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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION - 2025

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ON: -

THE NATIONAL POLICE SERVICE (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 39 OF 2025) SPONSORED BY HON. OKU KAUNYA, MP

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 27 NOV 2025	DAY: Thursday
TABLED BY: Hon. Dido Raso, MP Vice champion	
CLERK-AT-THE-TABLE: A. Shibuko	

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CHAIRPERSON'S FOREWORD

The National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025), sponsored by Hon. Oku Kaunya, MP was read a first time on Wednesday, 24th September, 2025 and subsequently committed to the Departmental Committee on Administration and Internal Security for consideration and reporting to the House, pursuant to Standing Order 127(1).

The principal object of the Bill is to amend the National Police Service Act, Cap. 84 to provide for an age limit of **sixty years** for persons nominated and appointed to the offices of Inspector-General and Deputy Inspector-General of Police. The Bill also seeks to include a term limit for Deputy Inspectors-General, noting that the mandatory retirement age of sixty years is only applicable to officers below the rank of Deputy Inspector-General. The Bill seeks to ensure that persons appointed to the offices have the ability to handle demanding situations within the police service and to help balance between the need to retain experienced leadership and allow for succession planning within the Service.

Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), advertisements for request for submission of memoranda were placed in the Daily Nation and the Standard newspapers on Wednesday, 1st October, 2025. The Committee received submissions from Hon. Oku Kaunya, MP, the National Police Service, the National Police Service Commission, the Law Society of Kenya, the Independent Policing Oversight Authority and the National Association of Retired Police Officers-Kenya. All submissions were considered by the Committee and are annexed to the report.

The Committee, having considered the National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025), sponsored by Hon. Oku Kaunya, MP clause by clause and taking into consideration views and recommendations of the public pursuant to Standing Order 127(3A), made observations and recommendations contained in Part Four and Part Five of this report.

Acknowledgement

The Committee sincerely thanks the Offices of the Speaker and the Clerk of the National Assembly for the immense and timely technical and logistical support accorded to it in the execution of its mandate. I also thank all the Members of the Committee for their commitment and hard work in the compilation of this report.

On behalf of the Departmental Committee on Administration and Internal Security and pursuant to provisions of Standing Order 127 (4), it is my pleasant duty to table the Report of the Departmental Committee on Administration and Internal Security on its consideration of the National Police Service (Amendment) Bill, (National Assembly Bill No 39 of 2025) sponsored by Hon. Oku Kaunya, MP.

HON. GABRIEL KOSHAL TONGOYO, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY

PART I

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Administration and Internal Security is constituted pursuant to the National Assembly Standing Order 216(1) which mandates Departmental Committees to-
 - 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 the implementation;*
(ba) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - c. *study and review all legislation referred to it;*
 - d. *study, assess and analyze the relative success of the Ministries and departments by the results obtained as compared with their stated objectives;*
 - e. *investigate and inquire 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);*
(fa) examine treaties, agreements and conventions;
 - g. *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - h. *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - i. *examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects of the Committee

2. In executing its mandate, the Committee is mandated to consider the following subjects:
 - a. Home affairs, internal security – including police services and coast guard services;
 - b. Public administration; and
 - c. Immigration and citizenship.

1.3 Committee Membership

3. The Committee comprises of the following Members: -

Hon. Gabriel Tongoyo, CBS, MP
Chairperson
Narok West Constituency

Hon. Col. (Rtd.) Dido Rasso, MBS, MP
Vice Chairperson
Saku Constituency

Hon. Kaluma George Peter, CBS, MP
Homa Bay Town Constituency

Hon Protus Ewesit Akujah, MP
Loima Constituency

Hon. Aduma Owuor, MP
Nyakach Constituency

Hon. Rozaah Akinyi Buyu, MP
Kisumu West Constituency

Hon. Fred C. Kapondi, MP
Elgon Constituency

Hon. Caroline Ng'elechi, MP
Elgeyo-Marakwet County

Hon. Liza Chepkorir Chelule, MP
Nakuru County

Hon. Peter Masara, MP
Suna West Constituency

Hon. Sarah Paulata Korere, MP
Laikipia North Constituency

Hon. Francis Sigei, EBS, MP
Sotik Constituency

Hon. Oku Kaunya, MP
Teso North Constituency

Hon. Hussein Weytan, MP
Mandera East Constituency,

Hon. Mburu Kahangara, MP
Lari Constituency

1.5 Committee Secretariat

4. The Committee Secretariat consists of the following:

Mr. John Mugoma
Clerk Assistant I -
Head of Secretariat

Ms. Grace Wahu
Clerk Assistant II

Mr. Edison Odhiambo
Fiscal Analyst I

Ms. Delvin Onyancha
Research Officer II

Ms. Judith Kanyoko
Legal Counsel II

Mr. Rodgers Kilungya
Audio Officer

Mr. Gideon Kipkogei
Clerk Assistant II

Ms. Clarah Kimeli
Principal Legal Counsel I

Mr. Benson Kimanzi
Serjeant at Arms

Ms. Ivy Maritim
Media Relations Officer III

PART II

2.0 CONSIDERATION OF THE NATIONAL POLICE SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2025) BY THE COMMITTEE

2.1 The Legal Provision on Public Participation

5. Article 118 (1) (b) of the Constitution of Kenya provides as follows—

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”

6. Standing Order 127(3) provides that—

“The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;*
- (b) holding public hearings;*
- (c) consulting relevant stakeholders in a sector; and*
- (d) consulting experts on technical subjects.*

7. Standing Order 127(3A) further provides that—

“The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”

8. Pursuant to the aforementioned provisions of the Constitution and Standing Orders, on public participation, the Committee through local daily newspapers of Wednesday, 1st October, 2025 published an advertisement inviting the public to submit memoranda on the Bill. The advertisement is annexed to this report as **Annexure 3**.

9. Further, vide a letter dated Wednesday, 27th October, 2025, the Committee invited relevant stakeholders, to make submissions on the Bill. The meeting was held on Tuesday, 11th November, 2025 at Parliament Buildings. Stakeholder submissions are annexed as **Annexure 4**.

2.2 Analysis of the Bill

10. The principal object of the Bill is to amend the National Police Service Act, Cap. 84 to provide for an age limit of **sixty years** for persons nominated and appointed to the offices of Inspector-General and Deputy Inspector-General of Police. The Bill seeks to ensure that persons appointed to the offices have the ability to handle demanding situations within the police service and to help balance between the need to retain experienced leadership and allow for succession planning within the Service.

2.3 Committee Analysis of the Bill

- 3 **Clause 2** of the Bill provides for amendment of section 9 of the Act to remove reference to sections "12 and 13" and introduction of expression "11 A and 12", in view of the new sections proposed in clause 3 of the Bill.
- 4 **Clause 3** of the Bill provides for the deletion of the current section 11 which lists the qualifications for the appointment as Inspector General and Deputy-Inspector General of the National Police Service Act. It proposes the insertion of a new section 11 which lists the qualification and disqualification for appointment as Inspector-General, only. On the disqualifications, the Bill proposes to introduce a disqualification that the person has at the time of appointment attained the age of sixty years.
- 5 **Clause 4** of the Bill provides for the insertion of new sections 11A and 11B. The proposed new section 11A provides for the appointment of the Deputy-inspector General. The Appointment of the Deputy Inspector-General is currently provided for in section 13. The Bill retains the contents of the current section 13 but introduces one term limit of five years for the Deputy Inspector-General subject to removal from office under section 17 of the Act.
- 6 The proposed new section 11B provides for the qualification and disqualification for appointment as Deputy Inspector-General. On the disqualifications, the Bill proposes to introduce a disqualification that the person has at the time of appointment attained the age of sixty years.
- 7 **Clause 5** of the Bill provides for the deletion of section 13 on appointment of the Deputy Inspector General which has since been catered for under the proposed section 11B.
- 8 **Clause 6** provides for the amendment of section 20 of the National Police Service Act to align with the proposed amendment inserting a new section 11A.
- 9 From the foregoing, the Bill seeks to: -
 - (a) provide for the qualifications and disqualifications of the Inspector General in a separate section from the qualifications and disqualifications of the Deputy Inspector-General;
 - (b) introduce the age limit of sixty years at the time of appointment for persons to be appointed as inspector general and deputy inspector general;
 - (c) Introduce one term limit for persons appointed as deputy -inspectors general.
- 10 Article 245 of the Constitution establishes the Office of the Inspector General of the National Police Service. The Inspector-General is appointed by the President with the approval of Parliament and is appointed for a single four-year term and is not eligible for re-appointment.
- 11 The Constitution further provides that the Kenya Police Service and the Administration Police Service shall each be headed by a Deputy Inspector-General appointed by the President in accordance with the recommendation of the National Police Service Commission.

Both the Constitution and the National Police Service Act do not provide a term limit for the Deputy Inspectors-General. However, in practice the Deputy Inspectors-General often serve for a term of five years based on the contracts of service or unless otherwise removed under section 17 of the National Police Service Act.

- 12 We note that the Inspector General and the Deputy Inspector-General are also State Officers under Article 260 of the Constitution, who ordinarily do not have a set retirement age. While the Constitution does not provide a retirement age for other State Officers, Article 167 of the Constitution sets the mandatory retirement age of Judges at seventy years, with the option for judges to elect to retire upon attaining the age of sixty-five years. Further, the Chief Justice holds office for a maximum of ten years or until retiring, whichever comes earlier. If the Chief Justice's term of office expires before the Chief Justice retires under clause (1), the Chief Justice may continue in office as a Judge of the Supreme Court.
- 13 Within the Kenya Defence Forces, section 24 of the Kenya Defence Forces Act provides that the Chief of the Defence Forces, the Vice Chief of the Defence Forces and the Service Commanders shall serve for a single term of four years or retire upon the attaining the mandatory retirement age, whichever comes first. This provision was derived from the *Tonje* Rules which guide the promotion and retirement of senior officers. The Rules set the retirement of the Chief of Defence Forces at 62 years, making anyone who has attained that age ineligible for appointment as the Chief of Defence Forces.
- 14 In comparative jurisdictions, Nigeria had a mandatory retirement age of 60 years for its Inspector General of Police before 2024. In 2024, the Police Act was amended to ensure that the holder of the office continues serving until the completion of the four-year term, despite attaining the age of sixty years. Section 45 of the South Africa Police Act sets the retirement age of sixty years for all members of the service and does not make exception for the National Commissioner of Police. In India, every Government servant including the Director General of Police is required to retire on the afternoon of the last day of the month in which he attains the age of sixty years.

2.4 Stakeholders' submissions on the Bill

- 15 The Committee received submissions through written memoranda and oral presentations. In addition to submitting written memoranda, the following stakeholders also appeared before the Committee on Tuesday, 11th November, 2025 at 9.30 a.m. to give their oral presentation on the Bill:
 - a. the National Police Service (NPS);
 - b. the National Police Service Commission (NPSC);
 - c. the Law Society of Kenya (LSK);
 - d. the National Association of Retired Police Officers-Kenya (NARPOK); and
 - e. the Independent Policing Oversight Authority (IPOA).
- 16 Both the written memoranda and oral presentations contained general comments on the Bill as well comments on individual clauses of the Bill as analyzed below—

a. Submissions by the National Police Service

- 17 The National Police Service (NPS) appeared before the Committee and opposed the amendments in the Bill that seek to introduce an age cap of 60 years for appointment to the offices of Inspector-General and Deputy Inspector-General.
- 18 The NPS noted that the offices of the Inspector-General and Deputy Inspector-General are constitutional offices whose holders are State Officers appointed by the President in accordance with the provisions of the Constitution. They submitted that therefore, enacting a statute that seeks to limit constitutional provisions would amount to a nullity.
- 19 The NPS further noted that while the intention of the proposal is to promote generational transition and leadership renewal, the provision may have unintended negative consequences for the effective leadership and continuity of the Service.
- 20 The NPS further submitted that the senior officers at this level play a vital role in offering strategic leadership in the Service and mentoring upcoming leaders due to their extensive experience and further submitted that this leadership level depends less on physical agility.
- 21 The NPS further submitted that while age correlates with experience, it should not be used as a disqualifying factor for leadership but rather, competence, integrity, professionalism and strategic thinking should remain the principal criteria for appointment to the positions of Inspector-General and Deputy Inspector-General.
- 22 They further submitted that globally, many police and military institutions retain or even appoint senior officers beyond the age of sixty, recognizing the strategic value of institutional experience and therefore, they submitted that it is consistent with best practice to allow flexibility in appointments based on competence and merit, rather than rigid age parameters.

