only thing they can do is rearrange and allocate time. They can also postpone the business. Mr. Speaker, it is you who can deny a motion to be brought in this House according to the Standing Orders. Any motion going to the House Business Committee should be signed by the Clerk and you then it will be forwarded to the HBC for scheduling.

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I don't know how it finds itself to the House Business Committee if the Speaker has not approved that business. It must be approved by you then it goes to the House Business Committee. With that we are saying as Hon. Members there must be something. We need to declare our interests. We are not fighting personally; we are fighting for the interests of the people of Laikipians. We want to bring accountability to this Assembly so that a few Hon. Members can sit and make decisions that affect thousands of Laikipians.

Mr. Speaker, we are not here to be seen as if we do not know what we are doing, we need to be consulted. We need to see that anything that happens we are all in concurrence. Mr. Speaker, when we read a communication and the communication violates the Standing Orders. We are cautioning what we are doing. What the honourable Member for Tigithi said it is the high time we think about ourselves and we see how we can sort these issues because we have an issue that needs to be sorted. This issue cannot be sorted if we cannot provide leadership for it.

Hon. Daniel Mugweru: Asante sana, Mheshimiwa Spika. Nasimama kuchangia mawasiliano ambayo ulitupatia. Nitajaribu sana kuongea kwa Kiswahili ili nijisikie najielewa. Kwanza nilishangaa maanake kwa roho yangu, akili yangu na nafsi yangu yote nilikuwa nimejipanga kwa ajili ya huo mjadala. Nilikuwa najielewa na akili yangu ilikuwa timamu na nilitarajia huo mjadala ili nitekeleze kulingana na ujuzi na maarifa ambayo Mwenyezi Mungu amenipatia na nguvu ambazo nimepatiwa na watu wa Umande.

Kwa bahati mbaya haikuweza kufika na pia sijapinga ujumbe wako. Nimeukubali sawasawa ya kwamba tunafaa kufuata sheria na ndio maana ninasema nimefinywa lakini nimekubali maanake sheria ni upanga unaotukata pande mbili. Pia kama sheria itaweza kuruhusu huo mswada uje kesho na kesho kutwa niko tayari kwa maana sikuwa nimejipanga nusunusu. La tatu nimesikia mambo ya *mace* tuliyo nayo na imelindwa hapa.

Ninashukuru sana kwa vile imelindwa. Kwangu binafsi na ninasema maoni yangu nimeshukuru kwa maana ilikuwa aibu sana kuona kwenye runinga jina Mheshimiwa likitumika vibaya ya kwamba Mheshimiwa ni kurukaruka, kufanya sarakasi, kujiangusha chini na kuruka kwa mabati. Ilikuwa aibu sana kwa televisheni.

Mheshimiwa Spika nilipoona hivyo na nikaona *mace* imelindwa vizuri nikafurahia manake nimejua ya kwamba pia mimi nimelindwa sawasawa…

Speaker: Order Hon. Mugweru!

Hon. Salma Zamzam: Asante sana Mheshimiwa Spika. Ningependa kumweleza mwenzangu vile aliona kwenye runinga kila mtu yuko na haki ya kujieleza na kusema. Sio maajabu, kulikuwa na Murang'a, Karatina na kwingineko ambako watu walizozana. Hili Bunge ndilo la mwisho. Bunge la kitaifa liko sasa isikuwe tunasumbuliwa na vitu duni watu wakijifanya.

Hon. Daniel Mugweru: Mheshimiwa Spika unapeana hoja ya nidhamu juu ya nyingine. Lazima ufuate sheria pia.

Speaker: Order! Let us just give Hon. Robert Maina we hear what he will…

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Hon. Robert Maina: Mheshimiwa Spika, hayo maneno ambayo Mheshimiwa wa Umande anayasema kuhusu runinga na miereka mimi nilikuwa mmoja wao na sina aibu. Watu wa Ngobit walinipigia simu, na arafa ziko hapa, wakinipongeza kwa hivyo sijui anasikia aibu ya nini. Tutaendelea rafiki yangu, hatusimami.

Speaker: Order Hon Robert Maina! I said that because we are debating let us not get emotional. Let us just speak without being emotional and people are entitled to their opinions

Hon. Daniel Mugweru: Asante sana Mheshimiwa Spika. Sijaongea kwa niaba ya mtu ila ni kwa niaba yangu na watu wa Umande. Niliaibika na watu wa Umande pia wakaaibika. Kama wengine hawakuaibika sina shida kwa maana mimi sio wa huko na ninaheshimu wale watu wa Ngobit. Kama walifurahia sina shida, ninaongea kwa niaba yangu na watu wa Umande. Niliona kwa runinga kwa sababu sikuwa, watu wa Umande waliniambia ndiyo maana ninaongea kuhusu hilo…

Hon. Stephen Ndiritu: Mheshimiwa Spika, ninaomba ufafanuzi kutoka kwa Mheshimiwa. Anasema ya kwamba aliaibika alipowaona Waheshimiwa wakifanya hivyo. Ninafikiria yeye pia angekuja na nyingine ya kushangilia aoneshe na yeye akishangilia kwa sababu hicho ni kitu cha kutuchezea akili na tumezoea. Kama umeona kitu kimefanywa vibaya njoo ufanye kizuri kama vile ninasema hapa tukitaka demokrasia Mutuiri lazima aende. Ikiwa tunataka uhuru wa Nyumba hii Mutuiri lazima aende…

Speaker: Order Hon Ndiritu! I said again, and this is the last warning to Hon Ndiritu, we do not mention people who cannot stand in this House to defend themselves. I think that is enough, I will not give any more warnings

Hon. Daniel Mugweru: Mheshimiwa Spika, nitaendelea kusimama kulingana na nafsi yangu na ile ya watu wa Umande ambao ninawawakilisha katika hili Bunge. Sisi kwetu tuliionea kwa runinga na tukaaibika. Niliulizwa na watu wa Umande ya kwamba kwani hata wazee hupiga mayowe? Hayo maneno niliyaona kwenye luninga na ikawa aibu sana. Ukiona tumenyamaza…

Hon. Chris Mark: Mheshimiwa Spika nami pia nitajaribu Kiswahili ijapokuwa ni kazi ngumu. Hata sisi tulionea kwa runinga wakati fulani waziri mkuu wa nchi ya Kenya akiketi kwa barabara Nairobi. Tulionea kwa hiyo runinga ambaye alikuwa makamu wa Rais wakati wa Rais Kibaki akiketi kwa barabara. Kabla ya mwaka wa elfu mbili na saba tulimwona Rais aliyeko…

Speaker: Hon. Chris Mark, I do not know whether you are rising to justify, to clarify or to give information. It is not mine to determine whether what the prime minister was doing sitting on the road should be followed in this House but I do not think that is the best example.

