

Approved for tabling. *BN*

*SWA*  
*4/12/18*

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SECOND SESSION, 2018

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THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE PETITION TO INTRODUCE A NEW NATIONAL DAY  
“NATIONAL PEACE DAY” ON 9<sup>TH</sup> MARCH

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 DEC 2018	DAY: WED, MORNING
TABLED BY:	CHAIR, JUSTICE & LEGAL AFFAIRS COMMITTEE
CLERK-AT-THE-TABLE:	Moses Lemwa

DIRECTORATE OF COMMITTEE SERVICES

CLERK'S CHAMBERS

PARLIAMENT BUILDINGS

NAIROBI

DECEMBER, 2018



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## **ABBREVIATIONS AND ACRONYMS**

Hon- Honourable

M.P. - Member of Parliament

NA -National Assembly

Ref- Reference

**LIST OF ANNEXES**

**A. Adoption List**

**B. Committee Minutes**

### **CHAIRMAN'S FOREWORD**

The Speaker, Hon. Justin Muturi, conveyed this petition to the House on 25<sup>th</sup> October, 2018 in accordance with the provisions of Standing Order No. 225 (2) (b). The petition seeks to amend Article 9(3) of the Constitution to include a new national day that will be known as “National Peace Day” to be observed on 9<sup>th</sup> March.

The Petition was referred to the Departmental Committee on Justice and Legal Affairs for consideration and preparation of a report within sixty days in line with the requirements of Standing Order 227.

In considering the Petition, the Committee, during its sitting held on 13<sup>th</sup> November 2018, met with the petitioner Mr. Peter Mugo Mukua. The meeting was aimed at inquiring into the issues raised in the Petition.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition.

On behalf of the Committee, and pursuant to Standing Order, 227 it is my duty to table on the Floor of the House the Report of the Committee on the petition.

**Hon. William Cheptumo, MP**

**Chairperson, Departmental Committee on Justice and Legal Affairs**

## CHAPTER ONE

### **1.0 PREFACE**

#### **Mandate of the Committee**

The Departmental Committee on Justice and Legal Affairs derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- (b) study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;*
- (c) study and review all legislation referred to it;*
- (d) study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- (e) investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)*
- (g) examine treaties, agreements and conventions;*
- (h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and*
- (j) examine any questions raised by Members on a matter within its mandate.*

The Second Schedule of the Standing Orders on Departmental Committees further outlines the Subjects of the Committee, as follows-

- (a) Constitutional affairs;

- (b) The administration of law and Justice
- (c) The Judiciary;
- (d) Public prosecutions;
- (e) Elections;
- (f) Ethics, integrity and anti-corruption; and
- (g) Human rights.

### **1.1. Committee Membership**

The Committee was constituted on Thursday, 14<sup>th</sup> December, 2017 and comprises the following Honourable Members-

Hon. William Cheptumo, M.P.	–	<i>Chairperson</i>
Hon. Alice Muthoni Wahome, M.P.	–	<i>Vice Chairperson</i>
Hon. John Olago Aluoch, M.P.		
Hon. Roselinda Soipan Tuyu, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Johana Ng'eno, M.P.		
Hon. William Kamoti Mwamkale, M.P.		
Hon. Ben Orori Momanyi, M.P.		
Hon. Peter Opondo Kaluma, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. Beatrice Adagala, M.P.		
Hon. Gladys Boss Shollei, CBS, M.P.		
Hon. John Munene Wambugu, M.P.		
Hon. George Gitonga Murugara, M.P.		
Hon. Anthony Githiaka Kiai, M.P.		
Hon. John Kiarie Waweru, M.P.		
Hon. Japheth Mutai, M.P.		
Hon. Adan Haji Yussuf, M.P.		
Hon. Zuleikha Hassan, M.P.		



## **1.2. Committee Secretariat**

Mr. George Gazemba	-	Principal Clerk Assistant II
Mr. Denis Abisai	-	Principal Legal Counsel I
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III
Ms. Fiona Musili	-	Research Officer III
Mr. Omar Abdirahim	-	Fiscal Analyst III
Mr. Joseph Okongo	-	Media Liaison Officer
Mr. Hakeem Kimiti	-	Audio Officer
Ms. Roselyne Ndegi	-	Serjeant-at-Arms
Mr. Richard Sang	-	Serjeant-at-Arms

## CHAPTER TWO

### **2.0 CONSIDERATION OF THE PETITION**

The Committee commenced its consideration of the Petition by meeting the Petitioner on 13<sup>th</sup> November 2018. During the meeting, written and oral evidence was adduced as noted hereunder:-

### **2.1 Submissions by the Petitioner Mr. Peter Mugo Mukua**

In his petition, Mr. Peter Mugo Mukua sought to draw the attention of the House to the need to amend the Constitution of Kenya in accordance with Article 256 (Amendment of the Constitution by parliamentary initiative) in Article 9(3) to include a new national day that will be known as “National Peace Day” to be observed on 9<sup>th</sup> March.