Committee Observation

- 23 Article 245(8) empowers Parliament to enact legislation to give full effect to Article 245 of the Constitution on the command and administration of the National Police Service. Accordingly, Parliament may prescribe statutory qualifications and disqualifications for appointment to the office of the Inspector-General and Deputy Inspector-General, including age criteria.

b. Submissions by the National Police Service Commission

- 24 The National Police Service Commission (NPSC) appeared before the Committee and submitted as follows:
- 25 The NPSC submitted that the Bill be amended to include the procedure for removal from Office of the Inspector-General (IG) and Deputy Inspector-General (DIG) in order to align removal procedures with Article 245(7) of the Constitution and to ensure due process, transparency and accountability in cases of misconduct, incapacity or violation of constitutional obligations noting that the IG and DIG are State Officers as per Article 260 of the Constitution. The Commission noted that the absence of clear procedures exposes the

offices to arbitrary or politically motivated removal thus undermining the independence and stability in the leadership of the National Police Service.

- 26 The Commission further noted that although Article 245(8) of the Constitution provides that Parliament shall enact legislation to give full effect to Article 245, no specific statute has been enacted by Parliament to operationalize this constitutional requirement including the removal process of the Inspector-General.
- 27 The Commission further supported the proposed amendment on the retirement age of 60 years for the Deputy Inspector-General noting that their term limit is not fixed under the Constitution and they can be removed at any time before they attain the age of retirement as provided in section 17 of the National Police Service Act. They submitted that accordingly, the tenure of the Deputy Inspector-General is not comparable to that of the Inspector-General whose term is fixed by the Constitution.
- 28 The Commission further submitted that the proposed amendment on the age limit of sixty years for appointment of an Inspector-General or a Deputy Inspector-General should not affect the tenure of an Inspector-General appointed prior to attaining the age of sixty years, as their term is constitutionally protected and continues to run in accordance with the existing legal framework.

Committee observations

- (i) The term of office of the Inspector-General is protected under Article 245(6) of the Constitution as a four-year term from the date of appointment unless otherwise removed under Article 245(7) of the Constitution. Further, section 17 of the National Police Service Act on removal of the Deputy Inspector-General provides that the President may remove, retire or redeploy the Deputy Inspector-General (DIG) at any time before the DIG attains the age of retirement.
- (ii) While Article 245 of the Constitution gives the grounds for removal of the Inspector-General, and requires Parliament to enact legislation to give full effect to Article 245 of the Constitution, an amendment to the Bill to include the procedure for removal would unreasonably and unduly expand the subject of the Bill contrary to Standing Order 133(5) of the National Assembly Standing Orders.

c. Submissions by the Law Society of Kenya

- 29 The Law Society of Kenya (LSK) appeared before the Committee and made submissions in support of the Bill. LSK noted that enactment of the Bill will strengthen institutional integrity and ensure that leadership within the National Police Service is both competent and ethically grounded.
- 30 LSK further submitted that where the Inspector-General or Deputy Inspector-General complete their term before attaining 60 years, such an officer should be eligible for

redeployment within the Service in other strategic or advisory capacities for purposes of preserving the institutional memory.

31 Additionally, LSK proposed insertion of a transitional clause for the existing office holders to ensure seamless transition into the proposed new legal regime.

Committee observations

- (i) If enacted, the law would not affect the current holders of the office of Inspector-General or Deputy Inspectors-General and would only apply to appointments made after enactment of the legislation as law cannot apply retrogressively.
- (ii) The term of office of the Inspector-General is protected under Article 245(6) of the Constitution as a four-year term from the date of appointment.
- (iii) While re-deployment of an IG or DIG after completion of their term would be an administrative decision, section 17 of the National Police Service Act provides that the President may remove, retire or redeploy the Deputy Inspector-General (DIG) at any time before the DIG attains the age of retirement.

d. Submissions by the National Association of Retired Police Officers-Kenya

32 The National Association of Retired Police Officers-Kenya appeared before the Committee and submitted as follows:

33 NARPOK proposed that with regard to the proposed qualifications of the Inspector-General, the person appointed should be a serving police officer of or above the rank of an Assistant Inspector General.

34 NARPOK further submitted that the appointment of an Inspector-General or a Deputy Inspector-General be made before their attainment of the mandatory retirement age of 60 years and after such appointment, they be entitled to hold office until completion of their contract term unless otherwise removed. The Association further proposed the insertion of a new section 76(b) in the National Police Service Act to provide that NARPOK be part of the National Police Service.

Committee Observations

- (i) The Constitution and the National Police Service Act do not require the Inspector-General to be a serving police officer, thereby leaving wide discretion to the appointing authority.
- (ii) It is necessary to provide that a nominee for appointment must be a serving officer of or above the rank of Assistant Inspector-General to ensure they understand the police command structure and the functioning and operations of the Service.

e. Submissions by the Independent Policing Oversight Authority

- 35 The Independent Policing Oversight Authority appeared before the Committee and submitted as follows:
- 36 The Authority supported the substance of the proposed amendments on introduction of an age limit and qualifications for the appointment of the Inspector-General (IG) and Deputy Inspector-General (DIG) noting that the proposal aligns with the age of retirement requirements in Kenya for public officers and with regional best practices including Uganda, Tanzania and Rwanda where the retirement age for police officers is stipulated by law.
- 37 The Commission further proposed the inclusion of an elaborate process for the appointment and removal of the IG and DIG, in line with the recommendations of the Maraga Taskforce. The Authority further proposed the inclusion of a provision that appointment of the Inspector-General and the Deputy Inspector-General should adhere to the two-thirds gender rule as provided for in Article 27 (8) of the Constitution of Kenya.
- 38 Additionally, the Authority opposed the proposed deletion of section 13 of the principal Act and its replacement with a new section 11A, on grounds related to the coherence and structure of the legislation.
- 39 The Authority further informed the Committee that there was ongoing comprehensive legislative review process by a Technical Committee appointed by H.E Kithure Kindiki vide Gazette Notice dated 13th August 2024. They noted that the terms of reference of the Technical Committee was to review and develop policy reforms for the National Police Service, Kenya Prisons Service and National Youth Service. The Technical Committee was to among other things, draft a Statute (Miscellaneous Amendment) Bill containing amendments to the National Police Service Act, the National Police Service Commission Act, the Independent Policing Oversight Authority Act and the Public Order Management Act for onward transmission to the Attorney-General for further action. They noted that Technical Committee was in the process of developing the aforementioned Bill.

Committee observations

- (i) The Committee observed that section 5 of the National Police Service Act provides that not more than two-thirds of the appointments shall be of the same gender.
- (ii) While Article 245 of the Constitution gives the grounds for removal of the Inspector-General, and requires Parliament to enact legislation to give full effect to Article 245 of the Constitution, an amendment to the Bill to include the procedure for removal would unreasonably and unduly expand the subject of the Bill contrary to Standing Order 133(5) of the National Assembly Standing Orders.

PART III

3.0 DETERMINATION AS TO WHETHER OR NOT THE BILL SHOULD BE APPROVED BY THE HOUSE

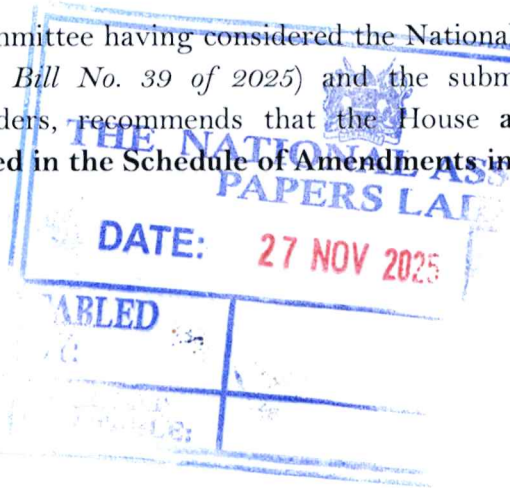
40 Upon consideration of the Bill, the Committee observed the following—

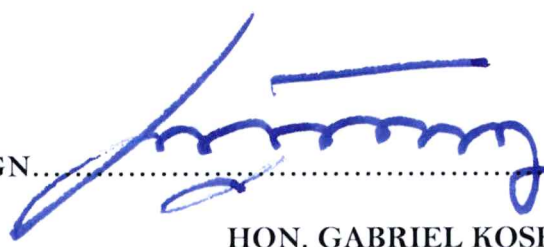
- (i) **THAT** enactment of the Bill will ensure that persons appointed to the offices of Inspector-General or Deputy Inspector-General have the ability to handle demanding situations within the police service and to help balance between the need to retain experienced leadership and allow for succession planning within the Service.
- (ii) **THAT** Article 245(8) of the Constitution empowers Parliament to enact legislation to give full effect to Article 245 of the Constitution on the command and administration of the National Police Service. Accordingly, Parliament may prescribe statutory qualifications and disqualifications for appointment to the office of the Inspector-General and Deputy Inspector-General, including age criteria.
- (iii) **THAT** there is need for the law to require that the Inspector-General and Deputy Inspector-General be of or above the senior rank of Assistant Inspector-General noting that this is important for predictability as is the case of the Kenya Defence Forces and to allow for career progression within the National Police Service.
- (iv) **THAT** the term of service of an Inspector-General who attains the age of sixty while in office is protected under the Article 245(6) of the Constitution, being a four-year term from the date of appointment and they cannot be removed on account of age before the expiry of their term. Further, section 17 of the National Police Service Act on removal of a Deputy Inspector-General provides that a Deputy Inspector-General may be redeployed within the Service or removed from office or retired upon attaining the age of retirement.

PART IV

4.0 COMMITTEE RECOMMENDATIONS

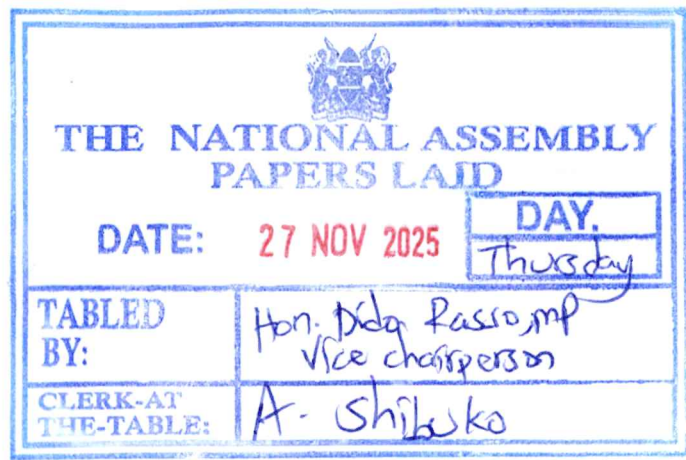
41 The Committee having considered the National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025) and the submissions from members of the public and stakeholders, recommends that the House approves the Bill with amendments as contained in the Schedule of Amendments in Part V of this Report.



