REPUBLIC OF KENYA

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PARLIAMENT OF KENYA LIBRARY

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON:

THE CONSIDERATION OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025
(NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 17 JUN 2025 DAY. TUESDAY
TABLED BY: HON. GITONGA MURUGARA (CHAIRPERSON)
CLERK-AT THE-TABLE: WILLIS OBIERO

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CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
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NAIROBI

JUNE 2025

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LIST OF ABBREVIATIONS AND ACRONYMS

CBC	-	Competency Based Curriculum
CBO	-	Community Based Organization
CCSNHR	-	Coast Civil Society Network for Human Rights
CDF	-	Constituencies Development Fund
COG	-	Council of County Governors
CWR	-	County Woman Representative
DCC	-	Deputy County Commissioner
DFRD	-	District Focus for Rural Development
DTF	-	Democracy Trust Fund
ENAF	-	Echo Network Africa Foundation
FORD	-	Forum for the Restoration of Democracy
GBV	-	Gender Based Violence
ICT	-	Information and Communication Technology
JSS	-	Junior Secondary School
KCCB-CJPD	-	Kenya Conference of Catholic Bishops-Catholic Justice and Peace Department
KDCSOWG	-	Kenya Devolution Civil Society Organizations' Working Group
KMTC	-	Kenya Medical Training Centre
LSK	-	Law Society of Kenya
MCCP	-	Maendeleo Chap Chap Party
MP	-	Member of Parliament
NGAAF	-	National Government Affirmative Action Fund
NG-CDF	-	National Government Constituencies Development Fund
NGCF	-	National Government Constituencies Fund
ODM	-	Orange Democratic Movement
PSC	-	Parliamentary Service Commission
PWDs	-	Persons with Disabilities
SOF	-	Senate Oversight Fund
SME	-	Small and Medium Enterprise
STEM	-	Science, Technology, Engineering and Mathematics
TTI	-	Technical Training Institute
TVET	-	Technical and Vocational Education and Training
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
WDM	-	Wiper Democratic Movement

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CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Justice and Legal Affairs on its consideration of the Constitution of Kenya (Amendment) Bill *(National Assembly Bill No. 4 of 2025)*. The Bill was read a First Time in the House on 12th March 2025 and was thereafter committed to the Committee in accordance with Standing Order 127(1) of the National Assembly Standing Orders.

The Bill seeks to amend the Constitution to entrench the National Government Constituencies Fund (NGCF), the Senate Oversight Fund (SOF) and the National Government Affirmative Action Fund (NGAAF).

Vide the Communications from the Chair Nos. 020, 024 and 027 of 2025, the Committee was directed to facilitate public participation on the Bill by inviting submission of memoranda, holding public hearings in all the counties and constituencies and consulting relevant stakeholders on the Bill.

Consequently, and in compliance with Articles 118(b) and 256(2) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly placed advertisements in the print media on 15th March, 21st and 22nd April, and 2nd May 2025 inviting the public and stakeholders to submit written memoranda and/or attend public hearings in the two hundred and ninety (290) constituencies and the forty-seven (47) County Women Representative Offices to submit their views on the Bill. The memoranda were to be received on or before 10th June 2025 at 5.00 pm (East African Time).

By the close of the submission deadline, the Committee had received twenty-six (26) memoranda. Makueni People's Assembly, Prof. PLO-Lumumba, Ukweli Party, the Architects Alliance (TAA), AC Knights and Advocates, Mizani 254, Transparency International (TI), Coast Civil Society Network for Human Rights (CCSNHR), Council of Governors (COG), Law Society of Kenya (LSK) Nairobi Branch, Echo Network Africa Foundation (ENAF) and Democracy Trust Fund (DTF), Torch Africa, Kenya Conference of Catholic Bishops-Catholic Justice and Peace Department (KCCB-CJPD), Stephen Rugumi, Simon Mwangi Mbugua, Anthony Maiyuku, Victor Nundu, Justus Kipkoech Kurgat, Peter Kiplangat Ngetich, Titus Kimala, Mark Maina, Osman Abdi, Victor Kamau, Nderitu Nduba, Sydney Sid and Jeremy Ng'ang'a gave their views on the Bill which the Committee considered in the preparation of this report.

While considering the Bill, the Committee observed that there was huge public support of the Bill during the public hearings exercise. During the public hearings exercise, a total of 224,482 members of the public participated out of which 221,133 members of the public were in support of the provisions of the Bill representing 98.5% of the participants.

The Committee appreciates the Honourable Members of the National Assembly for facilitating the public hearing exercise in the 290 Constituencies and 47 CWR Offices. The Committee further wishes to thank the Parliamentary Service Commission for availing their offices for the conduct of the exercise.

The Committee also thanks the 224,919 members of the public who participated in the public hearings; Makueni People's Assembly, Prof. PLO-Lumumba, Ukweli Party, the Architects Alliance, AC Knights and Advocates, Mizani 254, Transparency International, Coast Civil Society Network for Human Rights, Osman Abdi, Victor Kamau, Nderitu Nduba, Sydney Sid for submitting their views on the Bill; and the media for coverage that was instrumental in raising awareness about the Bill.

The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its consideration of the Bill. Finally, I wish to express my appreciation to the Members of the Committee and Committee Secretariat who sat long hours and made useful contributions towards the preparation of this Report.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is my pleasant privilege and honour to present to this House the Report of the Committee on its Consideration of the Constitution of Kenya (Amendment) Bill *(National Assembly Bill No.4 of 2025)*.

It is my pleasure to report that the Committee has considered the Constitution of Kenya (Amendment) Bill *(National Assembly Bill No. 4 of 2025)* and has the honour to report back to the National Assembly with the recommendation that the House **approves the Bill.**

Hon. George Gitonga Murugara, CBS, MP
Chairman, Departmental Committee on Justice and Legal Affairs

CHAPTER ONE

1 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Justice and Legal Affairs is one of the twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
   (a) To 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) To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;
   (c) To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
   (d) To study and review all legislation referred to it;
   (e) To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
   (f) To 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;
   (g) To 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);
   (h) To examine treaties, agreements and conventions;
   (i) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;
   (j) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
   (k) To examine any questions raised by Members on a matter within its mandate.

1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider:
   a) The Judiciary;
   b) Tribunals;
   c) Access to Justice;
   d) Public prosecutions;
   e) Ethics, Integrity and Anti-corruption;
   f) Correctional services;
   g) Community service orders and witness protection;
   h) **Constitutional Affairs**;
   i) Sovereign immunity;
   j) Elections including referenda;
   k) Human rights;
   l) Political parties; and
   m) The State Law Office' including insolvency, law reform, public trusteeship, marriages and legal education.

3. In executing its mandate, the Committee oversights the following Ministries, Departments and Agencies:
   a) The Judiciary;
   b) Judicial Service Commission;

c) State Department for Correctional Services;
d) State Law Office and Department of Justice;
e) State Department for Justice, Human Rights and Constitutional Affairs;
f) Office of the Director of Public Prosecutions;
g) Ethics and Anti-Corruption Commission;
h) Independent Electoral and Boundaries Commission;
i) Commission on Administrative Justice;
j) Office of the Registrar of Political Parties;
k) Witness Protection Agency;
l) Kenya National Commission on Human Rights;
m) Kenya Law Reform Commission; and
n) Council of Legal Education.