During the meeting with the Committee the petitioner submitted as follows-

THAT, peace in Kenya had been elusive for decades which had brought challenges including negatively impacting the economy and worsening tribal and societal conflicts;

THAT, the handshake between His Excellency the President of the Republic of Kenya Hon. Uhuru Kenyatta and the former Prime Minister of the Republic of Kenya the Right Honourable Raila Amollo Odinga on 9<sup>th</sup> March, 2018 at Harambee House was historic, surprising and unanticipated given the events before and after the General Elections of 2017. In his opinion, this event had had a huge impact not only in Kenya but in the region, inspiring other efforts towards cohesiveness, and nationhood;

THAT, the national day would be the best way to commemorate this event. The national day would be an opportunity for Kenyans to have special events to commemorate the day including cultural events, national prayers, showcasing social-economic achievements, declaring peace and truce among communities, reflecting on

the successes and challenges of the preceding year and recognizing peace ambassadors, among others;

THAT, including 9<sup>th</sup> March as a national day will emphasize the importance attached to peace and cohesiveness among all Kenyan communities as the pillar to social economic growth as an endeavour to achieve Vision 2030; and

THAT, seeking a constitutional amendment instead of having the day gazetted was because the Cabinet Secretary could only gazette a public holiday but not initiate an amendment to the Constitution to introduce a National Day.

The petitioner confirmed that the issues in respect of which the petition was made were not before any court of law or any legal body.

**The petitioner therefore prays** that Parliament initiates a motion to include 9<sup>th</sup> March as a national day that will be known as “National Peace Day”.

## CHAPTER THREE

### COMMITTEE FINDINGS AND RECOMMENDATIONS

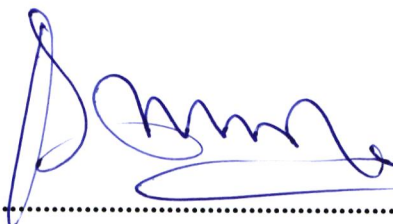
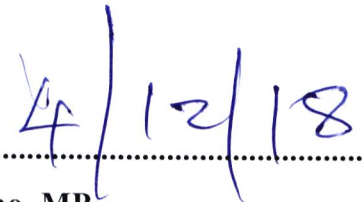
#### 3.1 Committee Findings

The Committee made the following observations from the evidence adduced in the meetings on the proposed amendment to Article 9 (3) to include a new national day that will be known as “National Peace Day” to be observed on 9<sup>th</sup> March-

- (i) There are numerous other events that had occurred and would continue to occur aimed at entrenching peace in the nation. For instance, the National Dialogue and Reconciliation Agreement that was signed on 1<sup>st</sup> February, 2008 which sought to provide a peaceful solution to the political impasse and violence that had engulfed the country, following the 2007 General Elections; and
- (ii) Kenya already has three (3) national holidays and eleven (11) public holidays. Further, pursuant to section 28 of the Employment Act 2007, an employee is entitled, after every twelve consecutive months of service with his employer, to not less than twenty-one working days of leave with full pay. An additional holiday would have a significant impact on the economy of the nation.

#### 3.2 Committee Recommendations

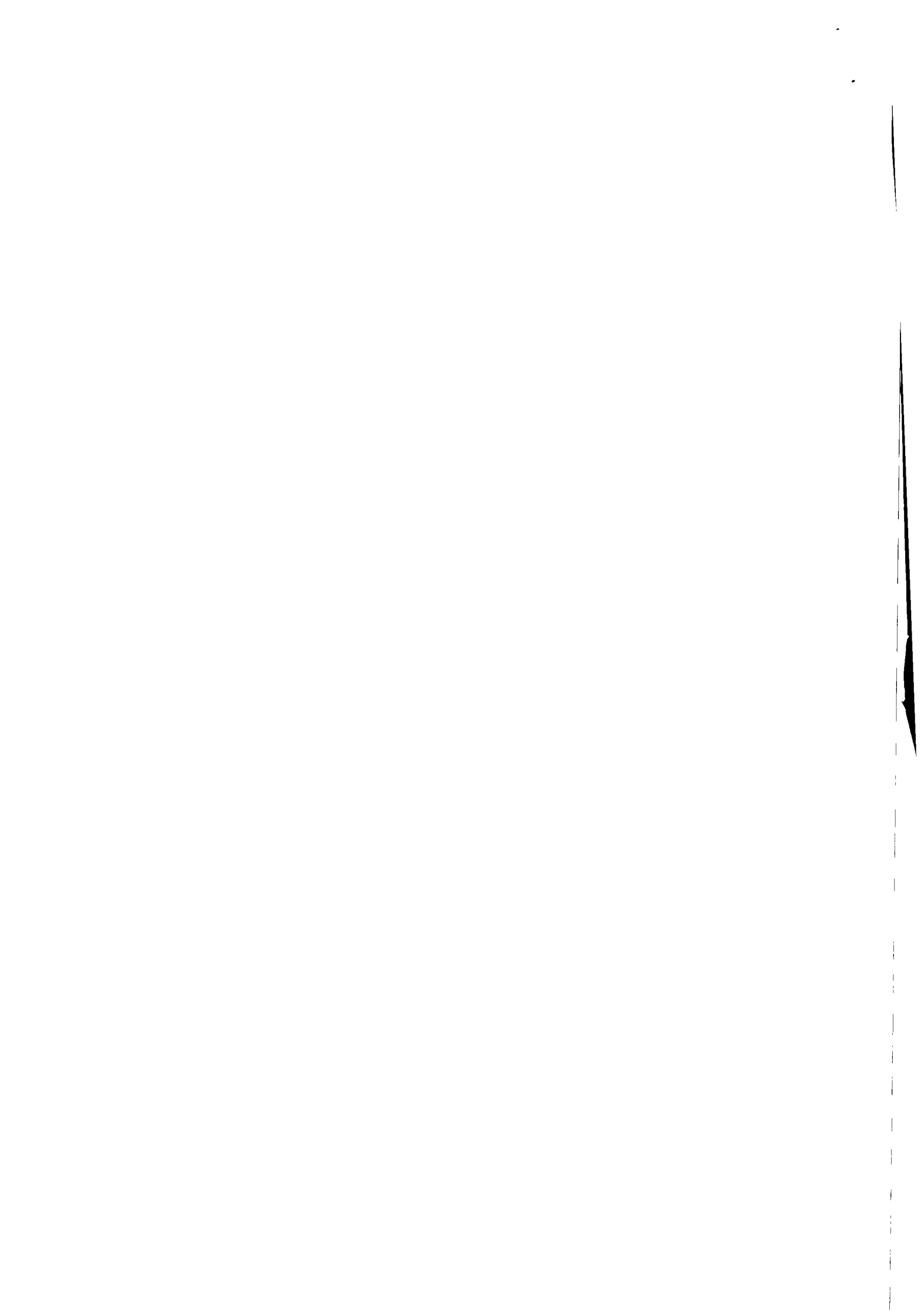
In response to the prayers by the Petitioner, the Committee recommends **that the petition be rejected.**