Hon. Jacob Endom: Mheshimiwa Spika, langu tu ni kusema Waheshimiwa mko na haki ya kufanya vile mnataka. Hata sasa hivi mkimaliza hapa mtoke nje mfanye sarakasi zenu. Hakuna haja tung'ang'ane hapa kupigana. Hiyo ni haki yenu, wale wanataka kufanya chochote ni haki yenu lakini kile kitu…

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Speaker: I would seek that we deviate from this because from where Hon. Kanyutu led us, I think we moved very well, and also Hon. Meshami, so that we do not get to this to and fro in these issues. Hon. Kanyutu just a word.

Hon. Simon Kanyutu: Mr. Speaker, I stand on a point of clarification. I have never even seen anybody having any confrontation on the floor of this House. If anything happened outside it is not for this House and there is anybody who has ever dared. The Hon. Member has stated that is why the mace is being guarded. Do we have on record in this House anybody going closer to the mace? It is because we respect this House. Anything happening outside this vicinity should not be brought to the floor. This is where we can amend anything that is going wrong and put it right.

Speaker: What is the clarification now?

Hon. Simon Kanyutu: The Hon. Member has stated that the mace is being guarded due to what has happened. Do we have any incidence on the floor of this House whereby even a Member has ever heard any confrontation, even pointing a finger at any Member?

Hon. Daniel Mugweru: Asante Mheshimiwa Spika. Ninaona waheshimiwa wanahoji hisia zangu. Sijasema hayo ni yenu ni mimi binafsi najihisi namna hiyo. Na kuhusu kuketi kwa barabara kwa waziri mkuu, aibu kufanywa mara kumi haikosi kuwa aibu. Itaendelea kuwa aibu hata ikifanywa mara ya kumi na moja, kumi na mbili hata mara ishirini itaendelea kuwa aibu…

Hon. Chris Mark: You know Mr. Speaker; you did not let me finish. If you had let me finish you would have known where I am heading to. You left me like what the English people say hanging high and dry. I was trying to finish the clarification and if you had allowed me you would have known where I am going so I think this is the chance…

Speaker: That is why it is important when you rise you say I am rising on a point of clarification. Kindly seek the clarification.

Hon. Chris Mark: Yes, the Hon. prime minister who is followed by half of this country at one point in time sat on tarmac. It is not because he does not have a sofa set at home. The former vice president at the same time also did the same. The president whom we respect and love a lot Uhuru Muigai Kenyatta was once tear gassed and even fell on the tarmac so what I am trying to say you know when people are agitated, if I can finish…

Speaker: Hon. Members, let us get the clarification the Hon Member is raising.

Hon. Chris Mark: Thank you for protecting me. What I am saying is this, when democracy fails or people feel agitated they will always do some certain actions so that they are known to be serious. Hon. Justin Mutuiri was poured water in the Assembly sitting where you are sitting now…

Speaker: Order Hon. Mark! Are you giving information or seeking clarification? Do you want to justify although it is not mine to see?

Hon. Chris Mark: Mr. Speaker, I have been interrupted I have even lost chain of thought so I will rest it that.

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Hon. Daniel Mugweru: Mheshimiwa Spika, ninaendelea kusimama na msimamo wangu kwa maana nimeelewa vile Mjumbe maalumu amesema jinsi waziri mkuu alifanya hizo sarakasi zote Nairobi. Poleni sana maneno ya Nairobi yamefika Nanyuki. Nimeanza kushangaa sasa na nilikuwa ninasema ya kwamba ukiona mtu amenyamaza usidhani yeye ni mwoga ama hajielewi. Ukimwona hafanyi sarakasi wala kurukaruka sio kutojielewa. Anajielewa na anaelewa mahali alikotoka na kazi aliyotumwa afanye Bungeni. Lile ambalo nilitumwa pengine silo lile mwingine alitumwa. Ninaendelea kusema yale watu wa Umande waliniambia nije niwawakilishe sawasawa.

Kila mmoja yuko na haki kufanya kile ambacho watu wake walimtuma na aendeleze hiyo kazi yake kwa maana hauko hapa peke yako. Umekuja kwa niaba ya watu waliokuchagua. Wao waliona kwa runinga na wanaelewa walinituma nifanye nini na wanasahihisha kuona kama ninafanya kile walinituma nikifanye. Wewe pia unasahihishwa na watu wa kwenu lakini sio wa kule kwingine. Mimi huwa ninaangalia kile ambacho mwenye kunisahihishia anakihitaji na ambaye ni mkaazi wa Umande. Kupiga kelele na kufanya yoyote haiwezi kubadilisha sheria. Sheria inasalia vile ilivyo na kama kuna hitaji la kubadilisha kunayo njia mwafaka wa kuibadilisha. Unakuja kusema njia unayotaka na inatumika kuanzia sasa.

Kwanza ninaishukuru HBC *(House Business Committee)* kwa ile kazi waliyoifanya. Kama wangeleta mjadala ambao sio halali na mwingine aone sio halali na atusomee sheria tena hao tungewakaanga wakiwa hai. Kuleta biashara haramu kwa Bunge, pia nyinyi mtakuwa na haramu. Kwangu ninashukuru sana na kuwashukuru watu wa Umande. Bunge hili ni la sheria na watunga sheria. Watungaji wa sheria wanafaa kuitunga, kuilinda na kuitunza sawasawa. Pia wewe ukiwa kwa hicho kiti ujue sheria ambayo inakulinda usije ukababaishwa ukakosa mwelekeo. Simama na sheria kwa maana ndiyo imekuweka hapo, itakulinda sawasawa. Uitumie vile ipasavyo, na hilo ndilo sisi tunaliomba. Ninasema hivi, maoni yangu kwa niaba ya watu wa kwangu, sisi ni wapenda sheria na walinituma hapa nitunge sheria. Mtunga sheria anafaa kuwa mtu ambaye anaelewa sheria zaidi.

Kama watunzi wa sheria sisi ndio walinzi wa hiyo sheria na tunafaa kuielewa zaidi ya wale wengine. Kama tutakosa kutumia sheria wale wengine nao watakuwa namna gani? Kesho utawakuta watu wa Umande wote wamekuja kuketi kwa hivi viti na kusema wao ni wajumbe katika Bunge hili kwa maana hakuna sheria inatumika. Kama sisi ambao ni watunga sheria hatuwezi linda hiyo sheria na kuifuata mbona wao wengine walio huko nje wasije hapa waketi na waseme hatuifuati kwa maana watunga sheria pia hawaifuati?

