

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Tuesday, 23rd April 2024.

The Assembly met at 3:18 p.m.

[The Deputy Speaker (Hon. Gachui Mungai) in the Chair]

PRAYER

[QUORUM]

(Hon. Moses Muchiri rose on a point of order)

Hon. Moses Muchiri: Hon. Speaker, I am standing on a point of order.

The Deputy Speaker (Hon. Gachui Mungai): Hon. Clerk, read the first order so that we can see the member.

Hon. Moses Muchiri: It is unprocedural, we do not have a quorum. Everything that is happening is illegal and unprocedural, that is why I am standing on a point of order.

The Deputy Speaker (Hon. Gachui Mungai): Hon. Chief Whip, can you count if we have quorum. Tell us if we have a quorum, if we have, we continue.

Hon. Morris Ngunu: Thank you, Mr. Speaker. I rise on a point of information to the Hon. member for Muguru. This House has 12 members and Mr. Speaker with your permission, it is necessary for the member to quote the Standing Order on what the quorum pertains and how many members are required to be in the House, Mr. Speaker.

The Deputy Speaker (Hon. Gachui Mungai): I think what Hon. Member, what you need to do if you have ascertained that there is no quorum, I will now order the quorum bell to be rung. Hon. whip you can now, after the bell is rung, you can move out and call the members. Serjeant-At-Arms!

(The Quorum Bell was rung)

The Deputy Speaker (Hon. Gachui Mungai): Clerk, you can ascertain whether we have gained quorum. Read the first order.....(*inaudible*)..... Hon. member, the issue of accounting, ascertaining whether we have the----- it is the clerk. Order Honourable Member. resume your seat. Let us have order. This is an orderly House.

(inaudible)

[POINT OF ORDER]

[QUORUM]

(Hon. Moses Muchiri rose on a point of order)

The Deputy Speaker (Hon. Gachui Mungai): Okay, which order. What is the Standing Order.

Hon. Moses Muchiri: I am standing on a point of order. Standing Order 36 and it states, a quorum of the Assembly or of a Committee of the Whole Assembly shall be a third of its members. Looking at this County Assembly we have 11 members out of the 47, so what we are doing, I want to be in record, is illegal, unprocedural and this County Assembly is not following the law.

The Deputy Speaker (Hon. Gachui Mungai): Order! Hon. Member. This is not a shouting match. Resume your seat. Hon. members, the Speaker does not have eyes, the Speaker relies ascertaining of the numbers. It is against the Standing Orders, Hon. clerk is going to ascertain whether we have the numbers or not. Clerk, count the members..... Order! Let the clerk do his work.

Hon. Member, let us wait for the clerk. Clerk, can you count the members. Hon. member, resume your seat. Hon. member, kindly resume your seat. Let me do my work. Clerk, ascertain the numbers and forward the numbers to me.

Hon. Morris Ngunu: Thank you, Mr. Speaker. I seek your guidance, I stand on a point of information, this is a House of order, Mr. Speaker. We appreciate the concern of Hon. member for Muguru but Mr. Speaker, we need to be careful of the precedence of this House. That the Speaker makes the ruling of this House and as far as Hon. member for Muguru, has the right to pass his point, it is uncalled for the member for Muguru to look like he is shouting to the Chair and I think

Mr. Speaker, if this case, now that Hon. member for Muguru has made his point, please let us control of this House and maybe possibly, Mr Speaker, if he goes out of his way, order number one gives you the ruling on what to do, Mr. Speaker.

The Deputy Speaker (Hon. Gachui Mungai): Point taken. We may continue. I am certain that we have numbers. Continue. Hon. member, I am going to rule you out of order.

Hon. Moses Muchiri: I am standing on Standing Order 36 that says, and I want to be on record, this County Assembly of Murang'a does not have quorum, we have 11 members and we are not using the law. We are using force and anything that will be passed in this County Assembly is illegal and is not procedural.

The Deputy Speaker (Hon. Gachui Mungai): Hon. Member, the Standing Orders are very clear, that the clerk shall guide in counting of the number of members present. So, let us continue. Read the order.

MOTION

ADOPTION OF A REPORT ON IMPLEMENTATION STATUS OF ADOPTED RESOLUTIONS UNDER THE DEPARTMENT OF EDUCATION AND TECHNICAL TRAINING

Hon. Hilary Muigai: Thank you, Hon. Speaker-----

The Deputy Speaker (Hon. Gachui Mungai): Hon. Members, who has the point of order. Yes... the rest can resume.... point of order is allowed, let us hear him in silence. Hon. member for Gaichanjiru has a point of order. Kindly members let us resume our seats.

(inaudible)

The Deputy Speaker (Hon. Gachui Mungai): Hon. member I can order the clerk to count the members. Clerk go ahead and count the members.

(inaudible)

The Deputy Speaker (Hon. Gachui Mungai): Order! Hon. members.... Hon. members the clerk has counted the members and he has been able to ascertain that.... Members do not paralyze because the moment you have gotten in, the clerk... Order Hon. Members! Order!

I want to make a ruling. Kindly resume your seats.... I want to make a ruling, that members we are not going to make this.... the members are very silent and I request you to resume your seats. we are going to allow the honourable member either to differ his business or we continue.

(inaudible)

The Deputy Speaker (Hon. Gachui Mungai): Hon. members, as you are in today, the clerk has ascertained that the point of order that was raised by the honourable member for Gaichanjiru----

(inaudible)

The Deputy Speaker (Hon. Gachui Mungai): Order! Hon. members, the member for Gaichanjiru has raised a very pertinent order and that is why I have directed the clerk to count the number of members... Clerk, count the members present.