Sign.......... Date..........

**Hon. William Cheptumo, MP**

**Chairman, Departmental Committee on Justice and Legal Affairs**

# **ADOPTION LIST**



KENYA NATIONAL ASSEMBLY




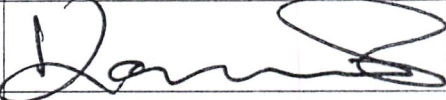

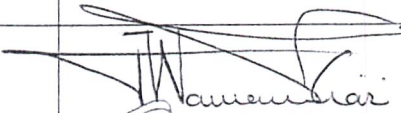
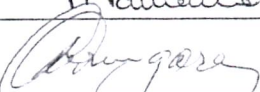


DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS


ATTENDANCE REGISTER FOR MEMBERS

DATE...27/11/2018... TIME...11:30.....

VENUE...CPA ROOM.....

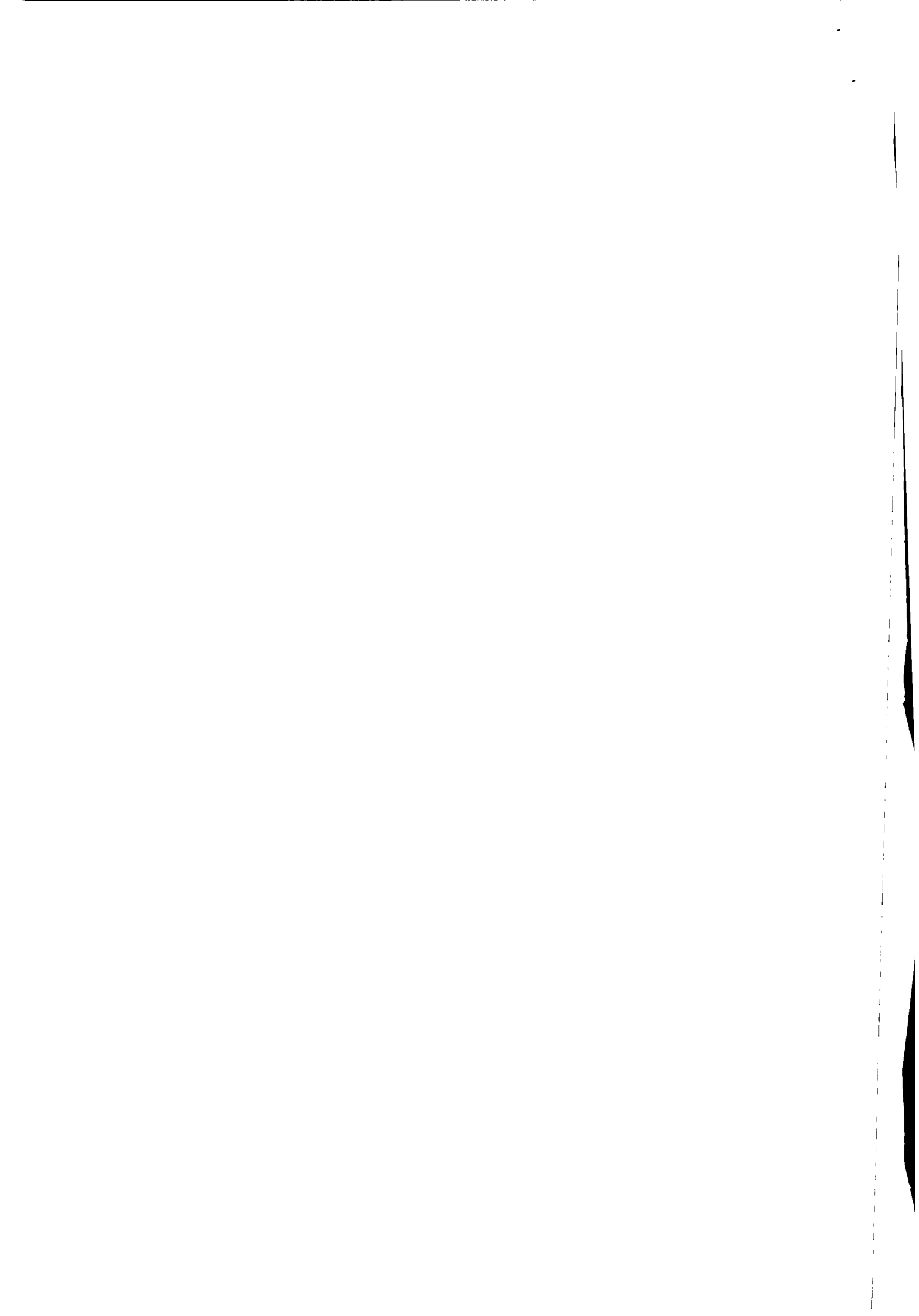
NO.	NAME	SIGNATURE
	Hon. William Cheptumo, M.P. – Chairperson	
	Hon. Alice Wahome, MP. - Vice Chairperson	
	Hon. John Olago Aluoch, MP.	
	Hon. Roselinda Soipan Tuyu, MP.	
5.	Hon. Ben Momanyi, MP.	
5.	Hon. Mwamkale William Kamoti, MP.	
7.	Hon. Peter Opondo Kaluma, MP.	
3.	Hon. Charles Gimose, MP.	
	Hon. Johana Ngeno Kipyegon, MP.	
0.	Hon. Zuleikha Hassan, MP.	
	Hon. John Kiarie Waweru, MP.	
2.	Hon. George Gitonga Murugara, MP.	