1.3 Committee Membership

4. The Committee comprises the following Members:

Chairperson
Hon. Murugara George Gitonga, CBS, MP
Tharaka Constituency
UDA Party

Vice-Chairperson
Hon. Mutuse Eckomas Mwengi, OGW, MP
Kibwezi West Constituency
MCCP Party

Hon. Gladys Boss, MGH, MP
Uasin Gishu Constituency
UDA Party

Hon. Onyiego Silvanus Osoro, CBS, MP
South Mugirango Constituency
UDA Party

Hon. Wetang'ula Timothy Wanyoyi, CBS, MP
Westlands Constituency
ODM Party

Hon. Muchira Michael Mwangi, MP
Ol Jorok Constituency
UDA Party

Hon. Makali John Okwisia, MP
Kanduyi Constituency
FORD-Kenya

Hon. Aden Daud, EBS, MP
Wajir East Constituency
Jubilee Party

Hon. CPA Suleka Hulbale Harun, MP
Nominated Member
UDM Party

Hon. Maalim Farah, EGH, MP
Dadaab Constituency
WDM-Kenya

Hon. Francis Kajwang' Tom Joseph, CBS, MP
Ruaraka Constituency
ODM Party

Hon. (Dr.) Otiende Amollo, SC, EBS, MP
Rarieda Constituency
ODM Party

Hon. Muchangi Karemba, MP
Runyenjes Constituency
UDA Party

Hon. Mogaka Stephen M., MP
West Mugirango Constituency
Jubilee Party

Hon. Siyad Amina Udgoon, MP
Garissa County (CWR)
Jubilee Party

1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Ahmed Salim Abdalla
Clerk Assistant I / Head of Secretariat

Mr. Ronald Walala
Senior Legal Counsel

Mr. Abdikafar Abdi
Clerk Assistant III

Ms. Jael Ayiego
Clerk Assistant III

Mr. Isaac Nabiswa
Legal Counsel II

Mr. Omar Abdirahim
Fiscal Analyst I

Ms. Vivienne Ogega
Research Officer III

Mr. John Nduaci
Serjeant-At-Arms

Mr. Meldrick K. Sakani
Audio Officer III

Ms. Mary Kamande
Public Communications Officer III

Mr. Calvin Karung'o
Media Relations Officer III

Mr. Silas Opanga
Hansard Reporter III

CHAPTER TWO

2 OVERVIEW OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL *(NATIONAL ASSEMBLY BILL NO. 4 OF 2025)*

2.1 Background

6. The Constitution of Kenya (Amendment) Bill, 2025 seeks to amend the Constitution to entrench the National Government Constituencies Fund (NGCF), the Senate Oversight Fund (SOF) and the National Government Affirmative Action Fund (NGAAF).

2.1.1 The National Government Constituencies Fund (NGCF)

7. The Constituencies Development Fund (CDF) was established in 2003. Hon. Engineer (Sen.) Muriuki Karue, then MP for Ol Kalou Constituency, sponsored the CDF Bill, 2003 as a private Member's Bill which was enacted into law following its assent in December 2003.

8. The CDF was created to support development projects at the constituency level, in response to the inconsistent progress of development initiatives, as a successor of the District Focus for Rural Development (DFRD) Strategy Framework that was implemented through Ministries, State Departments, local authorities, and Non-Governmental Organizations (NGOs) and was aimed at decentralizing development planning and resource allocation and project identification, formulation, and implementation at the district level.

9. The CDF had not been without challenges as in 2013, it was challenged in court on the premise that it contravened the Constitution in ***Petition No. 71 of 2013.*** The Supreme Court found that the CDF Act offended the constitutional principles on the division of revenue, public finance and separation of powers. The judges noted that:

> *"The fact that the CDF has been operational in this country since 2003 is not a good enough answer to the question on the constitutionality of the Fund in the post-2010 constitutional dispensation. A Fund directed at service delivery mandate can only be constitutionally complaint if structured in a manner that does not entangle members of Legislative bodies and Legislative bodies in the discharge of the service delivery mandate however symbolic. Such funds ought to be integrated and subsumed within the structures of either the county executive or the national executive."*

10. To this end, the National Assembly enacted the National Government Constituencies Development Fund (NG-CDF) Act, 2015 which sought to address the issues raised by the Supreme Court on the constitutionality of the CDF.

11. The twenty-one-year journey of the National Government Constituencies Development Fund (NG-CDF) has been a remarkable one driven by a commitment to transform lives, prioritize stakeholders, foster collaborations and empower Kenyans. Some of its achievements as outlined by the NG-CDF Board in its NG-CDF Memoir ***Two decades of Progress***, include:

    (a) **School Infrastructure Development:** Since its inception in 2003, CDF has facilitated the establishment of 3,087 new schools; 1660 (53.8%) were fully funded while 1,427 (46.2%) were partially funded. The Fund has also financed initiation of sixteen (16) schools catering for special needs education.

(b) **Learning Opportunities:** The 3,087 schools initiated through NG-CDF funding have created opportunity for 882,026 leaners to have access to primary and secondary level education.

(c) **Education Bursaries:** The fund has tremendous achievement in the Bursary Scheme. The bursary funds benefit the needy and deserving children from poor backgrounds. On average 1.2 million needy students benefit from the scheme annually. CDF dedicates approximately Kshs. 15 billion annually towards the bursary scheme.

(d) **Technical Training Institutes (TTI's)** In partnership with the Ministry of Education, the Fund has supported the construction of 130 TTIs, thus contributing to a significant increase in the number of skilled workforces which has a resultant positive impact on the nation's economy.

(e) **Kenya Medical Training College campuses:** In partnership with the Ministry of Health, the Fund has established 61 new Kenya Medical Training College (KMTC) campuses and enhanced the infrastructure of the existing ones. These campuses have enrolled approximately 13,511 students thereby had a positive impact including—

(i) creation of job opportunities for both academic and non-academic staff;
(ii) infrastructure improvements such as tarmacking of road networks close to those campuses;
(iii) increased enrolment in medical courses;
(iv) business opportunities for those in the vicinity of these campuses like hostels, supply of food and boosting of the agribusiness sectors in the areas; and
(v) enhanced student support through NG-CDF Bursaries.

(f) **National Administration and Security Sector Infrastructure:** Approximately 5.7% of the Fund has been allocated to projects falling under the National Administration and Security sector towards construction and/or renovation of administration offices, police posts and police stations.

(g) **Huduma Centres:** In partnership with the Ministry of Public Service, the Fund has financed the establishment of Huduma Centres in various constituencies thus bringing government services closer to the people.

(h) **Social Security:** The Fund finances health insurance premiums for vulnerable households in support of the Government's Universal Health Coverage Policy.

(i) **Climate Change Mitigation:** With the amendments to the NG-CDF Act, the Fund enhanced its support to the Government's climate change mitigation measures by allocating 5% of each constituency's annual allocation towards the targeted interventions.

2.1.2 The Senate Oversight Fund (SOF)

12. The SOF is to be established for the purpose of ensuring that the Senate is adequately resourced and empowered to perform its oversight functions. The object of the Fund is to facilitate the Senate to be able to effectively carry out monitoring and evaluation activities in exercise of their oversight role over county governments in accordance with Article 96 of the Constitution.