SIGN.......... DATE.....25. 11. 2025.....

HON. GABRIEL KOSHAL TONGOYO, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY



PART V

5.0 SCHEDULE OF PROPOSED AMENDMENTS

42 The Committee proposed the following amendments to be considered by the House at the Committee Stage—

a. CLAUSE 3

THAT Clause 3 of the Bill be amended in the proposed new section 11(1)(e) by deleting the words “has served in a senior management position for at least fifteen years” and substituting therefor the words “is a police officer of or above the rank of Assistant Inspector-General or an equivalent rank in the public service”.

Justification: The amendment seeks to ensure that the person appointed to the position of Inspector-General is a police officer serving in senior command and leadership position within National Police Service and not below the rank of Assistant Inspector-General or an equivalent rank in the public service.

b. CLAUSE 4

THAT Clause 4 of the Bill be amended in the proposed new section 11B(1)(e) by deleting the words “has served in a senior management position for at least fifteen years” and substituting therefor the words “is a police officer of or above the rank of Assistant Inspector-General or an equivalent rank in the public service”.

Justification: The amendment seeks to ensure that the person appointed to the position of Inspector-General is a police officer serving in senior command and leadership position within National Police Service and not below the rank of Assistant Inspector-General or an equivalent rank in the public service.

MINUTES OF THE 96TH SITTING OF THE DEPARTMENTAL, COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY HELD ON TUESDAY, 25TH NOVEMBER, 2025 IN COMMITTEE ROOM 16, 3RD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

1. **Hon. Col (Rtd) Dido Rasso, MBS, MP** - Vice Chairperson
2. Hon. Fred C. Kapondi, MP
3. Hon. Aduma Owuor, MP
4. Hon. Sarah Paulata Korere, MP
5. Hon. Liza Chepkorir Chelule, MP
6. Hon. Mburu Kahangara, MP
7. Hon. Oku Kaunya, MP
8. Hon. Amb. Francis Kipyegon Sigei, **EBS**, MP
9. Hon. Caroline Jeptoo Ng'elechei, MP
10. Hon. Hussein Weytan Mohammed, MP

ABSENT WITH APOLOGY

1. **Hon. Gabriel Koshal Tongoyo, CBS, MP** - Chairperson
2. Hon. Kaluma George Peter, **CBS**, MP
3. Hon. Dr. Peter Francis Masara, MP
4. Hon. Protus Ewesit Akujah, MP
5. Hon. Rozah Akinyi Buyu, MP

IN-ATTENDANCE

COMMITTEE SECRETARIAT

1. Ms. Grace Wahu - Clerk Assistant II
2. Mr. Gideon Kipkoech - Clerk Assistant II
3. Ms. Mercy Kinyua - Legal Counsel II
4. Ms. Delvin Onyancha - Research Officer II
5. Ms. Ivy Maritim - Media Relation Officer III
6. Mr. Rodgers Kilungya - Audio Officer
7. Mr. Benson Kimanzi - Serjeant-At-Arms

AGENDA

1. Prayers
2. Preliminaries and adoption of the agenda
3. Confirmation of Minutes of previous Sittings
4. **Consideration and adoption of the Report on the National Police Service (Amendment) Bill, 2025 (National Assembly Bill, No. 39 of 2025) sponsored by Hon. Oku Kaunya, MP**
5. Any Other Business
6. Adjournment.

MIN./NO./DC-AIS/2025/476: PRELIMINARIES & ADOPTION OF AGENDA

The Vice Chairperson, Hon. Dido Rasso, MBS, MP called the meeting to order at 10.18 am and said a prayer. The agenda of the meeting was adopted having been proposed by Hon. Sarah Korere, MP and seconded by Hon. Peter Masara, MP.

MIN./NO./DC-AIS/2025/477: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

The confirmation of Minutes was deferred to a later date.

MIN./NO./DC-AIS/2025/478: CONSIDERATION AND ADOPTION OF THE REPORT ON THE NATIONAL POLICE SERVICE (AMENDMENT) BILL, 2025 (NATIONAL ASSEMBLY BILL, NO. 39 OF 2025) SPONSORED BY HON. OKU KAUNYA, MP

The Committee considered and adopted the Report on the National Police Service (Amendment) Bill, 2025 (National Assembly Bill, No. 39 of 2025) sponsored by Hon. Oku Kaunya, MP and made the following observations and recommendations having been **proposed by the Hon. Aduma Owuor, MP and seconded by the Hon. Liza Chepkorir Chelule, MP: -**

Committee Observations:

- (i) **THAT** enactment of the Bill will ensure that persons appointed to the offices of Inspector-General or Deputy Inspector-General have the ability to handle demanding situations within the police service and to help balance between the need to retain experienced leadership and allow for succession planning within the Service.
- (ii) **THAT** Article 245(8) of the Constitution empowers Parliament to enact legislation to give full effect to Article 245 of the Constitution on the command and administration of the National Police Service. Accordingly, Parliament may prescribe statutory qualifications and disqualifications for appointment to the office of the Inspector-General and Deputy Inspector-General, including age criteria.
- (iii) **THAT** there is need for the law to require that the Inspector-General and Deputy Inspector-General be of or above the senior rank of Assistant Inspector-General noting that this is important for predictability as is the case of the Kenya Defence Forces and to allow for career progression within the National Police Service.
- (iv) **THAT** the term of service of an Inspector-General who attains the age of sixty while in office is protected under the Article 245(6) of the Constitution, being a four-year term from the date of appointment and they cannot be removed on account of age before the expiry of their term. Further, section 17 of the National Police Service Act on removal of a Deputy Inspector-General provides that a Deputy Inspector-General may be redeployed within the Service or removed from office or retired upon attaining the age of retirement.

Committee Recommendation

The Committee having considered the National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025) and the submissions from members of the public and stakeholders, recommends that the House **approves the Bill with amendments as contained in the Schedule of Amendments in Part V of the Report.**

SCHEDULE OF AMENDMENTS

The Committee proposed the following amendments to be considered by the House at the Committee Stage—

a. CLAUSE 3

THAT Clause 3 of the Bill be amended in the proposed new section 11(1)(e) by deleting the words “has served in a senior management position for at least fifteen years” and substituting therefor the words “is a police officer of or above the rank of Assistant Inspector-General or an equivalent rank in the public service”.

Justification: The amendment seeks to ensure that the person appointed to the position of Inspector-General is a police officer serving in senior command and leadership position within National Police Service and not below the rank of Assistant Inspector-General or an equivalent rank in the public service.

b. CLAUSE 4

THAT Clause 4 of the Bill be amended in the proposed new section 11B(1)(e) by deleting the words “has served in a senior management position for at least fifteen years” and substituting therefor the words “is a police officer of or above the rank of Assistant Inspector-General or an equivalent rank in the public service”.

Justification: The amendment seeks to ensure that the person appointed to the position of Inspector-General is a police officer serving in senior command and leadership position within National Police Service and not below the rank of Assistant Inspector-General or an equivalent rank in the public service.

MIN./NO./DC-AIS/2025/479: ANY OTHER BUSINESS

The Committee was informed of invitations from the Refugee Consortium of Kenya (RCK) to a field visit in regard to stateless persons and celebration of their 25th Anniversary. The Committee resolved to honor the invitations as follows:

- a. Hon. Oku Kaunya, MP will represent the Chair in the celebration of the 25th Anniversary; and
- b. All Members will attend the field visit in regard to stateless persons in Diani, Kwale County.

MIN./NO./DC-AIS/2025/480: ADJOURNMENT

There being no other business, the meeting was adjourned at 11.47 a.m. The next meeting will held be on notice.

SIGNED  DATE 25.11.2025

HON. GABRIEL TONGOYO, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY



THE NATIONAL ASSEMBLY
13TH PARLIAMENT – FOURTH SESSION-2025
COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ADOPTION LIST OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY ON THE NATIONAL POLICE SERVICE (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO.39 OF 2025) SPONSORED BY HON.OKU KAUNYA, MP.

We, the undersigned Members of the Departmental Committee on Administration and Internal Security do hereby append our signatures to adopt this Report

Date: 25-11-2025

No.	MEMBER	SIGNATURE
1.	Hon. Gabriel Koshal Tongoyo, CBS, MP - Chairperson	
2.	Hon. Col (Rtd) Dido Rasso, MBS, MP - Vice Chairperson	
3.	Hon. Kaluma George Peter, CBS, MP	
4.	Hon. Fred C. Kapondi, MP	
5.	Hon. Aduma Owuor, MP	
6.	Hon. Sarah Paulata Korere, MP	
7.	Hon. Liza Chepkorir Chelule, MP	
8.	Hon. Mburu Kahangara, MP	
9.	Hon.(Dr.)Peter Francis Masara, MP	
10.	Hon. Protus Ewesit Akujah, MP	
11.	Hon. Oku Kaunya, MP	
12.	Hon. Rozaah Akinyi Buyu, MP	
13.	Hon. Amb. Francis Kipyegon Sigei, EBS, MP	
14.	Hon. Caroline Jeptoo Ng'elechei, MP	
15.	Hon. Hussein Weytan Mohammed, MP	



LAW SOCIETY OF KENYA
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MEMORANDUM
TO
THE CLERK OF THE NATIONAL ASSEMBLY
ON
THE NATIONAL POLICE SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 39 OF 2025
OCTOBER, 2025

Faith Mony Odhiambo, President Law Society of Kenya
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Tel: +254 111 045 300
Email: president@lsk.or.ke
Website: www.lsk.or.ke

Introduction.

The Law Society of Kenya is a professional statutory body established under the Law Society of Kenya Act, No. 21 of 2014 with a mandatory membership of all Advocates in Kenya.

The organs of the Society are the General Membership, the Council, the Branches and the Secretariat. The Council is the governing body of the Law Society of Kenya. It comprises a President, a Vice- President and eleven other members, all of whom must be members of the Law Society of Kenya. Council members are elected every two years by the members of the Society by means of a secret ballot conducted in accordance with the Law Society of Kenya Act.

Currently, the Council is comprised of The President, The Vice-president and 11 Council members namely:

- President, Faith Mony Odhiambo
- Vice President, Mwaura Kabata
- General Membership Representatives, Tom K'opere, Teresia Wavinya, Hosea Manwa
- Nairobi Representatives, Gloria Kimani, Irene Otto, Stephen Mbugua
- Up-country Representatives, Vincent Githaiga, Lindah Kiome, Hezekiah Aseso, Zulfa Roble
- Coast Representative, Elizabeth Wanjeri
- Secretary/CEO, Florence W. Muturi

One of the Law Society of Kenya statutory objects as provided in section 4(a) of the Act is to assist the Government and the courts in all matters affecting legislation and the administration and practice of law in Kenya. Pursuant to this statutory mandate, the Law Society of Kenya makes a presentation on the **National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025)**.

GENERAL COMMENTS.

The National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025) seeks to amend the National Police Service Act, Cap. 84 to provide for an age limit of sixty years for persons nominated and appointed to the offices of Inspector- General and Deputy Inspector- General. It also seeks to include a term limit for Deputy Inspectors- General, noting that they are exempted from the mandatory retirement age of sixty years. Further, it seeks to ensure that persons appointed to the offices have the ability to handle demanding situations within the police service and to help balance between the need to retain experienced leadership and allow for succession planning within the Service.

The LSK has reviewed the Bill and commends the effort to clearly set out qualifications and disqualifications for appointing the Inspector-General (IG) and Deputy Inspector-General (DIG) of Police at Clauses 3 and 4, these provisions play a crucial role in ensuring that only individuals with the right qualifications, integrity, competence, and professional experience lead the National Police Service.