13.	Hon. Adan Haji Yussuf, MP.	
14.	Hon. Japheth Kiplangat Mutai, MP.	
15.	Hon. Anthony Githiaka Kiai, MP.	<i>K. A.</i>
16.	Hon. Jennifer Shamalla, MP.	<i>Jennifer Shamalla</i>
17.	Hon. Beatrice Adagala, MP.	<i>Beatrice</i>
18.	Hon. John Munene Wambugu, MP.	
19.	Hon. Boss Shollei, CBS, MP.	<i>Boss Shollei</i>

  
 GEORGE GAZEMBA, ACI Arb  
 For: CLERK OF THE NATIONAL ASSEMBLY



**MINUTES OF THE  
COMMITTEE SITTINGS**



**MINUTES OF THE NINETY - FOURTH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 27<sup>TH</sup> NOVEMBER, 2018 AT 11.30 A.M. IN CPA ROOM, MAIN PARLIAMENT BUILDINGS**

**PRESENT-**

1. Hon. William Cheptumo, M.P. - Chairperson
2. Hon. Ben Momanyi, MP.
3. Hon. John Olago Aluoch, M.P.
4. Hon. William K. Mwamkale, M.P.
5. Hon. Charles Gimose, M.P.
6. Hon. Jennifer Shamalla, M.P.
7. Hon. Anthony G. Kiai, M.P.
8. Hon. George G. Murugara, M.P
9. Hon. Beatrice Adagala, M.P
10. Hon. Gladys Boss Shollei, CBS, M.P
11. Hon. John Kiarie Waweru, M.P.

**ABSENT WITH APOLOGIES**

1. Hon. Alice Muthoni Wahome, M.P. - Vice Chairperson
2. Hon. Peter O. Kaluma, M.P.
3. Hon. Roselinda Soipan Tuya, M.P.
4. Hon. Japheth Mutai, M.P.
5. Hon. John M. Wambugu, M.P.
6. Hon. Adan Haji Yussuf, M.P.

**ABSENT**

1. Hon. Zuleikha Hassan, M.P.
2. Hon. Johana Ng'eno, M.P.

**IN ATTENDANCE**

1. Ms. Halima Hussein
2. Ms. Fiona Musili

**COMMITTEE SECRETARIAT**

- Third Clerk Assistant
- Researcher Officer III

**MIN No. 349/2018**

**PRELIMINARIES**

The chairperson called the meeting to order at 11.30 A.m. which was followed by a word of prayer from Hon Beatrice Adagala, MP.

**MIN No. 350/2018**

**CONFIRMATION OF PREVIOUS MINUTES**

The following Minutes of the previous Sittings were confirmed as below;

1. Minutes of the 93<sup>rd</sup> Sitting held on Wednesday 14<sup>th</sup> November, 2018 at 11.00 am in Committee Room 9 were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. George G. Murugara, M.P and seconded by Hon. Beatrice Adagala, MP.
2. Minutes of the 92<sup>nd</sup> Sitting held on Tuesday 13<sup>th</sup> November, 2018 at 10.00 am in Commission Boardroom were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. Anthony Kiai, M.P and seconded by Hon. Charles Gimose, MP.
3. Minutes of the 91<sup>st</sup> Sitting held on Monday 12<sup>th</sup> November, 2018 at 3.00 pm in Country Hall, Windsor Gold Hotel were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. Ben Momany, M.P and seconded by Hon. George G. Murugara, MP.
4. Minutes of the 90<sup>th</sup> Sitting held on Monday 12<sup>th</sup> November, 2018 at 9:30 am in Country Hall, Windsor Gold Hotel were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. Ben Momany, M.P and seconded by Hon. George G. Murugara, MP.
5. Minutes of the 89<sup>th</sup> Sitting held on Thursday 8<sup>th</sup> November, 2018 at 11:55 am in Committee Room 7 were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. Jennifer Shamalla, M.P and seconded by Hon. George G. Murugara, MP.
6. Minutes of the 88<sup>th</sup> Sitting held on Thursday 1<sup>st</sup> November, 2018 at 7:30 am in Maria Room, Hotel Intercontinental were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. Jennifer Shamalla, M.P and seconded by Hon. Beatrice Adagala, MP.
7. Minutes of the 87<sup>th</sup> Sitting held on Saturday 27<sup>th</sup> October, 2018 at 2:30 pm in Weldon Room, Tamarind Village Hotel were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. John Olago, M.P and seconded by Hon. Willaim Kamoti, MP
8. Minutes of the 86<sup>th</sup> Sitting held on Saturday 27<sup>th</sup> October, 2018 at 10:00 am in Weldon Room, Tamarind Village Hotel were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. John Olago, M.P and seconded by Hon. Willaim Kamoti, MP
9. Minutes of the 85<sup>th</sup> Sitting held on Friday 26<sup>th</sup> October, 2018 at 2:30 pm in Weldon Room, Tamarind Village Hotel were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. Jennifer Shamalla, M.P and seconded by Hon. Charles Gimose, MP