2.1.3 The National Government Affirmative Action Fund (NGAAF)

13. The NGAAF was established through the Public Finance Management (National Government Affirmative Action Fund) Regulations, 2016 with the primary objective of complementing the measures of the national government on affirmative action. The uses of the Fund include enhancement of financial facilities for affirmative action groups; support value addition initiatives by affirmative action groups; socio-cultural development and nurturing of talent for affirmative action groups; and facilitate access to education through issuance of bursaries and scholarships to affirmative action groups.

14. According to the annual reports of NGAAF, some of its achievements include support for the elderly, women and youth empowerment, and improved welfare of vulnerable children and Persons living with Disability (PWDs).

15. In light of the foregoing, Hon. Samuel Chepkong'a, MP and the Hon. Otiende Amollo, MP co-sponsored the Constitution of Kenya (Amendment) Bill, 2025 seeking to amend the Constitution to entrench the NGCF, SOF and NGAAF.

2.2 Amendment of the Constitution by Parliamentary Initiative

16. Article 256(1)(a) of the Constitution provides for amendment of the Constitution by parliamentary initiative. It states that:

    "A Bill to amend this Constitution may be introduced in either House of Parliament."

17. In accordance with the aforementioned provision, the instant Bill was introduced in the National Assembly. It was published on 26th February 2025 and read a First Time in the House on Wednesday 12th March 2025 in accordance with Standing Order 126 of the National Assembly Standing Orders.

2.3 Summary of the Bill

18. The Bill seeks to amend the Constitution by introducing new Articles 204A, 204B and 204C to establish the following funds:
    (a) the National Government Constituencies Fund,
    (b) the Senate Oversight Fund; and
    (c) the National Government Affirmative Action Fund.

19. The three Funds shall consist of money appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution.

2.4 Committal to the Departmental Committee on Justice and Legal Affairs

20. Upon First Reading of the Bill on 12th March 2025 and pursuant to Standing Order 127(1) and (3) of the National Assembly Standing Orders, the Rt. Hon. Speaker referred the Bill to the Departmental Committee on Justice and Legal Affairs for consideration and to facilitate public participation on the Bill.

CHAPTER THREE

3 CONDUCT OF PUBLIC PARTICIPATION

3.1 Legal Framework on Public Participation

21. Article 10(2) of the Constitution outlines participation of the people as one of the national values and principles of governance. In addition, Article 118 (1)(b) of the Constitution provides that:

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

22. Article 256(2) of the Constitution provides that:

    "Parliament shall publicise any Bill to amend the Constitution, and facilitate public discussion about the Bill."

23. Standing Order 127 (3) and (3A) of the National Assembly Standing Orders stipulates that:

    "(3) 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.

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

3.2 Modalities of Public Participation

24. On 15th March 2025 and in compliance with the aforementioned provisions of law, the Clerk of the National Assembly placed an advertisement in the local dailies inviting the public and stakeholders to submit memoranda on the Bill *(Annexure 3)*.

25. Vide Communication from the Chair No. 020 of 2025 dated 17th April 2025 *(Annexure 4)*, the Rt. Hon. Speaker noted the courts observation that:

    "...amending of a country's constitution, more so our Constitution, should be a sacrosanct public undertaking and its processes must be undertaken very transparently and in strict compliance with the country's supreme law."

26. To this end and in accordance with Article 256(2) of the Constitution, the Departmental Committee on Justice and Legal Affairs resolved that, in addition to receiving written memoranda, public hearings be conducted in all constituencies to accord majority of Kenyans an opportunity to express themselves on the Bill.

27. As a result, the Clerk of the National Assembly placed a further advertisement dated 21st April 2025 in the local dailies on 21st and 22nd April 2025 *(Annexure 5)*. The advertisement provided a two-weeks' notice before commencement of country-wide public participation exercise.

28. Vide Communication from the Chair No. 024 of 2025 dated 24th April 2025 *(Annexure 6)*, the Rt. Hon Speaker directed the Clerk of the National Assembly to inform the public of the planned granular country-wide public hearing exercise to be conducted from Monday 5th to Thursday 8th May 2025 in the two hundred and ninety (290) Constituency Offices and forty-seven (47) County Women Representative (CWR) Offices by placing an additional advertisement in print and electronic media.

29. Furthermore, the Rt. Hon. Speaker notified the House of a briefing session scheduled for 29th April 2025 to apprise the Members on the modalities and administrative arrangements put in place to facilitate the scheduled public hearings.

30. The Rt. Hon. Speaker convened a briefing session on Tuesday 29th April 2025 and thereafter, issued a further Communication from the Chair No. 027 of 2025 dated Wednesday 30th April 2025 *(Annexure 7)* suspending all Committee sittings from Monday 5th to Thursday 8th May 2025 to allow Members and staff of the Parliamentary Service Commission to facilitate the country-wide the public hearings on the Bill.

31. Consequently, and in accordance with Articles 118(1)(b) and 256(2) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly placed an advertisement in the daily newspapers on 2nd May 2025 *(Annexure 8)* inviting the public and stakeholders to attend, make oral representations or submit written memoranda on the Bill and discuss the Bill during the scheduled public hearings exercise.

32. Accordingly, public participation on the Bill was conducted through:
    (a) holding public hearings in the two-hundred and ninety (290) constituencies as contained in Chapter Four of this Report;
    (b) inviting submission of memoranda on the Bill as contained in Chapter Five of this Report.

CHAPTER FOUR

4 PUBLIC HEARINGS IN THE CONSTITUENCIES

4.1 Background Information

33. In accordance with Article 118(b) of the Constitution and Standing Order 127(3) and 3(A) of the National Assembly Standing Orders and in line with the resolution of the House, public hearings were held in the two hundred and ninety (290) Constituency Offices and forty-seven (47) CWR Offices of Members of the National Assembly, which are offices under the Parliamentary Service Commission (PSC) and manned by staff of the PSC.

34. Furthermore, public hearings were also held in the forty-seven (47) CWR Offices of Members of the National Assembly which are offices under the Parliamentary Service Commission (PSC) and manned by staff of the PSC. This availed an opportunity to citizens, who could not be able to go to the constituencies, to give submissions.

4.2 Notification and Sensitization of the Public

35. In line with the resolution of the House Business Committee, the Clerk of the National Assembly informed the public of the planned granular public participation exercise through various platforms including print and electronic media advertisements.

36. To enable the public to engage in the public participation on the Bill, the notification to the public included, in both English and Kiswahili, the Constitution of Kenya (Amendment) Bill, 2025 *(Annexure 9)*, an Explainer on the Bill *(Annexure 10)* and a Public Views Template Form *(Annexure 11)*. Additionally, before the public hearings at the designated venues, the officers of the PSC sensitized the public on the contents of the Bill.

37. In addition, the Public Views Template Form also contained a summary of the legal provisions on the Bill to enable a person giving views to do so from a point of knowledge. The advertisements and Public Views Template Form were also availed in Kiswahili, the national and official language and English, the official language as provided in Article 7(1) and (2) of the Constitution.

4.2.1 Why the Public Views Template

38. Whereas Article 118 of the Constitution mandates Parliament to conduct its business while facilitating public participation and involvement, how it is effected will vary from case to case.

39. In the instant case, the National Assembly employed the use of a Public Views Template Form during the public hearings. This approach catered to diverse preferences and enhanced overall public involvement. The data collected was, thereafter, quantitatively and qualitatively assessed to enhance informed decision-making.