By emphasizing merit-based appointments, these provisions promote a transparent, fair selection process. The disqualification criteria are equally important as they eliminate candidates with conflicts of interest, criminal records or compromised integrity. This filtering strengthens public trust and confidence in police leadership.

Overall, the Bill marks a positive step toward building a professional and accountable police service. It reverses the 2014 Security Laws Amendment that gave the President sole power to nominate the Inspector-General for parliamentary approval, bypassing NPSC a change that undermined police independence, accountability and the Constitution's spirit. The Bill thus restores competitive, merit-based recruitment, strengthening transparency and trust in police leadership.

Equally Article 245 (6) of the Constitution of Kenya, 2010 provides that the Inspector-General shall be appointed for a single four-year term and is not eligible for re-appointment. The Bill in clause 4 (2) provides that the Deputy Inspector- General shall be appointed for one term of five years and shall not be eligible for reappointment of the same position. The creation of distinct fixed terms for the IG and DIG ensures that

their appointments are staggered. This is critical for institutional stability as it prevents leadership vacuum and ensures seamless transfer of knowledge and command. It also creates clarity, because an eligible candidate know they have a fixed term to deliver results, and their performance can be fairly assessed based on a clear term scorecard.

In light of the above, the Law Society of Kenya supports the Bill, noting it will strengthen institutional integrity and ensuring that leadership within the Service is both competent and ethically grounded.

However, we note that certain clauses could benefit from further amendments to enhance its effectiveness and address potential ambiguities. Below are our specific comments and justifications on select clauses of the Bill.

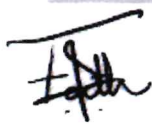
SPECIFICS COMMENTS.

No	Section	Provision/Issue	Proposal	Justification
1.	Clause 4	New sub clause	We propose that where the IG and DIG complete their term before attaining 60 years, such an officer shall be eligible for redeployment within the Service in other strategic or advisory capacities.	Redeployment to roles such as heads of training institutions, strategic policy units or advisory directorates will preserve institutional memory and prevent the premature loss of highly skilled officers who have completed their IG and DIG tenure. This would ensure the NPS retains its institutional memory and makes the best use of its most experienced personnel.

2.	New clause	Transitional provisions	Existing officials the IG and DIG shall be deemed to be duly elected under this Bill for the remainder of their term.	Transitional provisions facilitate the smooth implementation of legislative changes by providing a framework for transitioning from the old legal regime to the new one hence ensuring a seamless transition for affected individuals. Further, it clarifies how the newly introduced term limits will apply to current office holders, thereby preventing potential disputes or legal challenges during the implementation period.
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In conclusion, we believe that the Bill will significantly strengthen the governance and operational effectiveness of the National Police Service. We humbly submit that our comments be considered before enactment of the Bill.

Yours faithfully,



Faith Odhiambo
President Law Society of Kenya.

**SUBMISSION TO THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
INTERNAL SECURITY ON THE NATIONAL POLICE SERVICE (AMENDMENT) BILL,
2025.**

INTRODUCTION

The Authority received a letter (Ref. No. NA/DDC/AIS/2025/140) dated 27th October 2025 from the Office of the Clerk of the National Assembly, inviting the Authority to a meeting with the Departmental Committee on Administration and Internal Security on Tuesday, 11th November 2025, to deliberate on the National Police Service (Amendment) Bill, 2025. The letter further requested the submission of a memorandum on the said Bill.

The Bill seeks to introduce an age limit for the appointment of the Inspector General (IG) and Deputy Inspector General (DIG), to provide for a term limit for the DIG, and to prescribe qualifications and disqualifications for persons to be appointed to those offices.

While the Authority supports the substance of the proposed amendments, it disagrees with the proposed deletion of section 13 of the principal Act and its replacement with a new section 11A, on grounds related to the coherence and structure of the legislation. The Authority further recommends the inclusion of an elaborate process for the appointment and removal of the IG and DIG, in line with the recommendations of the Maraga Taskforce. The Authority also recommends inclusion of a provision that appointments of the Inspector General and the Deputy Inspector General must adhere to the 2/3rds gender rule as provided for in Article 27 (8) of the Constitution of Kenya.

We wish to bring to the attention of the of the ongoing comprehensive legislative review process by the Technical Committee to Review and Develop Policy Reforms for the National Police Service, Kenya Prisons Service, and National Youth Service. The Committee was to among other things, *draft Bills as follows to be forwarded to the Attorney General for further action Statute (Miscellaneous Amendment) Bill containing amendments to the National Police Service Act, the National Police Service Commission Act, the Independent Policing Oversight Authority Act and the Public Order Management Act.* The Committee was appointed by H.E Kithure Kindiki through a Gazette Notice dated 13th August 2024. The Committee is in the process of developing the aforementioned Bills.

The memorandum is structured in three parts:

Part A highlights the Authority's recommendations on key proposals in the Bill.

Part B contains a detailed analysis and the Authority's specific recommendations.

Part C sets out the detailed analysis in matrix format.

Part A -Highlights of the Authority's recommendations

- a) *Clause 2, which proposes the amendment of Section 9 of the National Police Service Act, which provides for the appointment of the Inspector General and the Deputy Inspector Generals by deleting the expression "12 and 13" and replacing it with 11A and 12"*

The Authority does not support this proposal. It proposes that section 13 of the Act is retained but amended to include a procedure for the recruitment of the DIG.

- b) *Clause 3 outlines the qualifications and disqualifications for appointment as Inspector General. The Clause also seeks to limit the age of appointment to the Office of the Inspector General to sixty years.*

The Authority agrees with this proposal as it is in keeping with the age of retirement requirements in Kenya for public officers and is also in keeping with regional best practices.

- c) *Clause 4 (2) which provides for the appointment of the Deputy Inspector for one term of five years and shall not be eligible for appointment.*

The Authority supports the proposal. It provides clarity lacking in the current provision.

- d) *Clause 4 which proposes the insertion of Section 11B. This provision provides for the qualification and disqualification for appointment as Deputy Inspector General. It also limits the years of appointment to the office of the Deputy Inspector General to 60 years.*

The Authority agrees with this proposal as it is in keeping with the age of retirement requirements in Kenya for public officers and also in keeping with regional best practice.

- e) *Clause 5: The proposed amendments seek to repeal Section 13 of the National Police Service Act.*

The Authority does not support this proposal. It proposes that section 13 of the Act is retained but amended to include an elaborate procedure for appointment.

- f) Clause 6: The proposed amendment seeks to amend Section 20(2) of the National Police Service Act by deleting the expression "12 and 13" and substituting it with the expression "11A and 12"*

For reasons provided above, the Authority does not support the proposed amendment to delete the expression "12 and 13".

- g)** The Authority proposes amendments to sections 12,13,15, and 17 of the National Police Service Act to reinstate the elaborate procedure for appointment and removal of the IG and DIG as was contained in the Act before amendments in 2014 vide the Security Laws (Amendment) Act, No 19 of 2014.

Part B. Detailed analysis of The National Police Service (Amendment) Bill, 2025

- a) Clause 1 which proposes the short title of the Act*

IPOA's position

The Authority concurs with the recommendation for the short title of the Act

- b) Clause 2 which proposes amendment of Section 9 of the National Police Service Act which provides for the appointment of the Inspector General and the Deputy Inspector Generals by deleting the expression "12 and 13" and replacing it with 11A and 12"*

IPOA's position

The Authority does not support the proposed amendment and proposes that section 13 of the Act be retained but amended to include an elaborate procedure for the appointment of the DIG.

Section 9, which is proposed to be amended, refers to sections 12 and 13 of the National police Service Act concerning the procedure for appointment of the IG and DIG.

Section 9 provides;

"The Inspector-General, the Deputy Inspector-General in charge of Kenya Police Service and the Deputy Inspector-General in charge of Administration

Police Service, shall be appointed to office in accordance with Article 245 of the Constitution and sections 12 and 13 of this Act.”

The proposal in the Bill, therefore, is to replace the reference to section 13 with section 11A. The proposed section 11A of the Bill, therefore, seeks to introduce the procedure for the appointment of DIG before the provision on qualifications for DIG proposed in clause 11B. This is not in keeping with proper legislative drafting, whereby the qualifications for appointment should be set out before the procedure for appointment (refer to various cognate Acts of Parliament, including the National Police Service Commission Act, sections 5 and 6, The Independent Policing Oversight Authority Act, sections 10 and 11, The Kenya National Commission on Human Rights Act, sections 10 and 11).

Additionally, the proposal will introduce the procedure for appointment of DIG before that of the IG (which is provided for in section 12), yet the qualifications for the IG are set out in section 11 before those for the DIG.

In our view, Section 13 of the Act is therefore properly placed; its main defect being that it does not outline an elaborate procedure for the appointment of the Deputy Inspector General.

The proposed amendment to section 9 of the Act should therefore not be adopted

- (a) *Clause 3 seeks to repeal Section 11 of the National Police Service Act which provides for the qualification and disqualification for appointment of the Inspector General and the Deputy Inspector Generals, and replace it with a new Section 11, focusing only on the Inspector General*

IPOA's position

The Authority concurs with the proposed amendment. It provides a separate provision for qualification and disqualification for appointment of the Inspector General, distinct from that of the Deputy Inspector General. Currently, Section 11 of the Act provides for the qualifications and disqualifications for the appointment of both the Inspector General and the Deputy Inspector General.

- (b) *Clause 3 on the proposed Section 11 (2) provides for the disqualification for appointment as the Inspector General. Under the proposed Section 11 (2) (d), the Bill sets the limitation of age for appointment at sixty years. In effect a person who has attained sixty years shall not be appointed as the Inspector General.*

IPOA's position

The Authority concurs with this proposal. Currently, there is no age limit for one to be appointed as the Inspector General. This proposal aligns with the Public Service Commission Act, Cap 185 of the Laws of Kenya and the Public Service Commission Regulations, 2020 on the retirement age of public officers. It also aligns with the practice regionally on the age of retirement for those in charge of the police.

Section 80 of the Public Service Commission Act read together with Regulation 70 of the Public Service Commission Regulations provides that the mandatory age of retirement is sixty (60) years and sixty- five (65) for persons with disability.

In Tanzania-Section 9 of the Public Service Retirement Benefits Act (Cap 371 of the laws of Tanzania) provides that the age of retirement for the Inspector General is 60 years.

Uganda doesn't have a specific age of retirement for the Inspector General. However, Section 15 of the Police Act (Cap 303 of the laws of Uganda) provides that all police officers should retire at 55 years or upon attaining 20 years of continued service in the Police Force.

In Rwanda the Commissioner of Police who is the equivalent of the Inspector General, retires at sixty (60) years as provided for in Article 72 of the Presidential Order Specific Statute for Police Officers 9.

- (c) *Clause 4 on the proposed Section 11A (1) which provides for the appointment of the Deputy Inspector General by the President on recommendation of the Commission.*

IPOA's position

As aforesaid, the Authority does not support the proposal to delete section 13 and replace it with section 11A. In our view, Section 13 of the Act is properly placed; its major defect is that it does not outline an elaborate procedure for the appointment of the Deputy Inspector General. This is also the case with regard to section 12 on the procedure of recruitment of the Inspector General.