Ni aibu sana mimi kama mtunga sheria kusimama katika Bunge hili na kusema ya kwamba sikufunzwa na kuelezewa sheria. Sijui nilikuwa ninaelezewa namna gani na mimi nilikuja hapa kama mtunga sheria? Ninajiamini sawasawa, mimi ni mtunga sheria na ninaielewa sawasawa na nitaendelea kuifuata vile ipasavyo. Ninaiomba Bunge hii ukiiongoza uiongoze sawasawa na kwa sheria. Sheria ikisema twende njia hii tuifuate na ikisema twende juu tunaruka. Tusije tukabadilisha hii Nyumba ikawa ile mikutano huwa tunafanya kule ya siasa ama mikusanyiko ya familia na ile yote. Hili ni Bunge ya sheria na tunafaa kuifuata. Kila mmoja anafaa kufuata sheria.

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Tunaona vile mambo yanaendelea pia hicho kiti chako tunakuomba ukae kama mwenye kuilinda nyumba hii ili iende kwa njia inayofaa. Heri tutoke sote kama siwezi kufuata sheria, na heri unitoe nje kulingana na vile sheria inasema. Wacha nikae huko nje kwa maana Bunge linaendelea.

Itakuwa aibu sana watu wa Umande wanatarajia niongee maneno ya maji huku lakini kwa wiki mbili ninaongea hadithi nyingine. Itakuwa aibu sana watu wa Marmanet kule Kinamba wanatarajia tuongee maneno ya kahawa mswada uliokuwa hapa na bado tunaendelea na hadithi nyingine na hawajawahi kusikia hayo maneno ya kahawa. Itakuwa aibu sana wakiona kila siku wakitarajia lile ambalo walinituma na mimi ninatekeleza lile ambalo pengine tunajiambia. Ni vyema nilindwe kwa njia ambayo ni sawasawa ili nipiganie watu wa Umande na mwingine alindwe sawasawa ili awapiganie waliomleta. Isije ya kwamba biashara itakayofaidi watu wa Umande inakandamizwa na mtu mwingine pengine haelewi kile kilimfanya atumwe huku.

Lazima tusimame sawasawa na hili Bunge liheshimike sasa, kesho na kesho kutwa. Kuheshimika kwa Bunge hili ni kufuatwa kwa sheria. Karani wa Bunge hili ama mtu yeyote hata mimi, hakuna mtu ambaye sheria haimguzi. Kila mmoja anaguzwa na sheria kwa maana sheria ni ya Kenya nzima. Kesho tutaongea maneno ya Mugweru na mwingine lakini wote ambao twawaongea kuwahusu tuwe tumelindwa na kuongozwa na sheria ambayo inafaa. Tusije tukaingia mitindo ya kule kwingine ati kwa sababu walirukaruka nasi turukaruke. Ati kwa sababu wengine walilala kwa barabara nasi tufanye hivyo. Sisi ni wasomi na tunajielewa. Tunaijua sheria na tutaifuata leo, kesho hadi mwisho.

Hon. Salma Zamazam: Asante sana Mheshimiwa Spika. Waswahili wanasema ukiona vyaelea ujue vimeundwa. Ninachukua nafasi hii, ninafikiri ningependa kuongea kukiwa na Spika wa Bunge, lakini pia wewe nakuheshimu kwenye kiti chako. Ninasikia kuna kukaangwa tukiwa hai. Vitisho na matusi tumeyapata, tumeshtuliwa kwa mambo mawili matatu hadi mashinani tunatusiwa. Tumeambiwa mambo mengi lakini nimeapa sitabanduka. Hata hayo majina hadi sijui tulifanya nini ndipo tukafika hapa na wanataja watu wa ngazi za juu tumefikishiwa. Unajua hakuna chungu na tamu, hata wao kuzunguka na majina yetu sisi Wajumbe maalum kuwa tuliletwa hapa na watu hadi wanawataja watu hao tutawafikishia na waweze kutuambia vizuri. Kuna Waheshimiwa hapa wanatishiwa na hatuogopi. Tumesikia kwa runinga tulionekana, wacha hata kupiga mayowe, hata kutoa nguo tutatoa.

Mimi kama Zamzam nilitumwa na chama cha Jubilee kikiongozwa na Rais Uhuru Muigai Kenyatta kuwawakilisha walio wachache. Sio wadi moja ila Kaunti nzima ya Laikipia. Nitarudia na mnukuu, sisi kama wafugaji hatujapewa haki na tumenyanyaswa. Nitarudia hilo leo, kesho na hata milele. Hapa sijitetei kibinafsi niajiriwe mtu lakini wacha tufuate ukweli na haki. Tumwachie Mungu wa Yakubu na Yusufu apambane na hao. Ninawahakikishia kabla ya mwisho wa mwezi huu Mungu atakuja kuwalipa hapa. Watu wamesema hawajatumwa kuja kupigana ila kuleta maendeleo. Nimetumwa hapa kuwapigia watu kelele na kuwatetea wengi walio kule mashinani ambao sitawataja majina, wafugaji na walio wachache.

Sijatumwa hapa kujitetea kibinafsi ati ndio niseme nimetumwa na watu wa sehemu fulani kujitetea. Sijakuja hapa kujitetea kibinafsi. Nikiendelea na ninaheshimu Bunge lako vile

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umeweza kutusomea hadi sheria wiki iliyopita tuliomba mtuletee huo mswada na tunasikia watu walikuwa gangari. Kuteleza sio kuanguka, pia sisi tulijipanga gangari na ndipo tukaja Bungeni. Hakuna vitisho baridi wala moto, hatutaogopa vitisho hivyo. Ninaomba hiyo afisi yako ikiwa hapo kunavyo vitisho vingi sana tumevipata na maneno hayo yako mbali sana. Hatutarudi nyuma kwa sababu ya vitisho baridi. Unapigiwa simu unaambiwa uko hapo kumpiga Spika ati ndipo tumweke Mheshimiwa Matunge. Hakuna siku nitampiga Spika, nitasimama na Spika sio leo wala kesho tu. Hayo tumeyakanusha madai ya uwongo na kueneza madai mabaya ndipo Spika afikirie mambo mengine.

Mimi sitaogopa! Silali kwa mama ama baba ya mtu. Hili ni Bunge la kuongea uhuru. Tukitoka hapa nenda unikejeli, tumeyasikia hayo yote. Ukiwa mtu mkamilifu mpate Mheshimiwa Zamzam, mwambie ndipo ukipate hiki kiti kwa ukamilifu wewe ulienda na mtu fulani. Sitaogopa mbele ya kumbukumbu, wacha kuzunguka na majina yetu bwana! Kuja moja kwa moja kama ni Spika, huu ni mswada wa Bunge sio wa nje. Hata ukiona tumepigania mahitaji ya wafugaji yaangaliwe katika Kaunti ya Laikipia. Kwa hili Bunge ninawakilisha Kaunti nzima, sijatumwa kwa wadi kidogo. Kama utatudharau eti tumeletwa hapa kwa sababu ya nini, hata ukicheka na useme nini Mheshimiwa Zamzam hatabanduka.