40. The Public Views Template Form was availed to the public through:
    (a) online circulation; and
    (b) physical circulation.

4.2.2 Mode of Notification to the Public

(a) Newspapers

41. On 21st and 22nd April, and 2nd May 2025, the Clerk of the National Assembly placed advertisements in The Standard, The Daily Nation and The Star newspapers inviting the

public to make oral and/or written representations on the Bill and indicating the time and venues of the public hearings. The written submissions were to be submitted via:

(i) postal mail: P.O Box 41842-00100, Nairobi; or
(ii) hand delivery: Office of the Clerk, Main Parliament Buildings, Nairobi.

42. In addition, the public was also advised to submit their views or the Public Views Template Form at the respective Constituency and CWR Offices as indicated in the Public Participation Schedule *(Annexure 8)*.

(b) Parliament Website

43. Copies of the Bill, an Explainer on the Bill and the Public Views Template Form were also availed on the Parliament Website www.parliament.go.ke on 21st April 2025.

(c) Social Media Platforms

44. The advertisement notifying the public of the scheduled country-wide public hearings exercise and an Explainer video on the Bill were also broadcast on the following platforms:

(i) X at National Assembly KE (@NAssemblyKE) on 22nd and 25th April, and 2nd May 2025; and
(ii) Facebook at Parliament of Kenya on 22nd and 25th April, and 4th May 2025.

(d) Oral Presentations/Submissions

45. In accordance with the Public Participation Schedule *(Annexure 8)*, public hearings were conducted in the two hundred and ninety (290) Constituencies from Monday 5th May to Thursday 8th May 2025 between 8.00 am and 5.00 pm.

46. During the exercise, the public was issued with the Public Views Template Form, sensitized on the contents of Bill and thereafter, participated in the public hearings. The oral and written submissions on the Bill are contained in this Report.

(e) Online Submissions

47. On 21st April 2025, the Clerk of the National Assembly availed on the Parliament Website www.parliament.go.ke the adverts for public participation, the Public Views Template Form, the Explainer on the Bill and a copy of the Bill.

48. The public was also invited to submit views via a designated email address constitutionamendment@parliament.go.ke or to the Clerk of the National Assembly via cna@parliament.go.ke to be received on or before Tuesday 10th June 2025 at 5.00pm. To this end, the National Assembly began receiving submissions from the public.

4.3 Submission of Views to the National Assembly

49. The public participation hearings on the Bill were conducted from 5th to 8th May 2025 in the two-hundred and ninety (290) Constituency Offices and forty-seven (47) CWR Offices.

50. Noting the provision for hand delivery of views, the Clerk of the National Assembly availed his office at the Main Parliament Buildings, Nairobi where members of the public, resident in Nairobi, could access with ease and submit their views. This afforded them a convenient opportunity to submit their views without having to be inconvenienced to travel to their respective constituencies to participate in the public hearings exercise.

51. Notwithstanding adoption of the Public Views Template Form as the tool for collecting views during the public participation exercise, views that were submitted in any other format were also admitted including, written submissions.

52. At the close of the period for public participation, a total of 437 submissions were received in the following categories:
    (a) Email: **one hundred and thirty-one (131);** and
    (b) Hand-delivered: **three hundred and six (306).**

53. A quantitative summary of the views submitted to the Clerk of the National Assembly via e-mail and hand delivery is contained in Table 1.

Table 1: Summary of Views Submitted Through Email and Hand-Delivery

Mode	Support	Do Not Support	Total	% Support	% Do not Support
Email Address	31	100	131	23.7	76
Hand Delivery	305	1	306	99.7	0
Total	**336**	**101**	**437**	76.9	23

4.4 Public Hearings at the Constituencies

54. During the public hearings exercise, members of the public were sensitized on the Bill and afforded an opportunity to engage in public discussion by making oral submissions on the Bill. In addition, the participants were issued with the Public Views Template Form, sensitized on the contents of the form and how to fill it. Thereafter, members of the public submitted the filled forms to the officers of the Clerk of the National Assembly.

55. A total of two hundred and **twenty-four thousand four hundred and eighty-two (224,482)** members of the public participated in the public hearings exercise in the two hundred and ninety (290) Constituency Offices and forty-seven (47) CWR Offices. Below is a summary of the views—

4.4.1 Ainabkoi Constituency

56. The public hearing exercise was held at the Ainabkoi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 555 members of the public participated in the exercise.

57. A total of 549 participants supported the Bill stating, among other reasons, that:
    (i) The NG-CDF has improved education through the construction of classrooms and issuance of bursaries.
    (ii) The NG-CDF has improved infrastructure through the construction of bridges which has improved access to transportation services.
    (iii) The NG-CDF has also created job opportunities through the projects initiated by the Fund.

58. On the other hand, 6 participants expressed their reservations on the Bill, citing that the NGAAF was not being used for its intended purpose thus proposed scrapping off of the Fund.

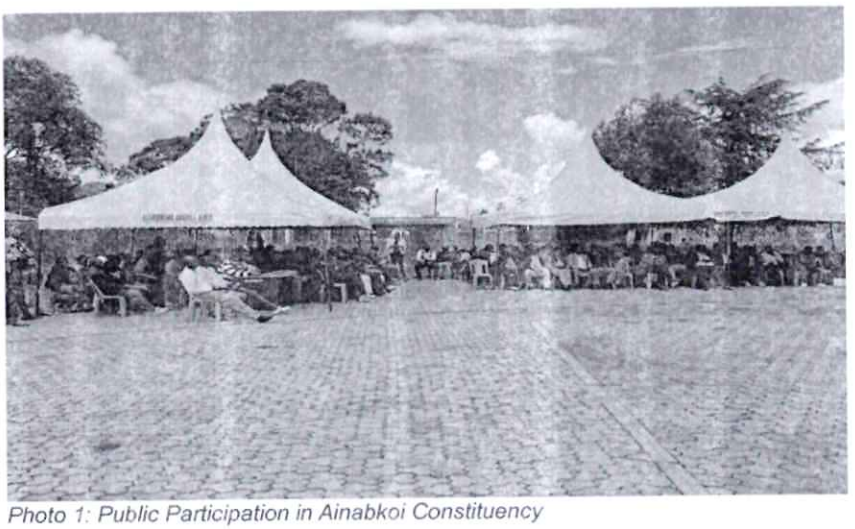

Photo 1: Public Participation in Ainabkoi Constituency

4.4.2 Ainamoi Constituency

59. The public hearing exercise was held at the Ainamoi Constituency Office from 5th to 8thMay 2025 between 8.00 am and 5.00 pm. A total of 119 members of the public participated in the exercise.

60. All 119 participants expressed their support for the Bill. The reasons cited in support of the Bill included:
    (i) The NG-CDF has had positive impact on communities, particularly on education, as it has been used to provide education bursaries to the poor and needy students. The Fund has also contributed to improved infrastructure through construction and renovation of primary and secondary schools, modern toilets, police stations and chief's camps. Furthermore, the Fund is essential for enhancing equitable development and inclusive participation in projects at the constituency level.
    (ii) The NGAAF has benefited the marginalized and vulnerable members of the communities including women and PWDs.
    (iii) The SOF would enable the Senators undertake their oversight role thereby ensuring accountability.