The Authority therefore proposes that sections 12 and 13 be amended to provide an elaborate procedure for the competitive recruitment of the Inspector General and the Deputy Inspector General, as was previously set out in the Act before amendments vide Act no. 19 of 2014. This is in accordance with the recommendation by the National Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for Members of the National Police Service, Kenya Prisons Service and National Youth Service (commonly known as the Maraga Taskforce). On the issue of leadership in the National Police Service, the Taskforce recommended at paragraph 145 (b): -

"145. In the circumstances, and to address the said challenges bedeviling NPS and in particular to ascertain whether the current senior officers of NPS have the competence, integrity, experience, suitability and attributes necessary to drive the requisite reforms and achieve the vision of NPS, the Taskforce recommends:

.....

(b) Cognisant of the High Court decision in Coalition for Reform and Democracy (CORD) and 2 Others v Republic of Kenya and 10 others, the Taskforce recommends and urges the Cabinet Secretary to immediately develop a legislative proposal for

Parliament to enact legislation to reinstate the constitutional requirement for an open, transparent and competitive recruitment of the IG, the Deputy Inspectors-General, and the DCI as was provided for under section 12, 13 and 30 of the NPS Act before the 2014 amendments. With respect to the appointment of DIGs and DCI, there should be strict compliance with the law as prescribed. This will guarantee professional selection and appointment of persons suitable for the position and further enhance public trust in the leadership of the Service;”

The procedure for competitive recruitment outlined in sections 12 and 13 of the NPS Act, before amendments vide Act No. 19 of 2014, provided: -

1. Advertisement for the position in at least two newspapers of nationwide circulation by the National Police Service Commission.
2. Vetting and conduct of public interviews.
3. Forwarding of the shortlist to the president for appointment in the case of DIG
4. In the case of IG nomination by the President of 1 person for vetting by parliament from the shortlist by the Commission
5. Appointment of the IG by the President after vetting.

This will ensure the competitive recruitment process for the IG and DIG is anchored in legislation guided by the dictates of transparency and accountability, which is necessary, as noted by the Police Reforms Taskforce, “to guarantee professional selection and appointment of persons suitable for the position”.

- (d) *Clause 4 on the proposed Section 11A (2), which provides for the appointment of the Deputy Inspector for one term of five years and shall not be eligible for re-appointment.*

IPOA’s Position

The Authority concurs with the proposal to limit the term of the Deputy Inspector General to five years; however, it should be an amendment to section 13.

The limitation of the term of the Deputy Inspector General aligns with Article 245 (6) of the Constitution, which also sets the term limit of the Inspector General to one term of four years.

The extra year in the term limitation of the Deputy Inspector General will ensure that there is no vacuum in the NPS leadership.

- (e) *Clause 4 on the proposed Section 11A (3), which provides for the removal of the Deputy Inspector before the expiry of the term, subject to Section 17 of National Police Service Act.*

IPOA's Position

The Authority concurs with the proposal, save that it should be an amendment to section 13.

However, Section 17 does not provide a procedure for the removal of the Deputy Inspector General.

It provides;

"The President may remove, retire or redeploy the Deputy Inspector General before his/her term in office expires."

Therefore, the Authority proposes that section 17 should be amended to reinstate the process of removal that was provided for in the provision prior to the 2014 amendments vide the Security Laws (Amendment) Act, No 19 of 2014.

The Procedure provided: -

- i. Presentation of a petition by a person desiring the removal of the Deputy Inspector General to the National Police Service Commission;
- ii. The Commission carries out an investigation and considers evidence gathered;

- iii. If at least two-thirds of the members find the Deputy Inspector General culpable a binding recommendation for removal is made to the President;
- iv. The President acts on the recommendation of the Commission within 14 days.

Similarly, section 15 of the Act should be amended to reinstate the procedure for removal of the Inspector General that was provided for in the provision before the 2014 amendments vide the Security Laws (Amendment) Act, No 19 of 2014

The Procedure provided: -

- i. Presentation of a petition by a person desiring the removal of the Inspector General to the National Police Service Commission;
- ii. If at least two-thirds of the members agree that the petition discloses a ground for removal of the Inspector General, the commission forwards the Petition to the President;
- iii. The president appoints a five-member tribunal to investigate the matter;
- iv. The Tribunal makes a binding recommendation to the President;
- v. The President acts on the recommendation of the Tribunal within 7 days.

These proposed amendments will ensure the removal process is anchored in legislation, in keeping with constitutional dictates of transparency and accountability. It will also serve to buttress the independence of the Inspector General as envisaged in Article 245(2) (b) of the Constitution.

(f) Clause 4 which proposes the insertion of Section 11B. This provision provides for the qualification and disqualification for appointment as Deputy Inspector General. It adds a provision disqualifying someone who has attained the age of sixty years from appointment, to the office of the Deputy Inspector General.

IPOA's Position

The Authority concurs with this provision. The provision aligns with the Public Service Commission Act and the Public Service Commission Regulations on the

age of retirement. It also aligns with the practice regionally on the age of retirement for Senior Police Officers.

Section 80 of the Public Service Act read together with Regulation 70 of the Public Service Commission Regulations. Regulation 70 provides that the compulsory age of retirement is 60 years and for a person with disability it is 65 years.

In Tanzania, the age of retirement for an officer in the rank of the Assistant Superintendent of Police up to the Inspector General is 60 years. **(see Section 9 of the Public Service Retirement Benefits Act- Chapter 371 of the Laws of Tanzania).**

In Uganda, all police officers are required to retire at the age of fifty-five (55) years or after 20 years of continued service. There is no distinct age of retirement for the Deputy Inspector General **(see Section 15 of the Police Act- Chapter 303 of the Laws of Uganda).**

In Rwanda, the age of retirement for a Senior Police Officer is fifty-five years. A Deputy Inspector General would fall under the category of Senior Officer since there is a distinct retirement age for the Commissioner of Police **(see Article 72 of the Presidential Order Specific Statute for Police Officers- Presidential Order 30 of 2012).**

(g) Clause 5: The proposed amendments seek to delete Section 13 of the National Police Service Act

IPOA's Position

For reasons provided above the Authority does not support the proposed amendment to delete Section 13.

(h) *Clause 6: The proposed amendment seeks to amend Section 20(2) of the National Police Service Act be deleting the expression "12 and 13" and substituting it with expression "11A and 12"*

IPOA's position

For reasons provided above the Authority does not support the proposed amendment to delete the expression "12 and 13".

Conclusion

The Authority supports the National Police Service Amendment Bill 2025, with the proposed amendments.

PART C: MATRIX ANALYSIS OF THE NATIONAL POLICE SERVICE (AMENDMENT) BILL, 2025

S/NO.	CLAUSE	PROPOSAL IN THE NATIONAL POLICE SERVICE (AMENDMENT) BILL 2025	RETAIN, AMEND, INSERT OR DELETE THE PROPOSED AMENDMENT	JUSTIFICATION
1.	Clause 1	The Act may be cited as the National Police Service (Amendment) Act, 2025	Retain	
2.	Clause 2	Section 9 of the National Police Service Act (hereinafter referred to as the principal Act) is amended by deleting the expression "12 and 13" appearing immediately after the word "sections" and substituting therefore the expression "11A and 12"	Delete	<p>The Authority does not support the proposed amendment and proposes that section 13 of the Act is retained.</p> <p>Section 9 which is proposed to be amended, refers to sections 12 and 13 of the National police Service Act concerning the procedure for appointment of the IG and DIG.</p> <p>Section 9 provides;</p> <p><i>"The Inspector-General, the Deputy Inspector General in charge of</i></p> <p><i>Police Service and the Deputy Inspector General in charge of Administration</i></p> <p><i>Police Service, shall be appointed to office in accordance with Article 245 of the Constitution and sections 12 and 13 of this Act</i></p> <p>The proposal in the Bill, therefore, is the reference to section 13 with section 11A.</p>

				<p>The proposed section 11A of the Bill, therefore, seeks to introduce appointment of DIG before the provision on qualifications for DIG proposed</p> <p>This is not in keeping with proper legislative drafting, whereby the qualifications for appointment should be set out before the procedure for appointment (refer to Acts of Parliament, including NPSC Act, section 5 and 6, IPOA Act, sections 10 and 11, KNCHR Act, sections 10 and 11).</p> <p>Additionally, the proposal will introduce procedure for appointment of DIG before the procedure for appointment of the IG (which is provided for in section 12), yet the qualifications for the IG are set out in section 11 before the qualifications for the DIG.</p> <p>In our view, Section 13 of the Act is therefore properly placed; its only defect is that it does not outline an elaborate procedure for the appointment of the Deputy Inspector General.</p> <p>The proposed amendment to Act should therefore not be adopted</p>
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3.	Clause 3	<p>The principal Act is amended by deleting Section 11 and substituting therefor the following new section</p> <p>11. (1) A person is qualified for appointment as Inspector-General if the person –</p> <ul style="list-style-type: none"> a. is a citizen of Kenya; b. holds a degree from a university recognized in Kenya; c. has had a distinguished career in their respective fields; d. meets the requirements of Chapter Six of the Constitution; e. has served in a senior management position for at least fifteen years and has knowledge and experience in matters relating to any of the following disciplines <ul style="list-style-type: none"> (i) criminal justice; (ii) policy development and implementation; (iii) finance and public administration; (iv) strategic management; (v) security; (vi) law; 	Retain.	<p>The proposed amendment makes a distinct provision for qualification and disqualification for appointment of the Inspector General. Currently, Section 11 makes provision for qualification and disqualification for appointment of the Inspector General and the Deputy Inspector Generals.</p> <p>The Bill further introduces an age limit for the person to be of the Inspector General</p> <p>According to the Bill, a person who has attained 60 years- the age of retirement in Kenya cannot be appointed as an Inspector General of Police as s/he will be due for retirement.</p> <p>Section 80 of the Public Service Act read together with Regulation 70 of the Public Service Commission Regulations. Regulation 70 provides that the compulsory age of retirement is 60 years and for a person with disability it is 65 years.</p> <p>In Tanzania, the age of retirement for the</p>

		<p>(vii) sociology; or (viii) Government.</p> <p>(2) A person is disqualified from appointment as Inspector-General if the person-</p> <ul style="list-style-type: none"> a. is a member of Parliament or a county assembly, a Governor or Deputy Governor; b. has served as a member of Parliament, county assembly, trade union or an office in a political party in Kenya in the preceding five years; c. has previously been convicted of a criminal offence; d. has violated the Constitution; e. is an undischarged bankrupt; or f. has at the time of appointment attained the age of sixty 		<p>Inspector General is 60 year of the Public Service Retirement Benefits Act- Chapter 371 of the Laws Tanzania).</p> <p>In Uganda, all police officers are required to retire at the age of fifty 20 years of continued service. There is no distinct age of retirement for the Inspector General (see Section 15 of the Police Act Chapter 303 of the Laws of Uganda)</p> <p>In Rwanda, the age of retirement for the Commissioner of Police (equivalent of the Inspector General) is sixty years. 72 of the Presidential Order Specific Statute for Police Officers Order 30 of 2012).</p> <p>From the foregoing, the acceptable age of retirement and best practice regionally Inspector General is sixty years.</p>
4.	Clause 4	The principal Act is amended by inserting the following new section immediately after sections	Delete and include as amendments to section 13	The limitation of the term of the Deputy