Laikipia Kaskazini sasa hivi tuko na mambo ya usalama hatulali usiku na mchana. Bado tuko na mambo ya usalama na tunafinyiliwa mambo ya uajiri. Vijana wetu mnataka waende wakuwe wezi? Sijakuja kujitetea kibinafsi, hakuna mfugaji amenung'unika vile nilikuwa ninafanya. Sijui kama kulikuwa na manung'uniko ukiwa kwenye hicho kiti na niko na haki ya kuongea. Ukiongea ukitutishia na kuzunguka ati Mheshimiwa Zamzam alikuwa na nani hayo ni yako na hayatutishi. Wacha nikwambie kama unanitaka njoo moja kwa moja, wacha kuwasumbua watu huko. Ala! Kwani namna gani? Unajua sisi Wasomali huwa tunasema kila nafsi itaonja mauti na ni siku moja na dakika.

Kwa hivyo Bwana Spika sisi tunaomba utuheshimu hata kama hatuna namba. Ulete mswada wetu kwa sababu hakuna mtu tumekuja kupiga ili tuendelee na Bunge. Hili Bunge ni la heshima na hatubebani ugomvi mpaka kwa mitandao au matusi kubwa na hatungetaka ifike hapo kwa sababu sisi wote ni marafiki. Ikifikia upande wa kukwaruzana itategemea kwa urefu wa meno na ukali wa kucha.

Hakuna mtu ambaye alikuja hapa kusumbuana ama kuonekana chama kilichomleta. Wakati mwingine utaniona kwa cheo fulani hadi ushtuke. Wewe sio Mungu, kwa hivyo wacha kukejeli watu na kuwasurubu. Ya Ndai na Biwott ililetwa kwa hili Bunge na hakuna mtu ambaye alidharau. Kila mtu alikuwa kipao mbele ya kuleta hizo miswada za kuwaondoa. Kulikuwa na zingine ambazo zilikuwa zifuate lakini hatukuwa na huo ugomvi bali tulielewana. Sijui ni nini hiki kinafichwa hadi watu wanakuwa *personal* hadi unatumiwa watu. Wacha hayo mambo bwana. Chunga usininyooshe kidole cha lawama nami nikunyoshee tano.

Kila mtu hapa yuko na akili yake na tunajua kila kitu. Kwa hivyo kama ni kuelewana vile Kanyutu na Mutahi wamesema, tuketi chini maana hakuna MCA mkuu. Mimi ndiye MCA mkuu ambaye anapigania wafugaji Kanti la Laikipia. Mheshimiwa Spika, wewe ukiketi kwa hicho kiti mimi nakupigania wewe mwenyewe na hata Jacob Endom. Mimi napigania wafugaji wangu na sitarudi nyuma kwa sababu sikuletwa hapa kuwa maua ya kaunti.

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Deputy Speaker: Order Hon. Hussein! Sorry for that interruption. Hon. Stephen, any other time stop echoing any other Member. You may proceed.

Hon. Salma Zamzam: Bwana Spika, nimesema hata wewe ukiketi hapo ninakupigania na ninapigania haki yetu kwa sababu sikuletwa kuwa maua ya Kaunti eti watu wanashangaa tukibishana. Tumbo yenye imeshiba haijui yenye imelela njaa. Mimi narudia kusema ya kwamba watu wangu walifurahi sana mpaka Kaunti zingine za jirani kwa sababu tulikuwa tumenyanyaswa. Kila mtu anaongelea watu wake kama vile Mheshimiwa ameweza kuongea kuhusu watu wake wa Umande. Kwa kweli tukiangaliwa hivi na wafanyikazi wa hii Kaunti unaweza kuta ya kwamba wafugaji ni 5% pekee na wako kwa cheo kidogo sana. Ndio maana mimi nalilia haki.

Hata ukinicheka, unikejeli ama uniangalie vibaya mimi nitaongea usiku na mchana na nitatea hao wafugaji ambao walionileta kwa hili Bunge. Uhuru Muigai Kenyatta akiwa pale pia ananiangalia kwa sababu alinituma hapa kwa sababu aliona inafaa Zamzam anafaa kutetea wafugaji. Ni kwa nini nimuangushe chini au niangushe wachungaji. Sisi tulikuwa tunaomba hata kama ni kupandishwa cheo waangaliwe na tusitoke nje kama mswada haujafika kwa sababu ombi letu ni huo mswada ufike.

Tumesikia ya kwamba HBC ilifanya kazi ya busara na ni sawa. Uongozi wa hili Bunge haujajumuisha wanawake. Mimi ningekuwa pale ningesukuma hao wanaume waone kama mambo inaweza kuwa sawa. Hamuoni kina mama ambao muko nao ndani ya nyumba ambao ni bibi zenu na mama zenu? Kwani hamtumii sheria ya kijinsia? Hata hayo maneno tutaangalia. Mimi sina mengi bwana Spika. Asante kwa kunipatia huu muda hata mtu akisimama anikosoe nilikuwa ili shida yangu iangaliwe.

Hata hao wafugaji waangaliwe zile cheo ambazo wamepata turudi tuangalie kama wako na shahada na kama wanaweza pata cheo kubwa kama ya HR. Ninaheshimu hili Bunge na nitazidi kuiheshimu na hata leo ikitakikana twende tuone kama iko na sarakasi ni sawa tu. Kama kutetea haki imekuwa aibu, mimi sio aibu na hata kutoa nguo inawezekana. Mtu asiabike kwa sababu nimeongea kwa sababu nililetwa na chama nitetee watu wangu wafugaji ambao masomo na barabara zimekuwa shida. Kila siku tunasumbuliwa na hata tunasumbuliwa kwa ajira. Ninasema kwa sababu ya akili yangu na kama imekuuma naomba unisamehe. Tukitoka nje usiniangalie vile tunavyoangaliana hapa karibu uteme mate. Wewe nisalimie kwa sababu naenda kulala kwangu.

Hon. Jacob Endom: Asante sana, Bwana Spika. Nafikiri yangu ni chache kwa sababu ni tu kuambia Waheshimiwa ya kwamba hili Bunge ni letu zote. Siasa za Bunge hazijaanza leo lakini zilianza kitambo na hata tulipata zikiendelea. Wengine hapa mukiona siasa za Bunge mnaanza kukasirika na hamna urafiki na mtu. Sisi wengine tulizoea siasa. Hata Mheshimiwa Robert leo nimekupigia simu kwa sababu ninajua ya kwamba siasa itaishia hapa na tukitoka hapo nje tuendeleze maisha kama kawaida. Wengine wanaona eti tukilimana hapa ni kama hata hapo nje hatuwezi kunywa chai.