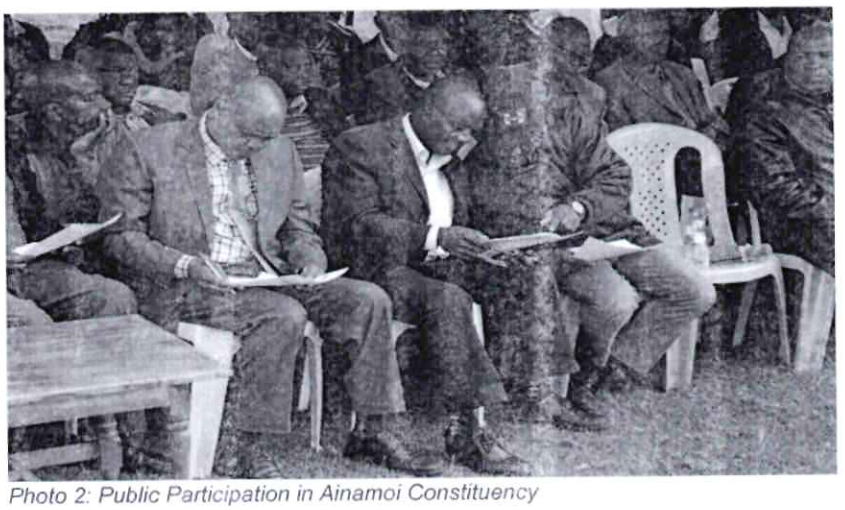

Photo 2: Public Participation in Ainamoi Constituency

4.4.3 Aldai Constituency

61. The public hearing exercise was held at the Aldai Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,567 members of the public participated in the exercise.

62. A total of 1,550 participants expressed their support for the Bill by stating, among others, that:
    (i) The NG-CDF has supported the school feeding program especially for vulnerable households hence reducing absenteeism in schools.
    (ii) The NG-CDF has aided in improving livestock health through cattle dip construction and immunization programs for livestock.

63. On the other hand, 17 participants expressed their reservations on the Bill due to an unequal distribution of the NG-CDF with some wards receiving more resources than others, limited community involvement in project identification and implementation and lack of accountability mechanisms leading to mismanagement of the Funds. Further that the Funds should be consolidated into one to avoid a duplication of roles.

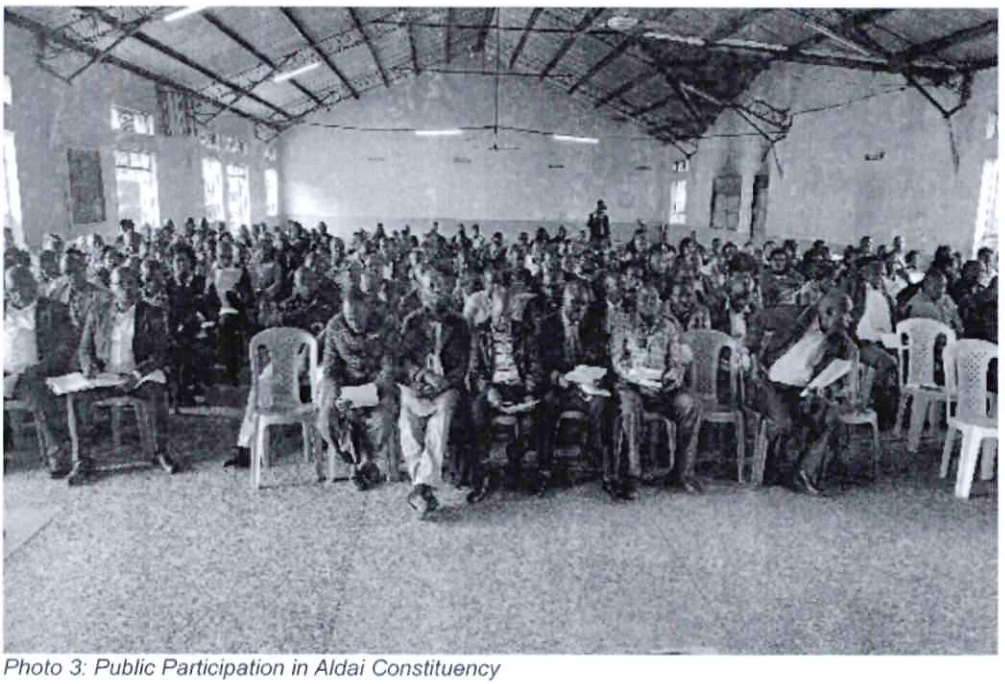

Photo 3: Public Participation in Aldai Constituency

4.4.4 Alego Usonga Constituency

64. The public hearing exercise was held at the Alego Usonga Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 609 members of the public participated in the exercise.

65. A total of 585 participants supported the Bill stating, among others, that the NG-CDF has aided the construction of classrooms and purchase of school buses. In addition, the Funds have enabled the provision of bursaries for students.

66. On the other hand, 24 participants expressed reservations on the Bill noting that citizens have a right to benefit from development without the Funds being entrenched in the Constitution. They also submitted that the Bill would result in conflict of interest in the management and oversight of the NG-CDF. A significant concern was that a change in

leadership has led to abandonment of projects that were initiated under previous leadership.

Photo 4: Public Participation in Alego Usonga Constituency

4.4.5 Awendo Constituency

67. The public hearing exercise was held at the Awendo Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 362 members of the public participated in the exercise.

68. A total of 355 participants supported the Bill. The main reasons cited in support of the Bill were, among others:
    (i) The NG-CDF has ensured equality within the constituency by promoting access to education through the construction of school laboratories and classrooms and the purchase of school buses.
    (ii) The NGAAF has promoted the creation of employment at the local level through provision of seed capital to Community-Based Organizations (CBOs), women *chamas* and youth groups to do business.
    (iii) The NG-CDF has supported the distribution of electricity and construction of police stations and National Government Administration Officers (NGAO) offices.

69. On the other hand, 7 participants expressed their reservations on the Bill. In their view, the NG-CDF has not achieved its intended purpose and the resources could be utilized better by channeling them through the county government. In addition, they expressed a fear of mismanagement of the Funds and noted that the current budget allocation is not sufficient to support all the proposed Funds.

Photo 5: Public Participation in Awendo Constituency

4.4.6 Bahati Constituency

70. The public hearing exercise was held at the Bahati Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 224 members of the public participated in the exercise.

71. A total of 219 participants supported the Bill. The main reasons cited in support of the Bill were, among others:
    (i) The NG-CDF has provided bursaries for needy students, built new schools, improved infrastructure in the schools and purchased school buses. The Fund has also facilitated the construction of police stations and improved infrastructure in NGAO offices.
    (ii) The NG-CDF and NGAAF have provided economic empowerment for women, youth groups and persons with disabilities. The Funds have also been instrumental in mitigating national disasters such as flooding.

72. On the other hand, 5 participants expressed their reservations on the Bill. The main concern raised was alleged corruption and nepotism in the distribution of the NG-CDF and NGAAF.