10. Minutes of the 84<sup>th</sup> Sitting held on Friday 26<sup>th</sup> October, 2018 at 9:50 am in Weldon Room, Tamarind Village Hotel were confirmed as true record of the proceedings and signed by the Chairperson after being Hon. George G. Murugara, M.P and seconded by Hon. Beatrice Adagala, MP.

11. Minutes of the 83<sup>rd</sup> Sitting held on Tuesday 23<sup>rd</sup> October, 2018 at 10:00 am in Boardroom, second Floor, Protection House were confirmed as true record of the proceedings and signed by the Chairperson after being proposed by Hon. John Olago, M.P and seconded by Hon. Willaim Kamoti, MP

**MIN No. 351/2018**

**MATTERS ARISING**

**Under Min.No.314/2018 – Any Other Business**

Hon Jennifer Shamalla's concerns over the difficulties she encountered while surrendering her imprest were not captured.

**MIN No. 352/2018**

**CONSIDERATION AND ADOPTION OF THE  
DRAFT REPORTS ON LEGISLATIVE  
PROPOSALS AND PETITIONS**

The Committee considered and unanimously adopted the following draft reports.

1. Report on the legislative proposal for the Institute of Directors of Kenya Bill, 2018 by Hon. (Dr). Chris Wamalwa, MP that seeks to establish the Institute of Directors to provide for the registration and regulation of the standard and practice of members of Boards
2. Report on the legislative proposal for the Law of Contract (Amendment) Bill, 2018 by Hon. Waititu Francis Munyua, MP that seeks to amend the Law of Contract Act, CAP 23 to require a creditor to first realise the security of a principal debtor in case of default payment of a loan.
3. Report Of the legislative proposal for the Anti-Corruption and Economic Crimes (Amendment) Bill, 2018 that seeks to amend Section 48 of the Anti-Corruption and Economic Crimes Act, 2003 to impose a life sentence on any person convicted of corruption or any other economic crimes.
4. Report on the petition to introduce a new National Peace Day on 9<sup>th</sup> March by Mr. Petr Mugo Mukua
5. Report on the petition on the compensation of the parents/guardians of victims and survivors of the Kyanguli Secondary School fire tragedy by Hon Robert Mbui, MP

6. Report of the petition to amend Article 171 (2) (f) of the Constitution of Kenya to vacate the fifteen (15) years' experience as a mandatory requirement for eligibility for election as member of the Judicial Service Commission representing the Law Society of Kenya by Law Society of Kenya
7. Report on the petition to amend Section 18 of the La Society of Kenya Act to vacate the fifteen (15) years' experience as a mandatory requirement for eligibility for election as President or Vice President of the Law Society of Kenya Council by Law Society of Kenya
8. Report on the petition for the enactment of the admiralty court act by Mr. Derrick Otieno Okadia.

**MIN No. 353/2018**

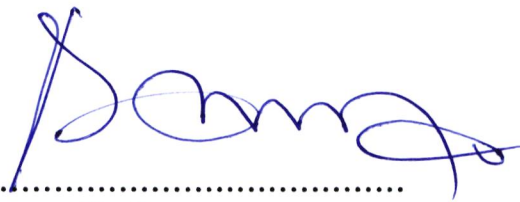
**ANY OTHER BUSINESS**

Members raised concerns over the consistent absence of some Committee Members. The Chairperson undertook to follow up on the matter and update the Committee in its subsequent meeting

**MIN No.354/2018:**

**ADJOURNMENT**

There being no other business to transact, the Chairperson adjourned the meeting at 12.50 p.m.

Signed.....  
Chairperson  
Date.....4/12/18

MINUTES OF THE NINETY-SECOND SITTING OF THE  
DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS  
HELD ON TUESDAY, 13<sup>TH</sup> NOVEMBER, 2018 AT 10.00 A.M. IN THE  
COMMISSION BOARDROOM ON FIRST FLOOR, COUNTY HALL,  
PARLIAMENT BUILDINGS

PRESENT-

1. Hon. William Cheptumo, M.P. - Chairperson
2. Hon. Alice Muthoni Wahome, M.P. - Vice Chairperson
3. Hon. Jennifer Shamalla, M.P.
4. Hon. Charles Gimose, M.P.
5. Hon. George G. Murugara, M.P.
6. Hon. John M. Wambugu, M.P.
7. Hon. Ben Momanyi, MP.
8. Hon. Anthony G. Kiai, M.P.
9. Hon. Peter O. Kaluma, M.P.
10. Hon. John Olago Aluoch, M.P.
11. Hon. Beatrice Adagala, M.P.
12. Hon. Japheth Mutai, M.P.
13. Hon. Adan Haji Yussuf, M.P.
14. Hon. William K. Mwamkale, M.P.