(Deputy Speaker left the Chair)

(Speaker took the Chair)

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Mimi nililetwa hapa na watu wa Sosian na sio kwa uzuri. Nililetwa kama mwenda wazimu ili niache wengine wazuri huko. Kwa hivyo ndio maana mnasema ya kwamba Jacob ni MCA mkuu. Niliambiwa niache wengine huko mashinani ili nami nije niwakoroge hapa. Kwa hivyo ile kitu ambacho mnafanya mimi sioni kama mnafanya vibaya kuleta mjadala lakini tufuate ile njia ambayo tulifuata wakati ambao tulileta mjadala wa Ndai. Tuliitana na tukakaa pamoja na tukasema tutaelekea hivi lakini sasa nyinyi ndio mulienda vibaya wakati mlienda kugawanya. Mkaenda katimu fulani ikaenda kuanza vita na timu nyingine. Kama mwanaume ukiona vita ikija ni lazima upigane hiyo vita. Ndio mimi ninawaambia ya kwamba walete huo mjadala kwa sababu tuko tayari kama hiyo ndio inaleta vita kwenu.

Juzi tulikutana kwa hili Bunge na hata hatukuwa tunajuana na hili Bunge ndilo limefanya tujuane. Sisi wengine ni watu wazima ambao hatulingani kwa miaka kwa sababu wengine kama sisi ni wazee na hatuwezi kubali ile sarakasi ambayo mnaendesha hapo nje. Mzee kama mimi ambaye niko na watoto zaidi ya thelethini nikionekana nikifanya hiyo tabia hapo watoto wangu watauliza ni tabia ipi hiyo. Ndio maana mimi niliondokea nikasema hawa vijana waende wafanye sarakasi yao huko. Mtu kama Kaparo akionekana huko ni aibu. Kwa hivyo mimi nikiona Chris Mark akifanya, yeye ni kama *my daughter* na akifanya vile hiyo ni kazi yake. Akifanya hiyo kazi mimi kama Jacob ninafurahia.

Hon. Simon Kanyutu: Mheshimiwa Spika, Mheshimiwa wa Sosian amesema ya kwamba Chris Mark ni msichana wake. Mheshimiwa Jacob anachanganya lugha na ndio maana amesema ya kwamba Mheshimiwa ni *Daughter*. Labda anaweza kutuelezea ni kwa nini anaita Mheshimiwa Chris Mark msichana wake.

Hon. Jacob Endom: Asante sana, Bwana Spika. Ndio maana niliambia Waheshimiwa tukubaliane na tucheze kwa sababu hii biashara tutaifanya vile tulikuwa tumefanya hapo awali kwa sababu sisi hatukuwa tumekataa hii kitu. Tufuate utaratibu tulioufuate na tuendelee. Mlivyofanya sio vibaya kwa sababu ni lazima muamshe watu akili ili wajue ya kwamba nyinyi ni viongozi wa hili Bunge lakini sio vita na kujibizana na kupigana kifua.

Mimi nimetoka Sosian na kulingana na yale maisha ambayo iko huko ni ya wafugaji. Sisi hulimana huko lakini wazee wakiingia kati kati hayo maneno yanaisha. Kwa hivyo mimi naambia Waheshimiwa ya kwamba ni vizuri kuitisha kikao tukae kwanza ili tuongee kama wazee wa nyumba. Mukiongea mshindikane, basi tutaleta kila kitu kwa sababu vita iko kila mahali hata kwa serikali kuu na hata manyumbani. Wanafanya sarakasi hapo nje hadi watoto wanalia. Kwa hivyo mimi sioni kama ambayo mnayoifanya hapa ni mbaya. Hayo ni mambo ambayo hii dunia yote inaelewa. Ningetaka kusema ya kwamba tuheshimiane kwa sababu hatulingani na tuko na mila tofauti. Kitu kizuri ni tuwe kama viongozi ambao walichaguliwa na wananchi ili tuwatetee.

Tuliletwa hapa na wananchi ili tuwatetee na tuone ya kwamba wamesaidika. Tusione ya kwamba ni kama kwa hii miaka mbili ambayo imebaki ni kama wananchi hawaoni ni nini ambacho tunafanya katika hili Bunge. Kuanzisha heshima yako hapa itafika hadi huko kwako na watajua vile uko kwa sababu hatukuchaguliwa kimakosa. Walituchagua wakijua ya kwamba sisi ni viongozi wao ili tuwatetee tukiwa tumechaguliwa au kuteuliwa.

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Kwa hivyo naomba mutulie na Bwana Spika uitishe kikao kwanza ili hawa watu wakae chini watoe maoni yao. Niliona hata kwa Bunge la Taifa watu 180 wakitia sahihi lakini wakati walienda kikao wakamaliza kwa hicho kikao chao. Kama hawaridhiki basi mjadala ije katika hili Bunge kwa sababu ikija hapa wanaume watanyoroshana na huwa maridadi kwa sababu tukinyoroshana hapa hakuna hata siku tena mimi nitaleta mjadala wangu uniunge. Utakuwa unaunga biashara ya kwako na ile timu ingine ambayo itashinda iunge timu yao na hiyo ni kugawa Bunge na kama kiongozi singetaka hivyo.

Kwanza nilikuwa nataka mshikane muongee kama watu kwa sababu sisi ni kama mandugu tukiwa hapa na kwa hivyo ni vizuri sana kwanza kujadili. Wacheni kujionyesha ya kwamba nyinyi ni wenye nguvu. Miaka mbili iliyobaki hiyo nguvu yenu itakuwa imeishia kwa wananchi. Huku mnapigana na kwa wananchi mnanyoroshwa. Tengeneza wananchi kutoka mashinani na ukija hapa uwe ukijua ya kwamba ukirudi pale wananchi watakuchagua tena lakini kuna kazi bure hapa kwa Bunge haitawasaidia.

Bwana Spika, mimi kama Mheshimiwa wa Sosian leo hii ninaomba kitu moja. Nimesikia Mheshimiwa Mutahi na Kanyutu akitaja hilo jambo la kuitisha kikao ili tuwasikize na kama hawatakubaliana basi wacha itandikwe kwa meza na tuumane kwa hiyo meza. Leo kila mtu alikuwa anajua atakuja kuongea nini hapa kuhusu huo mjadala. Msijipige kifua kwa sababu hata Ndai tulimsukuma na nyinyi mbali na sasa yuko kwa ofisi. Hiyo ikija hakuna mtu ambaye alikuwa anapinga kwa sababu mimi niliwaita na tukakaa chini zote na kukubaliana kwa sababu makubaliano ni mazuri sana katika hili Bunge.