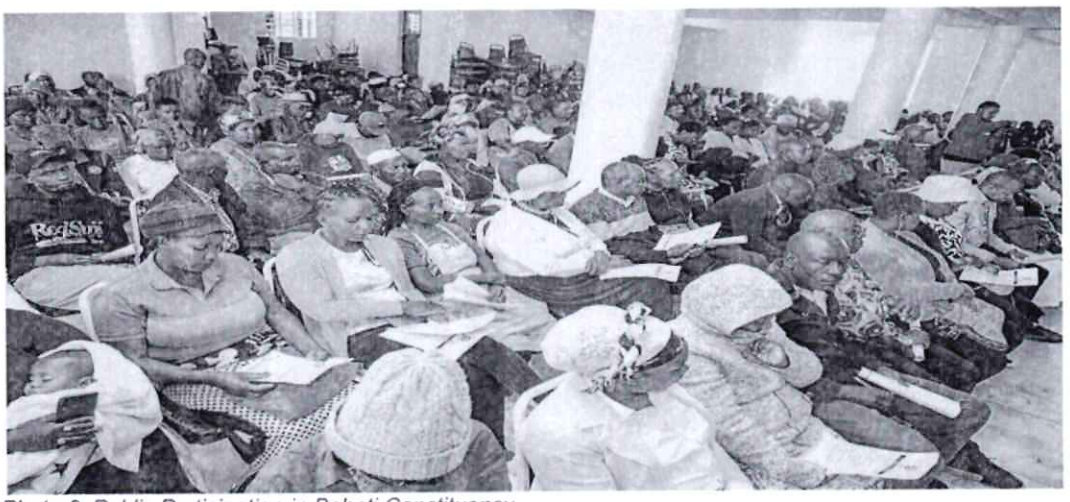

Photo 6: Public Participation in Bahati Constituency

4.4.7 Balambala Constituency

73. The public hearing exercise was held at the Balambala Constituency Office from 5th May to 8th May 2025 between 8.00 am and 5.00 pm. A total of 175 members of the public participated in the exercise.

74. All the 175 participants supported the Bill. The main reasons cited in support of the Bill were, among others:
    (i) The NG-CDF and the NGAAF have contributed to infrastructure development in constituencies including building of classrooms. The Funds have also improved access to education through the provision of school fees to needy students.
    (ii) The NGAAF has enhanced access to quality education and improved hygiene in schools through provision of sanitary towels for girls and water storage tanks.
    (iii) The NG-CDF has positively impacted security agencies through construction of residential houses for police officers as well as police stations.

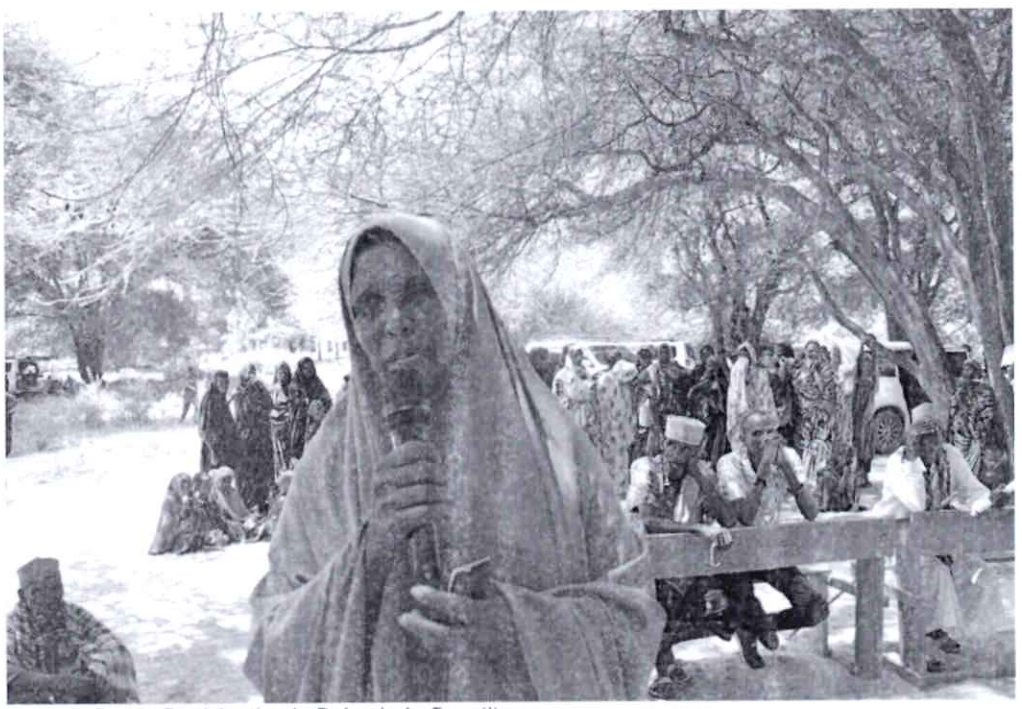

Photo 7: Public Participation in Balambala Constituency

4.4.8 Banissa Constituency

75. The public hearing exercise was held at the Banissa Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 539 members of the public participated in the exercise.

76. All the 539 participants supported the Bill. The main reasons cited in support of the Bill were, among others:
    (i) The NG-CDF has aided in the provision of bursaries to needy students, the construction of new schools, renovation of existing ones and provision of furniture to schools, enhancing access to education.
    (ii) The NG-CDF has also supported the health sector through the construction of health facilities, and the security sector through the construction of NGAO offices and police posts.
    (iii) The NGAAF has supported youth and women empowerment programmes, creating self-employment.

77. While supporting the Bill, some participants proposed an increase in the budgetary allocation for the NG-CDF and digitization of NG-CDF projects in order to enhance effective feedback mechanisms.

Photo 8: Public Participation in Banissa Constituency

4.4.9 Baringo Central Constituency

78. The public hearing exercise was held at the Baringo Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 520 members of the public participated in the exercise.

79. A total of 516 expressed their support for the Bill by submitting, among other reasons, that:
    (i) The NG-CDF and NGAAF have been essential during national disaster and emergency situations such as flooding.
    (ii) The NG-CDF and NGAAF have provided bursaries to needy students, enhancing access to education. The Funds have also enhanced infrastructural development

through the construction and refurbishment of police posts, bridges and schools. This has promoted equitable infrastructure development at the grassroot level.

80. On the other hand, 4 participants expressed reservations on the Bill noting that the public has barely benefited from the NG-CDF and NGAAF. In their view, entrenching the Funds in the Constitution would result in wastage of public resources.

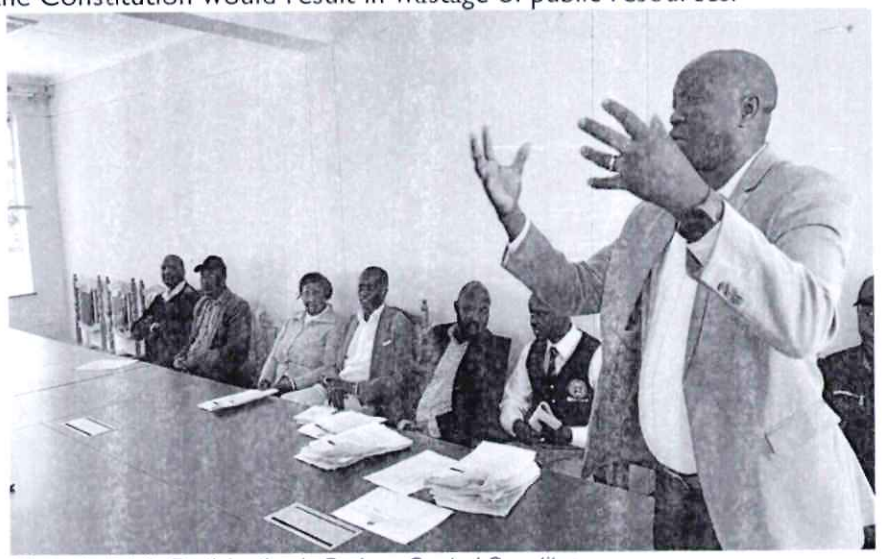

Photo 9: Public Participation in Baringo Central Constituency

4.4.10 Baringo North Constituency

81. The public hearing exercise was held at the Baringo North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 331 members of the public participated in the exercise.