ABSENT WITH APOLOGIES-

1. Hon. Gladys Boss Shollei, CBS, M.P.
2. Hon. Roselinda Soipan Tuya, M.P.

ABSENT-

1. Hon. Zuleikha Hassan, M.P.
2. Hon. Johana Ng'eno, M.P.
3. Hon. John Kiarie Waweru, M.P.

IN ATTENDANCE-

COMMITTEE SECRETARIAT

1. Michael Sialai - Clerk of the National Assembly



- |                       |   |                                 |
|-----------------------|---|---------------------------------|
| 2. Michael Karuru     | - | Deputy Director, Legal Services |
| 3. Mr. George Gazemba | - | Principal Clerk Assistant II    |
| 4. Mr. Denis Abisai   | - | Principal Legal Counsel I       |
| 5. Ms. Fiona Musili   | - | Research Officer III            |
| 6. Mr. Hakeem Kimiti  | - | Audio Officer                   |
| 7. Mr. Simon Maina    | - | Library/ Office Superintendent  |

**MIN No. 341/2018:-**

**PRELIMINARIES**

The chairperson called the meeting to order at 10.00 a.m. which was followed by a word of prayer by Hon. Charles Gimose.

**MIN No. 342/2018:-**

**CONSIDERATION OF PETITIONS**

- (i) **Consideration of Petition by Mr. Peter Mugo Munya seeking to amend Article 9(3) of the constitution of Kenya to declare 9<sup>th</sup> March, as the national peace day**

Mr. Peter Mugo Munya submitted as follows in support of his petition-

- (i) His decision to petition the House was informed by the 9<sup>th</sup> March, 2018 handshake between President Uhuru Kenyatta and former Prime Minister Raila Odinga after the hotly contested 2017 Presidential elections and the best gift Kenyans could give them would be the declaration of 9<sup>th</sup> March a national peace day for commemoration;
- (ii) The handshake marked a renaissance in the country's history after several years of elusive peace occasioned by disputed presidential election results and would be a gateway to greater cohesion, peaceful co-existence, tranquillity and sense of nationhood;
- (iii) The aftermath of the handshake would be a key pillar to social economic growth as the country endeavours to achieve Vision 2030; and
- (iv) He had studied the Public Holidays Act, Cap 110 and concluded that 9<sup>th</sup> March could only be declared national holiday through a constitutional amendment by Parliament and not by the Cabinet Secretary.

The Committee observed as follows-



- (i) The Petitioner had a noble idea but was of the view that it was still too early to celebrate results of the handshake; and
  - (ii) There were many holidays in Kenya which was not in the best interest of the business community thus no need for declaration of more holidays. The Petitioner however argued that China had many holidays some running for as long as one (1) month yet it excelled economically compared to Kenya.
- (ii) Consideration of Petition by Mr. Derrick Otieno Okadia to legislate on Admiralty Courts

Mr. Derrick Otieno Okadia introduced himself as an Advocate of the High Court of Kenya practising in Shipping and Maritime Law under the firm name of Julu Okadia Advocate domiciled in Nairobi. He submitted as follows in support of his Petition-

- (i) The Admiralty Court in Kenya as currently constituted relied heavily on the United Kingdom's jurisdiction by dint of the Judicature Act. This had caused confusion amongst practitioners as to what position to adopt in the Kenyan constitution given the prevailing circumstantial context in the United Kingdom and Kenya.
- (ii) His concerns had been raised by Judges in their various pronouncements in court but relevant authorities had not taken action to address the situation.

The Committee observed that shipping and maritime was one area with a lot of potential for the legal practitioners and found it necessary for the country to have in place proper legislation for the purposes of administration of justice.

The Committee directed the Petitioner as follows-

- (i) To submit to the Committee precedents pointing to the gaps in the United Kingdom and Kenyan maritime laws;
- (ii) Develop draft legislation to jumpstart the process of enacting legislation to enact an Admiralty Court and repeal of sections of statutes that confer jurisdiction to the Admiralty Court based on the United Kingdom laws or any other jurisdiction not being Kenyan jurisdiction.
- (iii) Identify stakeholders in the shipping and maritime industry for the purposes of legislation making and share with the Committee.

**(iii) Consideration of Petition by Hon. Robert Mbui on compensation to victims and survivors of the Kyanguli Secondary School fire tragedy**

The Member submitted that despite a court judgement in 2016, the Government was yet to compensate victims and survivors of the Kyanguli Secondary School fire tragedy which occurred in the year 2000, an amount of Kshs.40,000,000.00 whereas there was no pending appeal against the judgement.

It was agreed between the Committee and the Member that the petition be addressed through a question in the House whereby the Attorney-General would appear before the Committee and the Member prosecutes the question.

**MIN No. 343/2018: ANY OTHER BUSINESS**

**(i) The Parliamentary Service Bill, 2018**

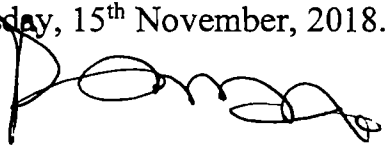
Whereas Members were concerned that the Bill did not make any provision on their welfare, the Clerk of the National Assembly informed the Committee that there was a pending court case relating to the subject, the judgement of which was to be delivered on 4<sup>th</sup> December, 2018 and that it would be prudent for the provision to made depending on the outcome of the court case.

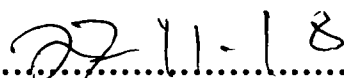
The Clerk was of the view that provision on monitoring and evaluation of constituency programmes and activities by Members of the National Assembly be made in the Bill. He was also of the view that further provision be made on the establishment of a tribunal to be making recommendations on Members' Welfare as opposed to the Salaries and Remuneration Commission (SRC) determining.