Hakuna mjadala mwingine wowote ambao uliwahi kuleta tata kama huu katika hili Bunge. Umeleta tata kwa sababu hatukukubaliana kwa kikao. Tungekubaliana huu mjadala ungekuwa umepita kwa ule utaratibu ambao unastahili. Kwa hivyo Bwana Spika mimi nitafikisha hapo na ninaambia Waheshimiwa wacheni kupigana kifua na kujifanya ya kwamba nyinyi ni *Dictator*. Kwenda ujifanye *Dictator* kwa ile wadi ambayo wewe umechaguliwa kama vile mimi ni *Dictator* wa Sosian lakini sio hili Bunge. Mmesikia? Wewe kama unawakilisha kwako kwa kupiga kifua, mimi hautanipigia kifua kwa sababu hautanitoa. Nililetwa hapa na watu wa Sosian na hao ndio watakaonitoa ikifika wakati wa kutolewa wakiniambia ya kwamba sikufanya kazi nzuri na wanielekeze nyumbani lakini sio nyinyi.

Juzi niliwaambia ya kwamba siwaogopi na tutalimana na nyinyi hadi dakika ya mwisho. Kwani nilichaguliwa kwa uzuri ili nije hapa? Si walijua ya kwamba mimi ni mkorogaji wa watu huko kijijini na ndio wakanileta hapa. Mheshimiwa rafiki yangu huko mwenyekiti wangu wa CPAIC, mimi tu ni kama wewe. Ukichemka ninachemka na ukitulia pia ninatulia. Si unaona ya kwamba nimetulia? Kwa hivyo tutulie vile Mheshimiwa Mutahi alisema wacha twende tukae kama wazee tujadiliane na tutoe maoni yetu. Nilipenda vile Mheshimiwa Mutahi na Kanyutu walisema ili tumalize hiki kitu kwa kikao.

Bwana Spika, sisi tulikuwa na desturi ya kwamba ni Waheshimiwa pekee yao ambao tulikuwa tunakutana halafu tunanyoroshana. Hatutaki mtu mwingine ndani na mtu aache kusema ya kwamba ameteuliwa kwa sababu ukiwa kwa hili Bunge wewe ni Mheshimiwa. Ule mshahara ambao mimi hupata ni kama ule ule tu mimi napata. Kwa hivyo tuweke heshima na tuwache vita. Kwa hivyo nafikisha hapo na ninashukuru kwa hiyo nafasi.

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Hon. Salma Zamzam: Asante, Bwana Spika. Ningetaka kuarifu ndugu yangu na ni asante kwa sababu ametuambia ya kwamba sisi Waheshimiwa sote ni sawa na sio kwa mshahara pekee. Mimi nawakilisha Kaunti nzima ya Laikipia kuanzia Mukogodo ya chini mpaka wa Isiolo, Turkana hadi Baringo. Mimi huwa na kazi kubwa sana ni vile nyinyi huwa hamjui. Ninashindwa hata kufika huko kwa sababu ya *mileage* wakati mwingine. Kwa hivyo mimi huwakilisha watu wengi hata kumshinda yeye.

Hon. Jacob Endom: Bwana Spika, ninashidwa ni kwa nini Mheshimiwa anaongea hivyo. Unajua mtu huanzia hivyo tu akitaka vita na mtu na mimi sina vita naye. Wacha tu ninyamaze.

Speaker: Nilikuwa nataka Mzee Kaparo atufungie lakini wacha nipatie Mheshimiwa Kaparo halafu Naibu wa Spika atufungie.

Hon. Chalumbo Ole Kaparo: Asante sana, Bwana Spika. Ninashukuru Mwenyezi Mungu na kila mmoja wetu na pia wale ambao wamechangia tangu saa nane na nusu. Nimeketi hapa na kuangalia na nikasikia na hata nikaona. Nimeona yale mambo ambayo inaendelea hapa lakini nikiangalia sijaona jambo lolote ambalo limeendelea vibaya kwa sababu kila Mheshimiwa hapa ameongea yake. Kila Mheshimiwa ambaye amesimama hapa aliletwa hapa kwa njia yake na ameongea kwa ile njia ambayo inamfaa.

Mheshimiwa Spika, tangu sisi tuje kwa hili Bunge hasa mimi ambaye nimekuwa kwa hili Bunge tangu 2013, wengine walinikuta na wengine tumekuwa pamoja. Mimi sina akili zaidi kuliko wale ambao walikuwa hapo awali ama wale ambao walinikuta hapa. Hata yule ambaye alikuja jana ako na akili kama mimi au hata zaidi.

Mheshimiwa Spika, ni vizuri watu kuongea mchana kwa sababu sisi jamii zingine husema ya kwamba tukiongea mchana tunaangalia kwa macho na tukiongea usiku tunasikiza roho. Sio vyema Mheshimiwa yeyote akisimama hapa na wengine wanacheka huko na kuongea chini chini. Haina maana, sikiza yeye na wewe pia upate nafasi yako ya kuongea yako. Mimi kama mwakilishi wa watu wa Segera hasa nimewakilisha Segera mara mbili na sijakuwa nikiwakilisha kwa nusu akili lakini akili yangu ikiwa sawa. Ninasimama hapa na hakuna siku yoyote ambayo nitasukumwa na mtu niseme yale ambayo sikuwa nataka kusema. Hakuna siku ambayo pia nitakayounga mkono mtu yeyote au kundi bila akili yangu kunielekeza.

Mheshimiwa Spika, Mheshimiwa yeyote ambaye ameongea kutoka saa nane na nusu ninawapongeza kwa sababu hiyo ndiyo kazi yao ambayo imetuleta hapa. Kazi ya Bunge la kitaifa na la Kaunti, kwa watu ambao wanaelewa mambo ya Bunge, sio maneno ya kupigana lakini ni ya kuongea na watu kucheka. Kwa mfano sisi tulikuwa kwa hili Bunge tukiwa na mjadala wa Katibu wa Kaunti. Mimi nilikuwa kwa upande wa kuunga mkono na tukaangushwa katika hili Bunge lakini sikukasirikia mtu yeyote. Tulitoka hapa tukiwa marafiki tukijiambia ya kwamba leo tumeshindwa lakini kesho tutashinda na hiyo ndiyo kazi ya Bunge ambayo nataka tufanye.

Mambo ya kuita wengine majina haistahili lakini inastahili tupeane heshima kwa sababu Waheshimiwa ni watu ambao wameheshimika na wale watu ambao wako nje. Yeye mwenyewe hajiiti Mheshimiwa lakini wale ambao wamemleta hapa ndio ambao wanamuita

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Mheshimiwa na wanajua ya kwamba yeye ni Mheshimiwa. Bwana Spika, kidogo nimekereka roho kwa yale ambayo yanaitwa porojo. Wengine wanasema ya kwamba wale Waheshimiwa wa zamani ndio ambao wanatumika vibaya kwa hili Bunge.