	<p>11A. (1) Whenever a vacancy arises in the Office of the Deputy Inspector-General, the President shall on the recommendation of the Commission within fourteen days from the date the vacancy arises appoint a suitably qualified person to serve as Deputy Inspector-General.</p> <p>(2) The Deputy Inspector-General shall be appointed for one term of five years and shall not be eligible for reappointment to the same position.</p> <p>(3) The Deputy Inspector-General may be removed before the expiry of the term subject to the provisions of Section 17</p> <p>11B (1) A person is qualified for appointment</p>		<p>Inspector General aligns with Article 245 (6) of the Constitution which sets the term limit of the Inspector General to one term of four</p> <p>Section 17 of the National Police Service Act provides that the President may remove, retire or redeploy the Deputy Inspector General before his/her term in office expires. The process of removal is unclear and therefore the Authority is of the view provide for an elaborate process for removing the Deputy Inspector General.</p> <p>The Bill provides attained the age of sixty years cannot be nominated and appointed to the office of the Deputy Inspector General</p> <p>This is in line with Section 80 of the Public Service Act read together with Regulation 70 of the Public Service Commission Regulations. Regulation 70 provides that the compulsory age of retirement is 60 years and for a person</p>
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	<p>as Deputy Inspector-General if the person-</p> <p>(a) is a Kenyan citizen;</p> <p>(b) holds a degree from a university recognized in Kenya or equivalent qualifications;</p> <p>(c) has had a distinguished career in their respective fields;</p> <p>(d) meets the requirements of Chapter Six of the Constitution;</p> <p>(e) has served the Police Service for at least fifteen years and has knowledge and experience in matters relating to any of the following disciplines-</p> <p>(1) criminal justice;</p> <p>(11) policy development and implementation;</p> <p>(111) finance and public administration;</p> <p>(iv) strategic management;</p> <p>(v) security;</p> <p>(vi) law;</p> <p>(vii) sociology;</p> <p>(viii) Government; or</p>		<p>with disability it is 65 yea</p> <p>Section 24 of the Kenya Defence Force Act provides that the terms of office of the the Defence Forces, the Vice Chief of the Defence Forces and shall <u>serve for a single term of four years</u> or <u>retire upon the attaining</u> <u>mandatory retirement age, whichever comes first.</u></p> <p>In this case the mandatory age of retirement is as provided for in the Public Service Commission Act and the Public Service Commission Act, Regulations.</p> <p>In Tanzania, the age of retirement for in the rank of the Assistant Superintendent of Police up to the Inspector General is 60 years. (see Section 9 of the Public Service Retirement Benefits Act the Laws of Tanzania).</p> <p>In Uganda, all police officers are required to retire at the age of fifty</p>
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		<p>(ix) policy development and implementation;</p> <p>(f) is a serving police officer of or above the rank of Assistant Inspector General;</p> <p>(2) A person is disqualified from appointment as Deputy Inspector-General if the person-</p> <p>(a) is a member of Parliament or a county assembly, a Governor or Deputy Governor;</p> <p>(b) has served as a member of Parliament, county assembly, trade union or an office in a political party in Kenya in the preceding five years;</p> <p>(c) has previously been convicted of a criminal offence;</p> <p>(d) has violated the Constitution;</p> <p>(e) is an undischarged bankrupt; or</p> <p>(f) has at the time of appointment attained the age of sixty years</p>		<p>20 years of continued service. There is no distinct age of retirement for the Inspector General</p> <p>Police Act- Chapter 303 of the Laws of Uganda).</p> <p>In Rwanda, the age of retirement for Police Officer is</p> <p>Inspector General would fall under the category of Senior Officer since there is a distinct retirement age for the Commissioner of (see Article 72 of the Pres Specific Statute for Police Officers Presidential Order 30 of 2012).</p> <p>From the foregoing, the acceptable age of retirement and best practice Inspector General even regionally is sixty years.</p>
5.	None	IPOA's proposal Amendment to section 12 of the National Police Service Act	The principal Act is amended by deleting Section 12 and replacing therefore with the following	The proposed amendme competitive recruitment General in line with the recommendations of The National Taskforce on Improvement of the

		<p>new section-</p> <p>12(1) Whenever a vacancy arises in the office of the Inspector-General, the Commission shall, within fourteen days from the date of the occurrence of the vacancy, by notice in the <i>Gazette</i> and at least two other daily newspapers of national circulation, declare the vacancy, and request for applications.</p> <p>(2) The Commission shall consider the applications, conduct public interviews and shortlist at least three persons qualified for the position advertised for under subsection (1).</p> <p>(3) The names of the persons shortlisted under subsection (2) shall be published in the <i>Kenya Gazette</i>.</p>	<p>Terms and Conditions of Service and other Reforms for Members of the National Police Service, Kenya Prison Youth Service (also known as the Maraga Taskforce). The Taskforce recommended in paragraph 145 (b) that:</p> <p><i>145. In the circumstances, and to address the said challenges bedeviling NPS and in particular to ascertain whether the current of NPS have the competence, integrity, experience, suitability and attributes necessary to drive the requisite reforms and achieve the vision of NPS, the Taskforce recommends:</i></p> <p><i>(b) Cognisant of the High Court decision in Coalition for Reform and Democracy (CORD) and 2 Others v Republic of Kenya and 10 others, the Taskforce recommends and urges the Cabinet Secretary to immediately develop a legislative proposal for Parliament to enact legislation to reinstate the constitutional requirement for an open, transparent and competitive recruitment of the IG, the Deputy</i></p>
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			<p>(4) The Commission shall within seven days from the date of shortlisting of qualified candidates under subsection (2) forward the shortlisted names to the President for nomination of the Inspector-General.</p> <p>(5) The President shall, within seven days of receipt of the names forwarded under subsection (4), by notice in the Gazette, nominate a person for appointment as Inspector-General from among the shortlisted names and submit the name of the nominee to Parliament for approval.</p> <p>(6) Parliament shall, within fourteen days after it first meets after receiving the name of the nominee—</p>	<p><i>Inspectors-General, and the DCI as was provided for under section 12, 13 and 30 of the NPS Act before the 2014 amendments. With respect to the appointment of DIGs and D the</i></p> <p>This will buttress the independence of the Office of the Inspector General as envisaged in Article 245 of the Constitution</p> <p>In the appointment of the Inspector General and the Deputy Inspector General, due regard should be taken of Article 27 (8) of the Constitution. Article 27(8) provides that:</p> <p><i>(8) In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.</i></p>
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			<p>(a) vet and consider the nominee, and may either approve or reject the nomination, and</p> <p>(b) notify the President as to its approval or rejection.</p> <p>(7) If Parliament approves the nominee, the President shall, within seven days after receiving the notification to that effect, by notice in the Gazette appoint the nominee as the Inspector-General of the National Police Service.</p> <p>(8) Where Parliament rejects the nominee submitted by the President, the Speaker of the National Assembly shall communicate its</p>	
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			<p>decision to the President and request for a fresh nominee.</p> <p>(9) In submitting a new nominee under subsection (8), the President shall within seven days, submit to Parliament a fresh nomination from amongst the persons shortlisted and forwarded by the Commission under subsection (4).</p> <p>10) In the appointment of the Inspector General and the Deputy Inspector General, due regard shall be taken of Article 27 (8) of the Constitution.</p>	
6.	Clause 5	The principal Act is amended by deleting Section 13	<p>Amend to read</p> <p>The principal Act is amended by repealing Section 13 and replacing with the following new section—</p> <p>13. (1) Whenever a vacancy arises in the office of a</p>	<p>The Authority proposes that the Bill includes an elaborate process and procedure for recruiting the Deputy Inspector General.</p> <p>Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for Members of the National Police Service, Kenya</p>

			<p>Deputy Inspector-General, the Commission shall, within fourteen days from the date the vacancy occurs, by notice in the <i>Gazette</i> and at least two daily newspapers of national circulation, declare the vacancy for the position of the Deputy Inspector-General and request for applications.</p> <p>(2) Any person qualified in accordance with this Act may make an application to the Commission within fourteen days of the publication of the notice.</p> <p>(3) The Commission shall consider the applications, vet, conduct public interviews and shortlist at least three persons qualified for the positions advertised for under subsection (1).</p> <p>(4) The names of the persons shortlisted under subsection (3) shall be published in the <i>Gazette</i>.</p> <p>(5) The Commission shall within seven days from the</p>	<p>Prisons Service and National Youth Service (also known as the Maraga Taskforce). On the issue of leadership in Service, the Taskforce recommended in paragraph 145 (b)</p> <p><i>145. In the circumstances, and to address the said challenges bedeviling NPS and in particular to ascertain whether the current senior officers of NPS have the competence, experience, suitability and attributes necessary to drive the requisite reforms and achieve the vision of NPS, the Taskforce recommends:</i></p> <p><i>(b) Cognisant of the High Court decision in Coalition for Reform and Democracy (CORD) and 2 Others v Republic of Kenya and 10 others, the Taskforce recommends and urges the Cabinet Secretary to immediately develop a legislative proposal for Parliament to enact legislation to reinstate the constitutional requirement for an open, transparent and competitive recruitment of the IG, the Deputy Inspectors-General, and the DCI as was</i></p>
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			<p>date of shortlisting of qualified candidates under subsection (3), forward the shortlisted names to the President for appointment.</p> <p>(6) The President shall, within seven days of receipt of the names forwarded under subsection (5), by notice in the <i>Gazette</i>, appoint a person as the Deputy Inspector-General</p> <p>10) In the appointment of the Inspector General and the Deputy Inspector General, due regard shall be taken of Article 27 (8) of the Constitution.</p>	<p><i>provided for under section 12, 13 and 30 of the NPS Act before the 2014 amendments. With respect to the appointment of DIGs and DCI, there should be strict compliance with the as prescribed. This will guarantee professional selection and appointment of persons suitable for the position and further enhance public trust in the leadership of the Service;</i></p> <p>Section 13 should in the Bill but rather provision for the competitive recruitment of the DIG is in line with the recommendations of the National Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for Members of the National Police Service, Kenya Police Youth Service (see the recommendation under paragraph 145 (b) of the Report highlighted above)</p> <p>This will also buttress the independence of the National Police Service.</p> <p>In the appointment of the Inspector General and the Deputy</p>
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				<p>General, due regard should be taken of Article 27 (8) of the Constitution. Article 27(8) provides that:</p> <p><i>(8) In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that thirds of the members of elective or appointive bodies shall be of the same gender.</i></p>
	<p>Clause 6</p>	<p>Section 20 of the principal Act is amended in subsection (2) by deleting the expression "12 and 13" and substituting therefor with the expression 11A and 12</p>	<p>Delete</p>	<p>The current Section 20 (2) provides that</p> <p>(2) Where a vacancy occurs in the office of the Inspector Deputy Inspector President shall appoint a replacement in accordance with Sections 12 and 13.</p> <p>The Authority proposes for the amendment of Section 12 and 13 of the National Police Service Act to provide for competitive recruitment the Inspector General and the Deputy Inspector General in tandem with the recommendations of the Improvement of the Terms and Conditions of</p>

				<p>Service and other Reforms for Members of the National Police Service, Kenya Prisons Service and National Youth Service</p> <p>recommendation under paragraph 145 (b) of the Report highlighted above)</p> <p>Consequently, section 13 of the Act should be retained with amendments.</p>
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Additional Proposals

S/No	Proposed Clause in the Bill	Provision in the National Police Service Act	Recommendation	Justification
1	Clause 7	Section 15 of the National Police Service Act Removal of Inspector-General (1) The Inspector-General may be removed from office only for the grounds stipulated under Article 245(7) of the Constitution.	<p>Insert.</p> <p>The principal Act is amended by deleting Section 15 and replacing with the following new section—</p> <p>Removal of Inspector-General</p>	<p>The Authority recommends for provision for an elaborate procedure for the removal of the Inspector General.</p> <p>These proposed amendments will ensure the removal process is anchored in legislation, in keeping with constitutional dictates of transparency and accountability. It will also serve to buttress the independence of the</p>