(inaudible)

The Deputy Speaker (Hon. Gachui Mungai): You cannot direct the Chair..... *(inaudible)*..... That is why I am ordering for it to be recounted. Count the members.....*(inaudible)*..... Any member is free to stand or to sit. Hon. Chair implementation, continue with the Motion..... *(inaudible)*..... let us do our honourable thing to continue with the debate. Continue...

(inaudible)

[QUORUM]

(Hon. John Munyua rose on a point of order)

The Deputy Speaker (Hon. Gachui Mungai): Hon. members I do not want to mention the names because I do not want any name to be on hansard. Resume your seats so that I can make a very favourable, uniform and balanced ruling..... *(inaudible)*..... Hon. member for Kagunduni, I am going to make a very favourable ruling to both sides, resume your seats..... *(inaudible)*..... I want member for Gaichanjiru to be heard in silence..... *(inaudible)*.....

Hon. John Munyua: I want to say this, for the record. You are talking of Standing Orders... it is unfair and unfortunate what you are doing. You know what happened before we came here and it is on record, there was no quorum and it is very easy and simple for you to make a decision that there is no quorum, that is what the law says.

(inaudible)

The Deputy Speaker (Hon. Gachui Mungai): I am not going to allow the honourable member to speak when others are speaking. Let us hear him in silence.

Hon. John Munyua: I am saying this, Hon. Chair. We respect you and we respect the office. This House is guided by law and there are orders and there is the honourable member for Muguru has raised an issue to do with quorum, there was no quorum. It is very simple for you, just rule and as we all know, the Speaker does not have eyes, the member made you aware that there is no quorum so it is very simple for you. You did order for the bell to ring outside here for ten minutes, that is the order. Why do you want to defy that and you know the procedure you are an old member of this House. We respect you; can you do the honourable thing and make a ruling as per the standing order.

The Deputy Speaker (Hon. Gachui Mungai): And that is why I want to make a ruling Hon. member...

Hon. Moses Muchiri: We want the clerk to read the names of all those honourable members who are in this Assembly before the commencement, they were only 11 out of 47.

The Deputy Speaker (Hon. Gachui Mungai): Order! Hon. Members. I just want to remind you one thing, when the member is outside, it is perceived as if the member was not in. I stand here now to see it funny when the honourable member for Gaichanjiru saying he counted the members when he was out. Clerk, I think you can go ahead, members let us wait for the clerk to count when.... *(inaudible)*..... Order! Hon. member for Muguru, kindly members resume your

seats. I can see Hon. member for Kahumbu is resuming his seat..... (*inaudible*)..... Yes, Hon. Chief Whip.

Hon. Morris Ngunu: Hon. Speaker, I appreciate the concerns of these members, Hon. Speaker, and we all know the reason why we came here. Hon. Speaker, I do not see what is there to push and pull each other and Hon. Speaker, I request, and I want to beg the members, if there is no quorum in this House, we just adjourn the business to another day..... Hon. members, kindly, for the members who are inside here, so that we can agree and move on, those who want to stay can stay and those who want to move out can move out, we count the quorum so that we can follow the procedure..... (*inaudible*)..... So how will the Speaker rule when cannot listen to each other Mr. Speaker?

(*inaudible*)

The Deputy Speaker (Hon. Gachui Mungai): Members, what we are doing is not parliamentary. The only member I can allow to talk about the quorum is the member for Muguru because the point of order was raised by the Hon. member for Muguru and he was inside the chambers. So, the rest of the members might be hearing there was no quorum. Hon. member for Muguru was here, and he raised an issue of the quorum and I ordered the clerk to count. In the first place I ordered the quorum bell to be rang and it was rung, after that I called the whip to move out and the whip whipped the members. Thereafter, I ordered the clerk to count the members again... (*inaudible*).....Order! Hon members..... (*inaudible*)..... if you have planned to make this sitting unruly, it is very unfortunate for us, Hon. members... (*inaudible*) and that is why I am saying..... (*inaudible*)..... Hon. members, I am now going to order for second time, the bell to be rung but I will not..... (*inaudible*)..... Hon. member for Kagundu-ini, do you want to make me..... are you requesting a ruling to be made then you want to dictate the kind of ruling.

Hon. Moses Muchiri: You adjourn this Assembly because there was no quorum, the business started without quorum, there were 11 honourable members in this honorary House out of the 47. Everything we are doing is illegal and unprocedural and you cannot sit there as a Chair, as the speaker of the day to do unprocedural things here...

The Deputy Speaker (Hon. Gachui Mungai): Serjeant- At- Arms, ring the bell for the second time...

(*The Quorum Bell was rung*)

The Deputy Speaker (Hon. Gachui Mungai): You can count. Hon. members, the clerk is telling me that we do not have... Hon. member for Muguru, do not get agitated. The clerk is telling me that there is no quorum and I just want to ask the whip whether you are able to whip more members.

Hon. Morris Ngunu: Hon. Speaker, I have not managed to whip members to get in the plenary and with your guidance Mr. Speaker, you are free to do the ruling, Mr. Speaker.

The Deputy Speaker (Hon. Gachui Mungai): Hon. members, I now want to make a ruling, and I will invoke Standing Order no. 36. A quorum of the Assembly or a Committee of the Whole Assembly shall be a third of its members. If there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the Assembly forthwith to the next sitting.

ADJOURNMENT

The Deputy Speaker (Hon. Gachui Mungai): Consequently, Hon. members, this Assembly stands adjourned until tomorrow, Wednesday 24th April, 2024 at 9:30 a.m.

The House rose at 3:50 pm