82. A total of 330 participants expressed their support for the Bill citing, among other reasons, that:
    (i) The NG-CDF and NGAAF have contributed to the improvement of educational infrastructure and provided bursaries to needy students thus promoting access to education. The Funds have also boosted social and economic empowerment of the youth, women and PWDs.
    (ii) The NG-CDF has enhanced infrastructural development through the construction of NGAO offices.

83. On the hand, one participant expressed reservations on the Bill but did not state their reasons.

Photo 10: Public Participation in Baringo North Constituency

4.4.11 Baringo South Constituency

84. The public hearing exercise was held at the Baringo South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 376 members of the public participated in the exercise.

85. A total of 373 participants were in support of the Bill. They submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have contributed to the improvement of education standards through school infrastructure development and bursary allocation to needy students.
    (ii) The NG-CDF and NGAAF have also ensured equitable infrastructure development at the constituency level.

86. On the other hand, 3 participants expressed reservations on the Bill but did not state their reasons.

Photo 11: Public Participation in Baringo South Constittuency

4.4.12 Belgut Constituency

87. The public hearing exercise was held at the Belgut Constituency Office from 5th May to 8thMay 2025 between 8.00 am and 5.00 pm. A total of 207 members of the public participated in the exercise.

88. A total of 205 participants expressed their support for the Bill stating, among other reasons, that:
    (i) The NG-CDF has achieved tangible results including provision of bursaries and the construction of schools and latrines. The Fund has also enhanced security through the construction of police stations.
    (ii) The NGAAF has promoted economic empowerment of the youth, women and PWDs through affirmative action programs such as the provision of seed capital for entrepreneurship. There is, therefore, a need to increase NGAAF's budgetary allocation to further its benefits to the people. Developing guidelines on the use of the Fund would strengthen accountability and ensure prudent use.

89. On the hand, 2 members of the public expressed their reservations on the Bill. They indicated that the Funds would lead to duplication of roles and wastage of resources.

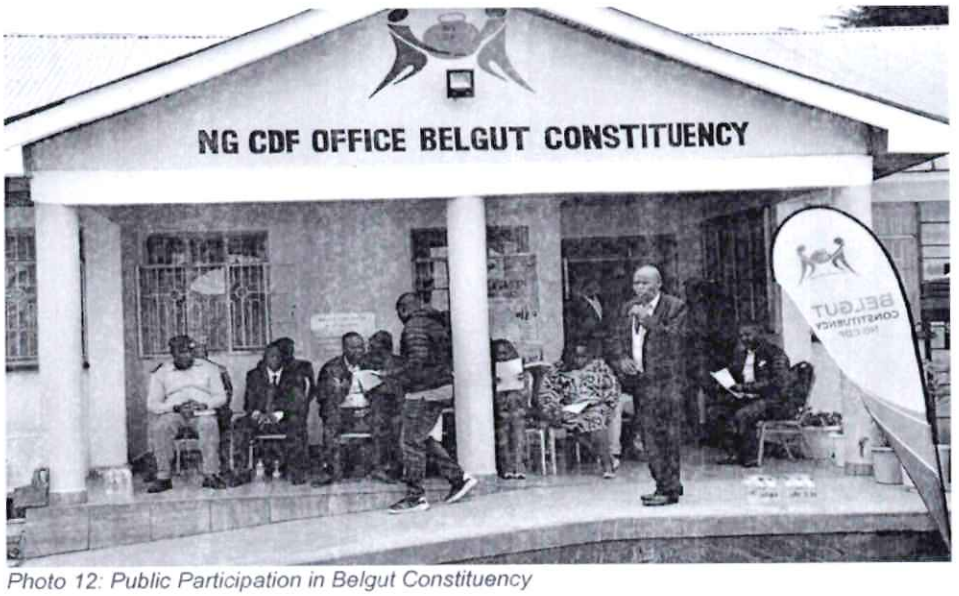

Photo 12: Public Participation in Belgut Constituency

4.4.13 Bobasi Constituency

90. The public hearing exercise was held at the Bobasi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 412 members of the public participated in the exercise.

91. A total of 409 participants expressed their support for the Bill for the following reasons, among others:
    (i) The NG-CDF and NGAAF have promoted access to education through bursaries, the construction of classrooms and infrastructure development in schools including drilling of boreholes and provision of water storage tanks.
    (ii) The NGAAF has enhanced women and youth empowerment through provision of seed capital to do business and creation of jobs through community development projects.

92. On the other hand, 3 participants expressed their reservations on the Bill due to a fear of mismanagement of the Funds. They added that the three Funds were too many and would be expensive for the taxpayers.

Photo 13: Public Participation in Bobasi Constituency

4.4.14 Bomachoge Borabu Constituency

93. The public hearing exercise was held at the Bomachoge Borabu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 260 members of the public participated in the exercise.

94. A total of 259 participants expressed their support for the Bill by stating, among other reasons, that:
    (i) The NG-CDF and NGAAF have provided bursaries to students and promoted infrastructural development in learning institutions.
    (ii) The NG-CDF has also facilitated the construction of police stations and NGAO offices, improving security; and enhanced environmental protection through the planting of trees in the constituency.

95. On the other hand, one participant expressed reservations on the Bill. In their view, the SOF should not be entrenched in the Constitution.

Photo 14: Public Participation in Bomachoge Borabu Constituency

4.4.15 Bomachoge Chache Constituency

96. The public hearing exercise was held at the Bomachoge Chache Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 207 members of the public participated in the exercise.

97. A total of 190 participants expressed their support for the Bill. They submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have supported education through provision of bursaries to students, construction of schools, school infrastructure development and provision of sanitary towels to school-going girls.
    (ii) The NG-CDF has promoted the construction of police stations and installation of security lights in the markets thereby improving security and boosting business. The Fund has also enabled the construction of assistant chiefs and chiefs' offices, enhancing access to government services by the people. Further, the Fund has been instrumental in the distribution of electricity and conservation of the environment.
    (iii) The NGAAF has enhanced youth and women empowerment through provision of capital to CBOs, youth groups and women *chamas* to do business.

98. On the other hand, 17 participants expressed their reservations on the Bill stating, among other concerns, that there had been corruption, mismanagement and excessive bureaucracy in accessing the Funds. They added that entrenchment of the Funds in the Constitution would result in a duplication of roles.

Photo 15: Public Participation in Bomachoge Chache Constituency

4.4.16 Bomet Central Constituency

99. The public hearing exercise was held at the Bomet Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 690 members of the public participated in the exercise.

100. A total of 685 participants expressed their support for the Bill. They stated, among other reasons, that:
    (i) The NGCF would encourage active participation of the citizens in the planning and implementation of projects.
    (ii) The NGAAF would address the existing systemic developmental inequities in the society.