The Committee resolved that the Chairperson should consult the House leadership on whether or not to delay the tabling of the report pending further proposed amendments based on the outcome of the court case.

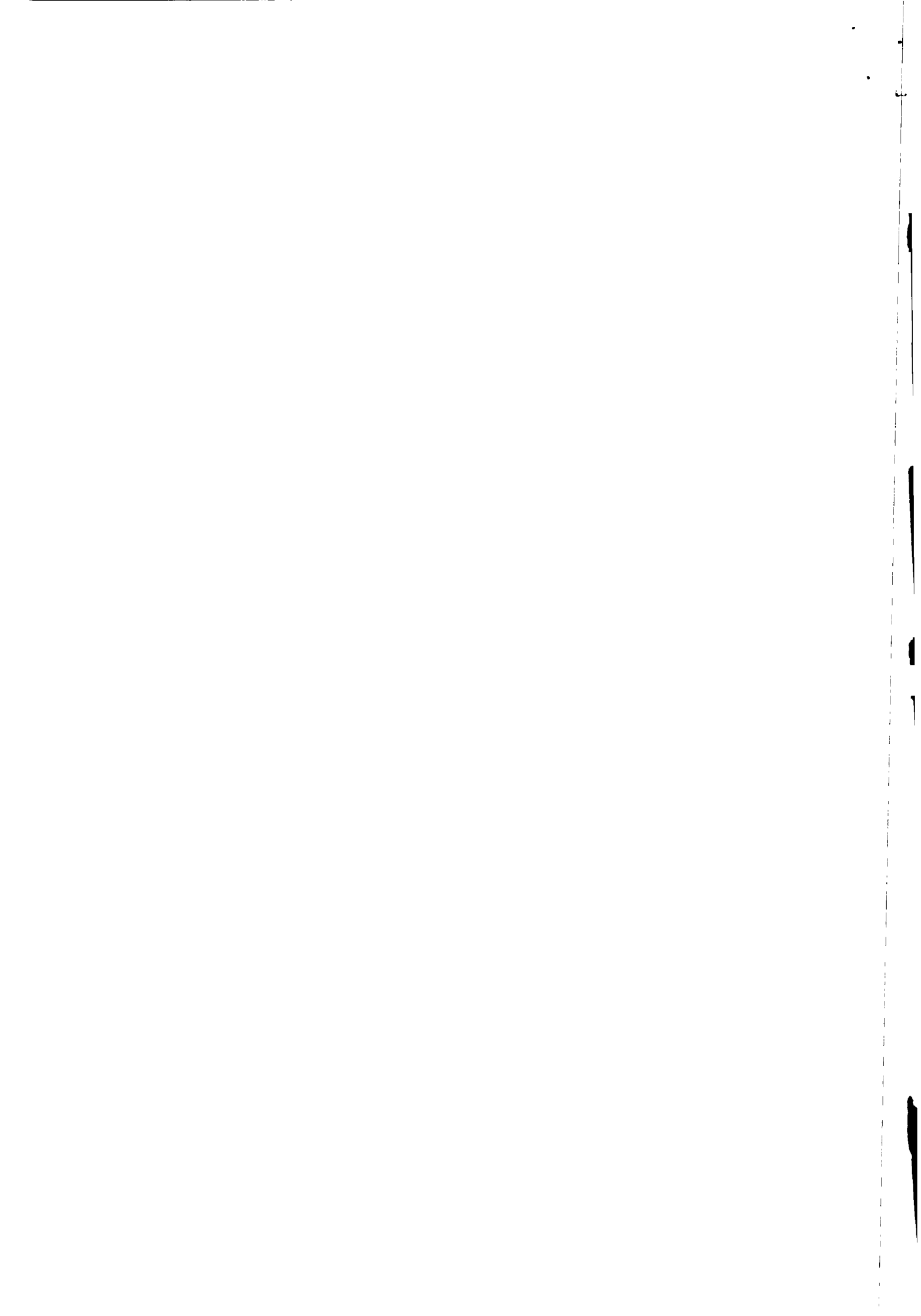
**MIN No. 344/2018: ADJOURNMENT**

There being no other business to transact, the Chairperson adjourned the meeting at 1.00 p.m. till Thursday, 15<sup>th</sup> November, 2018.

Signed.....  
Chairperson

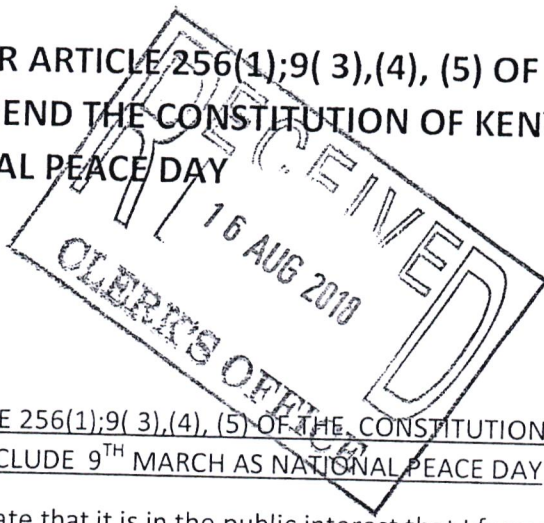
Date..........