Wengine wanasema ya kwamba mtu kama Kaparo ambaye ametoka kwa upande ulio na wachache. Ndio nimetoka kwa wachache lakini ningetaka niulize ambaye alikuwa ameleta porojo, je wale wakikuyu ambao wako Segera, hawana haki ya kupata kazi? Hao wakikuyu wanaangalia nani kama mwakilishi wao? Hiyo ndio porojo ambayo ninasikia na ninasema ya kwamba wale Wakikuyu ambao wako Segera ninawahesabu kama wachache na huo ndio ukweli wa mambo na nitasimama na hayo na nitazikwa nayo.

Mheshimiwa Spika, ule mjadala ambao kila mmoja wetu alikuwa anatarajia ifike hapa, mimi niko katika HBC lakini Waheshimiwa walisomewa sheria na mimi naona ya kwamba kuna mahali umetusomea vizuri. Ninaamini ya kwamba huo ndio ukweli. Nikisimama hapa na nitake kutoka nje sitapita kwa ukuta lakini nitapita kwa mlango kwa sababu hakuna mtu ambaye amekataa mjadala. Mimi kama nitapiga kifua niseme ya kwamba huo mjadala uje tuangushe au tupitishe, haistahili. Wewe tafuta namba na utafute kwa njia iliyo halali. Tembea usiku kama vile unavyosema ya kwamba mikutano ilifanywa. Hiyo ni porojo tu. Ni nani ambaye amekukataza ufanye mikutano yako?

Hiyo haistahili hapa. Wewe enda ufanye mkutano na uende usiku kama vile umesema ya kwamba wengine wanafanya. Hata mchana nitafanya jua ikisimama lakini ile ya muhimu zaidi ni heshima kwa hili Bunge. Kutofautiana katika hili Bunge sio kitu geni au ya kukasirisha watu na kutengana lakini hiyo ni kawaida ya siasa. Wale wengine ambao wanajua kidogo mambo ya siasa ambao ni wa zamani walioitwa Madiwani, wakati wa kuchaguliwa diwani mwenyekiti wengine walikuwa wanapelekwa Nairobi na unasikia mwingine ashachaguliwa. Wengine walikuwa wanapelekwa Mombasa kuvishwa na sio vita bali ni mbinu ya kutafuta.

Kwa hivyo Waheshimiwa hata tukiendelea kuongea kuhusu huu mjadala sisi ni watu ambao wameheshimiwa na tunawakilisha zaidi ya watu elfu mia tano katika Laikipia. Hakuna Bunge la pili bali ni hili tu ambalo watu wa Laikipia wanaangalia. Wanajua ya kwamba wamewatuma hapa ili muwaakilishe. Watu ishirini na nne wanawakilisha watu elfu mia tano. Fanya hilo hesabu, mtu mmoja anafaa kuwa anawakilisha watu wangapi?

Kwa hivyo Waheshimiwa watu wanatuangalia usiku na mchana. Mimi nimalizie nikisema ya kwamba mambo ya kuongea huko nje na kupigana ni tofauti na hili Bunge. Wale ambao wanaelewa kwa sababu kuna wengi ambao wanaelewa mambo ya Bunge ya Kitaifa, sisi tunaelewa kidogo na kwa hivyo hatuwezi kuongea maneno ya mtu ambaye amefungwa mdomo hapa kama mfanyikazi na pia hana nafasi ya kuongea hapa na pia hajawahi kusikika mahali. Kwa hivyo Waheshimiwa twende kwa utaratibu na kama ni mjadala hapana jipiga kifua sana. Itisha tu kwa utaratibu kwa sababu unaweza kujipiga kifua na huo mjadala wako uangushe na wewe utaendelea. Kama huo mjadala ulikuwa umeletwa hapa ungekuwa umeangushwa kitambo ama ukapita. Sisi basi tungekuwa na biashara ingine.

Waheshimiwa, isiwe ni biashara ya kuja kutugawa hapa. Kama mtu ana makosa yoyote na hakuna utaratibu wa kumtoa hapa, basi ni wewe na mimi. Hakuna yeyote hapa ambaye anaweza kuleta mjadala wa kutoa Kaparo au Mheshimiwa yeyote hapa. Ule mjadala ambao

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unaweza ukaletwa hapa labda watu wa Segera waje na hiyo siku kwanza ninaweza kupitishwa mlango wa nyuma.

Mheshimiwa Spika, mimi narudia vile wengine wameomba ya kwamba usimame imara na usimame katikati kwa sababu hawa watu wote ni wako wenye wameleta mswada na pia wenye wanapinga. Hakuna haja hata siku moja uwe ukipendelea mtu yeyote hata kama ni mimi Kaparo. Simama katikati kwa hicho kiti ambacho tulikupatia mchana bila kupendelea yeyote. Kama Kaparo analeta mjadala ambao hauko kwa sheria basi simama kwa sheria na hilo ndilo kauli langu.

Ninaomba tuheshimiane na tuepuke maneno ya kutusiana katika hili Bunge hata kama maoni yetu ni tofauti. Vile *Serjeant at Arms* wameletwa hapa kujaza Bunge sio makosa kwa sababu wanalipwa na serikali na wako na haki ya kukaa popote na kwa hivyo sioni wakiwa na makosa. Waheshimiwa kama ni mimi naulizwa ninaweza sema tuheshimu kila mtu hata kama anatoa maoni tofauti na ya mwingine. Mimi nimekuwa nimeketi tangu saa nane na nusu na sijashangilia mtu yeyote au kuongea kichini chini kwa sababu ninaheshimu kila mtu. Nitaendelea kusimama na watu ambao wanajiita wachache. Asante.

Hon. Daniel Nyausi: Thank you, Mr. Speaker for giving me this chance to comment on the communication that you have made. Allow me to start by saying that that motion tried to find its way last week but it did not make it to HBC. I need to thank you because I told you that there is a need for us to have an extra HBC meeting on top of the one that we usually do per week and you agreed but unfortunately the HBC Committee did not have a quorum. We could not also proceed without quorum because it is the law.

Mr. Speaker, today when we received the same motion, I used the wisdom of the same committee that that motion cannot find its way in this House. We are here serving this House as well as protecting it and we will not go in a way that will demean the standards of this House. We must always protect and uphold this House by ensuring that this is a House of order and respect.

Mr. Speaker, that is not the end because there is a process to go about that. We are very happy that there is still a way so that at least the Members can quench their thirst. I might not be seeing that thing today but it can help me. So it is always good to listen and I will urge the Hon. Members to follow the rules and procedures to make sure that we will get what we think is good for our people.