		<p>(1) The Inspector-General may be removed from office only for the grounds stipulated under Article 245(7) of the Constitution.</p> <p>(2) A person desiring the removal of the Inspector-General on any ground specified in subsection (1) may present a petition to the Commission setting out the alleged facts constituting that-ground.</p> <p>(3) The Commission shall consider the petition and, if at least two thirds of the members present and voting agree that it discloses a ground under subsection (1), the Commission shall recommend to Parliament the removal of the Inspector-General.</p> <p>(4) Parliament shall consider</p>	<p>Inspector General as envisaged in Article 245(2) (b) of the Constitution.</p>
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			<p>the petition and, if it is satisfied that it discloses a valid ground under subsection (1), forward the petition to the President.</p> <p>(5) On receiving a petition under subsection (4), the President—</p> <p>(a) shall appoint a tribunal in accordance with subsection (6); and</p> <p>(b) may suspend the Inspector General, as the case may be pending the outcome of the petition.</p> <p>(6) The tribunal shall consist of—</p> <p>(a) a person who holds or has held office as a judge of a superior court, who shall be the chairperson;</p> <p>(b) three persons who are qualified to be appointed as</p>	
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			<p>judges of the High Court; and</p> <p>(c) one other member who is qualified to assess the facts in respect of the particular ground for removal.</p> <p>(7) The tribunal shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the President, who shall act in accordance with the recommendation within seven days.</p> <p>(8) A person suspended under this section shall be entitled to continue to receive one-half of the remuneration and benefits of the office while suspended.</p>	<p>The proposal by the Authority is for the Bill to provide for an elaborate p</p>
	Clause 8	Section 17 of the National Police Service Act.	<p>Insert</p> <p>The principal Act is amended in by deleting</p>	<p>The proposal by the Authority is for the Bill to provide for an elaborate p</p>

		<p>Removal of Deputy Inspector-General</p> <p>The President may remove, retire or redeploy a Deputy Inspector-General at any time before the Deputy-Inspector General attains the age of retirement.</p>	<p>Section 17 and replacing with the following new section—</p> <p>Removal of Deputy Inspector-General</p> <p>(1) A Deputy Inspector-General may be removed from office only for—</p> <p>(a) serious violation of the Constitution or any other law, including a contravention of Chapter Six of the Constitution;</p> <p>(b) gross misconduct, whether in the performance of the functions of the office or otherwise;</p> <p>(c) physical or mental incapacity to perform the functions of the office;</p> <p>(d) incompetence;</p> <p>(e) bankruptcy; or</p> <p>(f) any other just cause.</p>	<p>the Deputy Inspector General.</p> <p>These proposed amendments will ensure the removal process is anchored in legislation, in keeping with constitutional dictates of transparency and accountability.</p>
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		<p>(2) A person desiring the removal of a Deputy Inspector-General on any of the grounds specified in subsection (1), may present a petition to the Commission setting out the alleged facts constituting that ground.</p> <p>(3) The Commission shall, subject to Article 47 of the Constitution, consider the petition, and, if at least two thirds majority of all the members are satisfied that it discloses a ground under subsection (1)—</p> <ul style="list-style-type: none"> (a) investigate the matter expeditiously; (b) consider the facts or any evidence arising out of the investigations under paragraph (a); and (c) if at least two-thirds majority of all the members, 	
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			<p>excluding the person under investigation, are satisfied that the allegation is based on facts, report on the facts and make a binding recommendation to the President.</p> <p>(4) The President shall act in accordance with the recommendation of the Commission under subsection (3) within fourteen days.</p> <p>(5) Pending the investigations under subsection (3), the President may, on the advice of the Commission, suspend the Deputy Inspector-General.</p> <p>(6) The Deputy Inspector-General suspended under subsection (5) shall be entitled to continue to</p>	
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			receive one half of the remuneration and benefits of the office while so suspended.	
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SECRET



THE NATIONAL POLICE SERVICE

SUBMISSION

TO

**THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION &
INTERNAL SECURITY ON THE NATIONAL POLICE SERVICE
(AMENDMENT) BILL, 2025**

BY

THE INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE

ON 11TH NOVEMBER, 2025

SECRET

**MY SUBMISSION TO THE DEPARTMENTAL
COMMITTEE ON ADMINISTRATION & INTERNAL
SECURITY ON THE NATIONAL POLICE SERVICE
AMENDMENT BILL, 2025**

1. Opening Remarks

Honourable Chairperson and Members of this Committee, Ladies and Gentlemen;

I wish to sincerely express my gratitude to this Honourable Committee for the opportunity to make my submissions on the proposed *National Police Service (Amendment) Bill, 2025*.

I have carefully reviewed the proposed amendments to the National Police Service Act CAP 84 as captured in the Amendment Bill 2025, and I appreciate the continuous effort by Parliament, the Executive, and various stakeholders to strengthen the Service's legal and institutional framework.

As the Inspector General, I fully recognize the commitment of this Committee to enhancing accountability, professionalism, and institutional independence of the National Police Service.

These reforms are essential for sustaining public confidence and ensuring effective policing across the Republic.

2. Overview of the Bill

The Bill before this Committee proposes, among other changes, an amendment to Sections **11(2)(f)** and **11B(2)(f)** of the National Police Service Act, Cap 84.

The proposed amendment seeks to introduce an age limit of sixty (60) years for individuals eligible for appointment to the offices of Inspector General and Deputy Inspector Generals of the National Police Service.

Specifically, it provides that ***“A person shall be disqualified from appointment as Inspector General or Deputy Inspector General if, at the time of appointment, he or she has attained the age of sixty years.”***

While I understand that the intention behind this proposal may be to promote generational transition and leadership renewal, I wish to submit that this provision may have unintended negative consequences for the effective leadership and continuity of the Service.

Chairperson and Honourable Members, after careful consideration, I wish to oppose the proposed amendments introducing an age cap for the following key reasons:

a) Strategic Nature of the Roles of IG and DIGs

The offices of the **Inspector General** and **Deputy Inspector Generals** are not operational but strategic and policy-oriented.

These positions involve:

- Formulating and implementing policing policy frameworks;
- Providing leadership direction and institutional vision;
- Overseeing inter-agency coordination; and
- Ensuring accountability, reforms, and professional standards across the Service.

At this strategic level, experience, maturity, and institutional understanding are invaluable assets that often come with age.

Leadership effectiveness at this tier depends less on physical agility and more on wisdom, judgment, and institutional insight.

b) The Value of Experience and Institutional Memory

Honourable Members, the policing environment in Kenya is complex and evolving. Effective leadership in such a setting calls for individuals with broad experience, exposure, and depth of understanding of the security sector. Allow me to outline three critical advantages of experienced leadership:

i. Mentorship and Capacity Development

Senior officers with decades of service play a vital role in mentoring upcoming leaders within the Service. Their extensive experience equips them to pass on critical operational and ethical guidance that cannot be taught in classrooms or textbooks.

Their presence sustains the professional culture and discipline of the Service.

ii. Informed and Balanced Decision-Making

Officers who have served over long periods have interacted with a wide array of challenges including operational, administrative, and policy-related. They bring to leadership a wealth of lessons drawn from past experiences, enabling them to make balanced, well-informed, and pragmatic decisions in times of crisis. Their problem-solving capacity, strategic foresight, and ability to anticipate emerging threats are assets derived from years of active service.

iii. Trust, Credibility, and Institutional Stability

Veteran officers often command respect and trust from both colleagues and the public.

This earned credibility is critical for effective leadership, especially when leading a large, diverse, and hierarchical institution like the National Police Service. Such leaders serve as symbols of institutional stability and continuity, helping sustain confidence among officers and the citizenry.

3. Age Is Not the Determining Factor for Leadership

While age correlates with experience, it should not be used as a disqualifying factor for leadership. Competence, integrity, professionalism, and strategic thinking should remain the principal criteria for appointment to the positions of Inspector General and Deputy Inspector Generals.

Indeed, the Service continues to benefit from seasoned leaders whose wisdom, foresight, and maturity are essential for guiding younger officers and responding to the complex demands of modern policing.

Imposing a strict age cap may inadvertently exclude qualified, capable, and visionary officers from contributing to national security leadership merely because of chronological age.

4. Comparative and Practical Considerations

Globally, many police and military institutions retain or even appoint senior officers beyond the age of sixty, recognizing the strategic value of institutional experience.

In the Kenyan context, several senior public offices including advisory, judicial, and diplomatic roles value experience rather than impose disqualifying age restrictions.

It is therefore consistent with best practice to allow flexibility in appointments based on competence and merit, rather than rigid age parameters.

5. Constitutional Status of the Offices of the Inspector General and Deputy Inspector General

Chairperson and Honourable Members, it is important to underscore that the offices of the **Inspector General** and **Deputy Inspector Generals** are constitutional offices, whose holders are State officers appointed by the President in accordance with the provisions of the Constitution.

Enacting a statute that seeks to limit constitutional provisions would amount to a nullity, which this Honourable Committee should not allow to pass at this stage.

6. Recommendation

In light of the foregoing, I recommend that the proposed amendment introducing a 60-year age limit for appointment to the offices of Inspector General and Deputy Inspector General be reconsidered.

This proposal, if enacted, risks locking out highly qualified and experienced officers who possess the institutional knowledge and leadership capacity necessary to guide the Service through complex security challenges.

Instead, appointments to these positions should continue to be guided by:

- Professional qualifications and leadership competence;
- Integrity and accountability; and

- Proven track record in strategic command and national security management.

7. Conclusion

Therefore, I urge this Honourable Committee to retain the current provisions of the National Police Service Act without imposing the proposed age restriction.

The National Police Service is committed to ongoing reforms that enhance professionalism, accountability, and operational efficiency.

Thank you, Honourable Chair and Members, for the opportunity to present these views on behalf of the National Police Service.



**NATIONAL ASSOCIATION OF RETIRED
POLICE OFFICERS - KENYA**

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P.O. BOX 442549 - 00100
NAIROBI.

When replying please quote

Ref. No.

Date:20.....

NARPOK/ORG /RTD 19

DATE: 6TH November 2025

**PUBLIC PARTICIPATION IN THE AMENDMENT OF NATIONAL POLICE
SERVICE ACT BY NATIONAL ASSOCIATION OF RETIRED POLICE
OFFICERS – KENYA (NARPOK):**

PRESENTATION BY:

**THE NATIONAL ASSOCIATION OF RETIRED POLICE OFFICERS - KENYA
(NARPOK):**

1. INTRODUCTION:

The National Association of Retired Police Officers Kenya (NARPOK) is an Association of Police Officers who retired honorably from National Police Service. The Association (NARPOK) was founded in 2014 and registered under the Societies Act Cap 108 Laws of Kenya. It is also anchored in the National Police Service Standing Orders (NPSSO) Chapter 66 Appendix (h).

Membership is open to officers who honorably retired from the National Police Service (NPS) and National Intelligence Service (NIS) with NPS bearings in their initial employments. The membership is spread in counties, referred to as Chapters, and currently 43 chapters are fully operating and numbers are growing steadily.

The Association has a comprehensive database that allows the profiling of skills and competencies in order to ensure that the wealth of information and experiences are made available for utilization. These resources are being tapped nationally, regionally and internationally. At Present some of our members are consultants, lawyers, university lecturers and technical people in various institutions.

The Leadership Structure is established through a Board of Trustees (BOT), National Executive Committee (NEC) at National Level and Chapter Executive Committee (CEC) at all active Chapters. The Inspector General of NPS is Patron while both DIGS of KPS/APS and DCI are Deputy Patrons. All retired former IGs NPS, DIGs KPS/APS, former Commissioners of Police - Kenya Police Force, formers Commandants – Administration Police Force, DCI, Directors of CID and Directors of Special Branch are Trustees of the Association.