**COPY OF THE  
PETITION**



**PETITION TO PARLIAMENT UNDER ARTICLE 256(1);9(3),(4), (5) OF THE CONSTITUTION OF KENYA TO AMEND THE CONSTITUTION OF KENYA TO INCLUDE 9<sup>TH</sup> MARCH AS NATIONAL PEACE DAY**

To: National Assembly of Kenya  
C/O The Clerk, Kenya National Assembly,  
Parliament Buildings,  
P.O Box 41842 - 00100, Nairobi, Kenya



D. Leoni  
28  
17/08

RE: PETITION TO PARLIAMENT UNDER ARTICLE 256(1);9(3),(4), (5) OF THE CONSTITUTION OF KENYA TO AMEND THE CONSTITUTION OF KENYA TO INCLUDE 9<sup>TH</sup> MARCH AS NATIONAL PEACE DAY

I, the undersigned, Citizen of Kenya, wish to state that it is in the public interest that I formally lodge this petition.

I humbly draw the attention of the House to the following:

THAT

1. peace in Kenya has been very elusive for decades. Lack or absence of real genuine peace has had big negative social economic impact leading to stagnated growth, tribal conflicts and animosity, mistrust among communities and societies among other challenges.

THAT

2. the event of 9<sup>th</sup> march, 2018 of the historic handshake between His Excellency The President of the Republic of Kenya, Hon. Uhuru Muigai Kenyatta and the former Prime Minister of the Republic of Kenya Right Honorable Raila Amollo Odinga at Harambee house was not only heroic but also surprising and unprecedented, given events before and after general Elections of 2017. It has had huge positive impact not only in Kenya but has been felt within the region including the South Sudan.

THAT

3. the handshake was the gateway to cohesiveness and a sense of nationhood. It has brought peace and tranquility in Kenya. It gave birth to efforts and steps to bring the desired social political and economic changes.

THAT

4. the best gift we as Kenyans can give our distinguished leaders namely His Excellency The President of the Republic of Kenya, Hon. Uhuru Muigai Kenyatta and the former Prime Minister of the Republic of Kenya Right Honorable Raila Amollo Odinga for their selfless love of our Great Republic of Kenya is to set aside this momentous day as a national day to celebrate peace and embrace all the communities in Kenya.

THAT

5. this national day shall:

(a) be a caring day for all Kenyans irrespective of location, age, sex, economics status, religion, social & culture, population, tribe, political persuasions. On this day Kenyans may share handshake as a sign of peace and togetherness.

(b) have special events to commemorate the day including cultural, national prayers, showcasing social economic achievements among others.

(c) be a day to re-dedicate our selves to peace, declare peace and truce among communities, reflect on successes and challenges of the preceding year, recognize peace ambassadors among others.

MS Odhiambo, L.C  
Please study and  
advise. 28/08/18



**PETITION TO PARLIAMENT UNDER ARTICLE 256(1);9( 3),(4), (5) OF THE CONSTITUTION OF KENYA TO AMEND THE CONSTITUTION OF KENYA TO INCLUDE 9<sup>TH</sup> MARCH AS NATIONAL PEACE DAY**

THAT

6. by including the 9<sup>TH</sup> March as National Peace day in the annual calendar of national events it will symbolize and emphasize the importance attached to peace and cohesiveness among all Kenya communities as the pillar to social economic growth as we endeavour to achieve vision 2030.

THAT

7. I am seeking constitutional amendment, on article 9(3) to include National Peace Day as a national day to be observed on 9<sup>th</sup> March, by Parliament under articles 256(1);9(4)(5) of the constitution. This will entrench (instead of gazetting) this very important and posterity National Peace Day (Cabinet Secretary can only gazette a public holiday but cannot initiate and amend the Constitution of Kenya to introduce a Constitutional National Day) into the Constitution of Kenya by our honourable Parliament of the Republic of Kenya consisting of elected and nominated members who legally represent the whole country and whose decisions are binding. This means that once the day is included as a national day, it is only Parliament of the Republic of Kenya in the most unlikely event can revoke it. This is in contrast to where a public holiday (not a national day) is gazetted via a notice by the Minister (chapter 110 of the public holidays act not amended to change title to Cabinet secretary) who as an individual according to the Public Holidays Act chapter 110 may at any time if he thinks fit, declare any day to be a public holiday (not a national day) either in addition to the days mentioned in the schedule or in substitution for any of those days and either throughout Kenya or in any district (act not amended to delete districts which no longer exist), area or part thereof, and thereupon any day so appointed shall be a public holiday in all aspects as if it were a day mentioned in the schedule in Kenya or locally specified in the notice and where in any year, any day is so declared to be a public holiday in substitution for any of the days mentioned in the schedule such latter day shall in such year cease to be a public holiday in Kenya or locally specified in the notice.

THAT

8. Having examined and interrogated Public holidays act chapter 110, the petition I have put forward falls under Parliament of the Republic of Kenya and not the Cabinet Secretary because it is a constitutional amendment petition.

THAT

9. I confirm to the best of my knowledge that the issues in respect of which the petition is made are not pending before any court of law or constitutional or legal body.

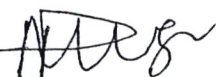
**THEREFORE your humble petitioner PRAY that Parliament of the Republic of Kenya:**

Initiate a motion to include 9<sup>th</sup> March as National Peace Day,

And your PETITIONER will ever pray.

Name of petitioner	full address	national ID	Signature
Peter Mugo Mukua	P.O.BOX 14886-00100 NAIROBI	9199948	

PETITION concerning inclusion, in the Constitution of Kenya, of National Peace Day on 9<sup>th</sup> March as a national day.

Name of Petitioner: 

Peter Mugo Mukua, TEL: 0720-035-262, EMAIL: petermukua@yahoo.com

Dated this day 15<sup>th</sup> August 2018