Mr. Speaker, also allow me to say that we have got a few Members commenting on why we have the Serjeant at Arms guarding the Mace and why the doors are closed. If tomorrow it will be raining nobody would ask me not to take an umbrella or a heavy coat because of the weather. All of us have got different duties and therefore if the Serjeant at Arms sees that the weather is not good for their job, they have to do what they think is right for them including closing the doors because that is their work.

So let us respect each other and follow the right procedures. At least I am happy that we have got a communication. Members, please let us learn not to force for illegality but always try to find new means for our voices to be heard in the right way. Thank you.

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Hon. Catherine Kibue: Asante, Mheshimiwa Spika. Kwanza nikushukuru kwa mwongozo ambao umetupatia. Ningetaka kusema ya kwamba wakati hauko na kwa sababu ofisi haijafungwa, ningefurahia kama tungeongozwa vile umetuongoza kwa sababu kama tungekuwa tumepewa haya maagizo wiki iliyopita, hatungekuwa tumefika hapa.

Hon. Daniel Nyausi: I need a bit of clarification Mr. Speaker. I would like the Member to clarify to this House, how could the communication be given out if the matter had not been heard. Mr. Speaker, the committee that is supposed to approve the business of this House did not meet to approve this matter. So then how do you expect the communication even before going the said motion?

Hon. Catherine Kibue: Asante sana, Bwana Spika. Ningetaka kufahamisha ndugu yangu ya kwamba tulienda kwa ofisi ya naibu wa karani na akatupa maagizo na akatusomea sheria na tukafuata. Kwa hayo Bwana Spika, sitaki kusema mengi kwa sababu wengi wamesema. Ningetaka tu kusema ya kwamba *'mgala muue na haki umpe'*. Kwa hao wanyonge kwa hili Bunge tungeomba ya kwamba tupewe haki yetu. Mimi kama Catherine ninasimama kwa miguu yangu na ninasema ya kwamba hao ambao wanaenda kwa hizo mikutano wanabebewa akili. Mimi ni mama wa watoto wawili na ni bibi ya mtu na kwa hivyo sibebewi akili na mtu na ninasema ambayo iko na akili yangu na pia nafuata dhamiri yangu. Asante.

CONSIDERED RULING

OBSERVATION OF LAW AND ORDER

Speaker: Thank you, So much Hon. Members. We have really deliberated a lot and I would wish to clarify that even when I am not present, my office still works. It is only that this advice could have been given earlier only that HBC Committee did not meet and also the moment when the motion came to the HBC, there was no quorum. Therefore, the other meeting that we have had since that time is today morning and I think that we have advised accordingly.

Hon. Members, I will continue to say that let us be followers of the law and ensure that as we make laws we are also charged to follow the same. We will appreciate as some of us have said that we have heard some impeachment motions in this House of some people who were approved in this House and when that procedure gives us the mandate to do that, then we shall do exactly that.

I believe that there is a procedure to be followed for the removal of the greatest or the smallest man in the land. Let us make sure that we follow that procedure and we guard the laws that we do make. Otherwise I thank all of you for the many remarks and comments that you have made. Mine is to continue asking ourselves to give the Hon. Members of this House and also workers as brothers and each one of us have their different ways of viewing things. When your opinion and mine do not agree we have to respect each other's opinion.

Hon. Kaparo said a very important thing that when we have one Member contributing, let us not make noise but listen to him/her because they are entitled to their opinion. Therefore, it is important for us to respect one another. I know that we as Hon. Members will do exactly that. Before we go to the next order I would still want us to remind ourselves that we are in times of COVID and the COVID rules must be keenly observed so that we ensure that we still

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do the social distancing here in the Assembly and also outside. Whether we have these issues that we want to express no matter in what manner we must observe the rules.

I believe that we are supposed to protect ourselves because by so doing you protect the other person. It is important so that we do not remain to be asked many questions that we have seen Members in the television and the only issue I had was not for the Members to be seen on television but the issue of having the masks and observing social distance. I have a problem with that and therefore let us ensure that wherever we go as leaders we observe the Ministry of Health guidelines. Even the President of this nation is very clear that it doesn't matter who we are either a leader, a great government official or state officer, let us ensure that we observe the guidelines of the Ministry of Health. I believe that we are going to do that and I hope that we shall adhere to that.

Secondly, as we said we will still have the need to go through the test. It is important as a Member if you can even take the test voluntarily because I have seen a member who went and did the test. Therefore, it is important for us to know our status because when I know my status and if I turn to be positive then I will quarantine myself and I will not risk the lives of others by spreading that disease unknowingly. So it is important for us to know so that you can guard your family and your colleagues and can be able to go and seek medication as required. Therefore, let us make sure that we also voluntarily go and seek to know our status as far as covid-19 is concerned. Thank you, Hon. Members.

MOTION

RECONSTITUTION OF COMMITTEE ON APPOINTMENTS

Hon. Mutahi Muritu: Thank you, Mr. Speaker, Sir. I beg to move the following motion;

THAT, pursuant to the provisions of Standing Order No. 184 (1) and 184(2), this House approves the appointment of the following Members to the committee on appointments;

1. Hon. Patrick Waigwa - Speaker
2. Hon. Peter Thomi - Leader of the Majority
3. Hon. Jacob Endom - Leader of the Minority Party.
4. Hon. Judy Lukio
5. Hon. Joseph Suge.
6. Hon. Patricia Muthoni.

Thank you, Mr. Speaker and I call upon Hon. Matunge to second the motion.

Hon. Peter Matunge: Mr. Speaker, I don't know who advised the Hon. Member to call me to second this motion because I am not ready for any business and therefore I am not seconding this motion.

Speaker: Hon. Mutahi, you can look for another person who can second that motion.

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Hon. Mutahi Muritu: I call upon Hon. Ndiritu to second the motion.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nafikiria ya kwamba kulingana na vile biashara iko na kulingana na vile tunaona katika hii *Orodha ya Biashara*, siwezi kuunga huu mswada. Tunajua ya kwamba sheria inasema ya kwamba wakati mswada umepingwa unakufa hapo na kwa hivyo hatuwezi kubali kitu kama hicho kiendelee hapa.

Speaker: Thank you, Hon. Members. I will give the ruling on that tomorrow on the issue of that Committee on Appointment. There are three Members who are supposed to be approved who are Hon. Judy Lukio, Hon. Joseph Suge and Hon. Patricia Muthoni but I will give a ruling on that. I also know that for that motion where it fails to come to the House again, it will take us another six months. Yes, we have serious business to do on vetting but the only way for it to come is by changing the content of the motion by changing the Members which also will disrupt our committees but since we cannot hold this House at ransom and it cannot even vet the CECM's, I think the better way is to change the names. I think that we can now get into the business of committees.

ADJOURNMENT

Speaker: This House now stands adjourned until tomorrow Wednesday, 18th November, 2020 at 9.00 a.m.

The House rose at 5:20 p.m.

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