The Vision of the Association is Service in Retirement and its Mission is to support each other and work together with National Police Service to realize the objectives of the Association

The Objectives of the Association are as follows but not limited to:

- a) To lend support to members in safeguarding their general welfare.
- b) To organize and link up the retired police officers with the serving member of the National Police Service to foster the spirit de corps for common goal of amelioration of their interests and wellbeing:
- c) To provide support to National Police Service, and to hold themselves in readiness to be called out for duty at such times as the Inspector General considers fit.
- d) To promote the spirit of self-help and independence, and to encourage members to use their energy, talent, skills, knowledge and wide experience to benefit each other and the community at large:
- e) To deal with matters pertaining to the welfare, service conditions, retirement benefit, and prospects of retired officers:

2. **NATIONAL POLICE SERVICE AMENDMENT BILL, 2025:**

NARPOK would like to make proposals in the Act of Parliament to amend NPS Act 2025 as follows:-

- i. **Section 3 of NPS (Amendment) Act:** Amended section 11(e) and substituting the following new section 11(e).
 - a) **Under sub-section (1), sub-subsection (e),** to delete the clause "has served in senior management position" and substituting with "has served in a senior command and leadership position within National Police Service" or substituting with "is a serving police officer of or above the rank of an Assistant Inspector General".
- ii. **Section 4 (3) of NPS (Amendment) Act:** The Principal Act is amended by inserting the following sections immediately after section 11:
 - a) **Appointment of Deputy Inspector General** – Under section 11A, sub-section (3): NARPOK suggests subsection (3) is amended to read "Deputy Inspector General APS / KPS to remain in the office until he/she completes one term of 5 years' appointment or attains retirement age of 60 years or removed under section 17 of the Principal Act" unless he resigns voluntarily.

3. **APPOINTMENT/RETIREMENT AGE/TENURE OF THE OFFICE OF INSPECTOR GENERAL:**

The Association (NARRPOK) proposes that appointment of an Inspector General to the office to be before his or her attainment of retirement age of 60 years; and after such appointment should hold the office until completion of his 4 years' term or unless otherwise removed.

4. **OFFICE OF DIRECTOR OF CRIMINAL INVESTIGATIONS:**

While appreciating the supremacy of the constitution the Association (NARRPOK) recommends a Miscellaneous Constitutional Amendment of Article 243 which establishes the Service to read "National Police Service to include the Directorate of Criminal Investigations.

5. **NATIONAL ASSOCIATION OF RETIRED POLICE OFFICERS – KENYA (NARPOK):**

The Association (NARPOK) recommends inclusion of The Association (NARPOK) in the main Act. Towards this end NARPOK proposed the amendment of 76 of the main act by inserting section 76(b) as follows:-

There shall be a National Association of Retired Police Officers (NARPOK)

LAWRENCE MWADIME DAVID, CBS, SS
FOR: THE NATIONAL CHAIRMAN OF NATIONAL
ASSOCIATION OF RETIRED POLICE OFFICERS - KENYA



National Police Service Commission



**NATIONAL POLICE SERVICE COMMISSION'S COMMENTS
ON
THE NATIONAL POLICE SERVICE (AMENDMENT) BILL,
2025**

10TH NOVEMBER, 2025



COMMENTS ON THE NATIONAL POLICE SERVICE (AMENDMENT) BILL, 2025

NAME OF ENTITY: NATIONAL POLICE SERVICE COMMISSION

DATE: 11/ NOVEMBER/ 2025

PART A- GENERAL COMMENTS

Need to have Removal from Office Clauses of the Inspector-General and Deputy Inspectors-General

The current NPS Act lacks detailed procedural safeguards and clarity on the process for removal of the Inspector-General (IG) and Deputy Inspectors-General (DIGs). The amendment seeks to align removal procedures with Article 245(7) of the Constitution and to ensure due process, transparency, and accountability in cases of misconduct, incapacity, or violation of constitutional obligations.

The absence of clear procedures exposes the offices to arbitrary or politically motivated removal, undermining the independence and stability in the leadership of the National Police Service. Providing a well-defined process enhances institutional integrity, safeguards tenure, and reinforces public confidence in the impartiality and professionalism of the National Police Service's command structure and ultimately the security of the country.

The Commission has in recent past received complaints and requests for inquiry for persons in the Offices of the IG and the DIGs. With the current statutory framework including Fair Administrative Actions Act, the Commissioners in Article 246(2) are equal in authority while they conduct Commission business and this poses the issue of conflict of interest where they are called upon to inquire into the conduct of a fellow Commissioner.

The statutory framework should support other constitutional requirements for accountability for administrative actions in Articles 10, 35 and 232 of the Constitution in as far as possible, and this includes having an independent institution to aid in resolution of concerns of the citizens- which is a role Parliament is vested with authority as per Articles 94(5), 95(2) and 95(5)(b) of the Constitution of Kenya.

PART B- COMMENTS ON THE DRAFT PROVISION			
No.	Clause	Comment/Proposal	Rationale/Justification
1	1	NIL	NIL
2	2	<p>Section 9 of the National Police Service Act (hereinafter referred to as ‘the principal Act’) is amended by deleting the expression “12 and 13” appearing immediately after the word “sections” and substituting therefor the expression “11A and 12”.</p> <p>The clause should instead read:</p> <p>Section 9 of the National Police Service Act (hereinafter referred to as ‘the principal Act’) is amended by deleting the expression “12 and 13” appearing immediately after the word “sections” and substituting therefor the expression “11A, 11B and 12”.</p>	<p>The proposed amendment affects the qualifications for both the Inspector-General of Police and the Deputy Inspectors-General of Police. Its substantive effect is to restructure the statutory framework governing appointments to the top leadership of the National Police Service. Any such restructuring must, however, strictly align with the constitutional architecture set out under Articles 243 and 245, which establish the National Police Service and prescribe the process for appointing its leadership.</p>
		<p>Short title in proposed Bill reads:</p> <p>“Qualification and disqualification for appointment as Inspector- General”</p> <p>Retain the short title in the Principal Act that reads:</p>	<p>The short title in the Principal Act is significant as it provides an inclusive acknowledgment that the provisions relate to the appointment of the heads of the Services, encompassing all offices established under Article 245 namely, the Inspector-General of Police and the two Deputy Inspectors-General.</p>

		<p>“Qualification for appointment of Inspector-General and Deputy Inspector-General”</p>	
		<p>11(2) A person is disqualified from appointment as Inspector-General if the person—</p> <p>.....</p> <p>(f) has at the time of appointment attained the age of sixty years.</p>	<p>Article 245(6) provides that the Inspector-General shall be appointed for a single four-year term and shall not be eligible for reappointment.</p> <p>Accordingly, the proposed amendment should not affect the tenure of an Inspector General appointed prior to attaining the age of sixty years, as their term is constitutionally protected and continues to run in accordance with the existing legal framework.</p>
4	4	<p>Insert the following new clause 11(3):</p> <p>“Procedure for removal of the Inspector General”:</p> <p>A person desiring the removal of the Inspector-General on any ground specified in Article 245(7)</p> <p>(a) may present a petition to the National Assembly setting out the alleged facts constituting that ground.</p> <p>(b) The National Assembly shall consider the petition and, if it is satisfied that it discloses a</p>	<p>Article 245(8) of the Constitution provides that Parliament shall enact legislation to give full effect to this Article.</p> <p>However, no specific statute has been enacted by Parliament to operationalize this constitutional requirement.</p> <p>Notably, the Constitution recognizes the office of the Inspector-General as a State office under Articles 245(1) and 260(p). Accordingly, just as there are established procedures for recruitment and appointment to this office, there should equally be clear and consistent</p>

	<p>ground under clause (a), shall send the petition to the President.</p> <p>(c) On receiving a petition under clause (b), the President--</p> <ul style="list-style-type: none"> i. may suspend the member or office holder pending the outcome of the complaint; and ii. shall appoint a tribunal in accordance with clause (d). <p>(d) The tribunal shall consist of-</p> <ul style="list-style-type: none"> i. a person who holds or has held office as a judge of a superior court, who shall be the chairperson; ii. at least two persons who are qualified to be appointed as High Court judges; and iii. one other member who is qualified to assess the facts in respect of the particular ground for removal. <p>(e) The tribunal shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the President, who shall act in accordance with the recommendation within thirty days.</p>	<p>procedures for removal from office, ensuring parity of treatment with other State officers and upholding the principles of fairness, accountability, and due process.</p>
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5	4	<p>11B (2) A person is disqualified from appointment as Deputy Inspector-General if the person—</p> <ul style="list-style-type: none"> (a) ... (b) ... (c) ... (d) ... (e) ... (f) has at the time of appointment attained the age of sixty years. 	<p>The retirement age of the Deputy inspectors-General shall be 60 years as their term limit is not fixed under the constitution.</p> <p>Their tenure is also not comparable to that of the Inspector-General whose term is fixed by the Constitution.</p>
		<p>Insert a new clause 11B (3) to read as follows:</p> <p>“The age of retirement for a Deputy Inspector-General shall be sixty years unless they are removed under section 17 or have served the term of five years.”</p>	<p>The DIG’s shall serve for such remainder of their term until they are 60 years as per section 17 of the NPS Act.</p>
6		<p>Insert a new clause 11B(4) to read as follows:</p> <p>Except where the removal of Deputy Inspector-General is under section 17 of the Principal Act, any person may petition for the removal of the Deputy Inspector-General's as follows:</p> <p>a) may present a Petition to the National Assembly setting out the alleged facts constituting grounds for removal under the constitution or any other law.</p>	<p>Removal under section 17 shall remain as provided in the Principal Act, the National Police Service Act Cap. 84.</p> <p>However, it is noteworthy that there are currently no disciplinary or removal procedures for Deputy Inspectors General either in statute or in regulation. The DIGs, while members of the National Police Service, also serve as Commissioners under Article 246 of the Constitution.</p>

	<p>(b) The National Assembly shall consider the petition and, if it is satisfied that it discloses a ground under clause (a), shall send the petition to the President.</p> <p>(c) On receiving a petition under clause (b), the President--</p> <p style="padding-left: 40px;">(i) may suspend the member or office holder pending the outcome of the complaint; and</p> <p style="padding-left: 40px;">(ii) shall appoint a tribunal in accordance with clause (d).</p> <p>(d) The tribunal shall consist of-</p> <p style="padding-left: 40px;">i. a person who holds or has held office as a judge of a superior court, who shall be the chairperson;</p> <p style="padding-left: 40px;">ii. at least two persons who are qualified to be appointed as High Court judges; and</p> <p style="padding-left: 40px;">iii. one other member who is qualified to assess the facts in respect of the particular ground for removal.</p> <p>(e) The tribunal shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the President, who</p>	<p>Under Article 245(3), the DIGs operate under the overall command of the Inspector General and serve as the respective Heads of the Kenya Police Service and the Administration Police Service. Despite these high ranking and constitutionally significant roles, there exists no statutory mechanism or procedure through which actions or omissions by the DIGs may be challenged by persons or institutions under the Constitution or statute.</p> <p>Given that the DIGs are State officers within the meaning of Article 260 of the Constitution, it is imperative to establish clear and transparent mechanisms for accountability including procedures through which citizens may lawfully initiate recall or removal processes for the office of the Deputy Inspector General.</p>
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		shall act in accordance with the recommendation within fourteen days.	
5	10 (2)	<p>Section 20 of the principal act is amended in subsection (2) by deleting the expression “12 and 13” and substituting therefor the expression “11A and 12”</p> <p>Amend to read: Section 20 of the principal act is amended in subsection (2) by deleting the expression “12 and 13” and substituting therefor the expression “11A, 11B and 12”</p>	Section 11B contains the substantive provisions governing the appointment and disqualification from appointment of persons to the offices of Deputy Inspectors General.



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