101. On the other hand, 5 members of the public expressed reservations on the Bill stating that the Funds would result in a duplication of roles between the national government and the county governments. They also indicated a fear of mismanagement of the Funds.

Photo 16: Public Participation in Bomet Central Constituency

4.4.17 Bomet East Constituency

102. The public hearing exercise was held at the Bomet East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 804 members of the public participated in the exercise.

103. A total of 801 participants expressed their support for the Bill citing, among other reasons, that:
   (i) The allocation of NG-CDF has played a crucial role in minimizing disparities in development within the constituency.
   (ii) The NGAAF has improved the standards of living by supporting initiatives such as education, healthcare and entrepreneurship.
   (iii) The SOF would strengthen the Senate's oversight role over county governments and thus enhance service delivery.

104. On the other hand, 3 members of the public expressed reservations on the Bill due to a fear of mismanagement of the Funds.

Photo 17: Public Participation in Bomet East Constituency

4.4.18 Bonchari Constituency

105. The public hearing exercise was held at the Bonchari Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 218 members of the public participated in the exercise.

106. All the 218 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have supported education through the construction of school infrastructure and dormitories in secondary schools and provision of bursaries for needy students. The Funds have also improved hygiene in schools through the construction of modern ablution blocks.
    (ii) The NG-CDF has promoted security through the construction of police stations, chiefs and assistant chiefs' offices. The Fund has also promoted environmental protection through tree planting initiatives in the constituency and supported women and youth empowerment.

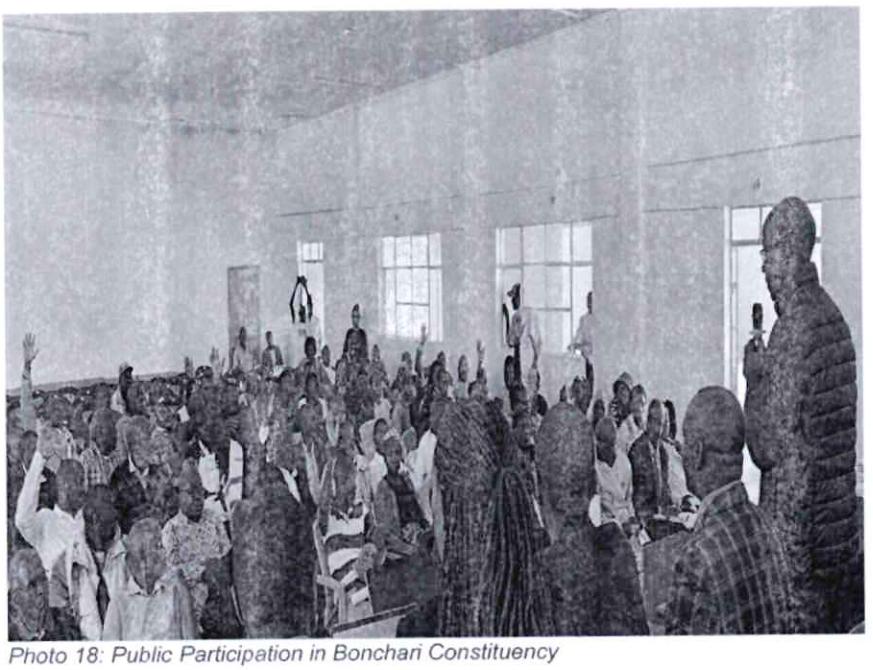

Photo 18: Public Participation in Bonchari Constituency

4.4.19 Bondo Constituency

107. The public hearing exercise was held at the Bondo Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,246 members of the public participated in the exercise.

108. A total of 1,238 participants expressed their support for the Bill by submitting, among other reasons, that:
    (i) The Funds have provided targeted assistance to the elderly, persons with disabilities, orphans and the marginalized.
    (ii) The Funds have provided empowerment programs and training opportunities for the elected representatives and community leaders.
    (iii) The Funds made provision for bursaries, promoting access to education.

109. On the other hand, 8 participants expressed their reservations on the Bill. The main concern raised was that the Funds would result in a duplication of roles.

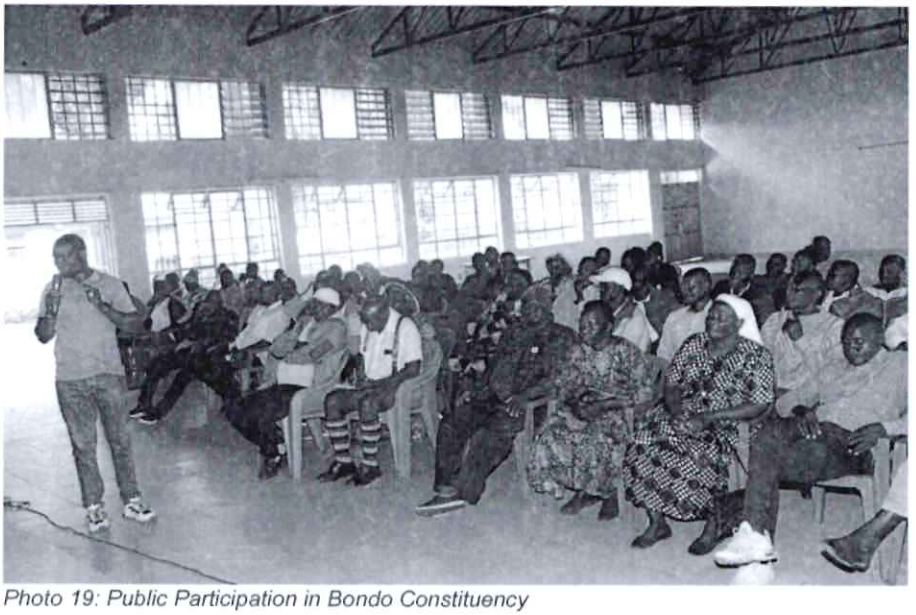

Photo 19: Public Participation in Bondo Constituency

4.4.20 Borabu Constituency

110. The public hearing exercise was held at Borabu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 587 members of the public took part in the exercise.

111. Out of the 587 participants, 585 supported the Bill, among other reasons, that:
    (i) The NGCF would facilitate the construction and enhancement of educational infrastructure such as classrooms, science laboratories and sanitation facilities. The Fund would also facilitate the construction of various security and administration facilities police posts, chiefs' offices and county commissioners' offices. In addition, NGCF will continue to support education through provision of bursaries for needy students at all levels of learning.
    (ii) The SOF would ensure that the Senate is adequately funded to perform its oversight role.
    (iii) The NGAAF would assist women and girls by providing essential resources such as sanitary towels and other services to improve their well-being.

112. While supporting the Bill, some participants expressed as follows:
    (i) There is an increased perception that empowering women and girls has led to men and boys being marginalized. Thus, NGAAF should ensure that both young women and men, boys and girls should have equal opportunities for social and economic development.
    (ii) Both Women Representative and Members of Parliament are elected to represent the people. Therefore, the National Government Affirmative Action Fund will create a duplication of programs funded by the National Government Constituencies Fund.

113. On the other hand, 2 individuals expressed reservations on the Bill due to a fear of mismanagement of the NGCF. In their view, there was a potential for misappropriation to benefit a few individuals. In addition, the NGCF and NGAAF would create a duplication of roles.

Photo 20: Public Participation in Borabu Constituency

4.4.21 Budalangi Constituency

114. The public hearing exercise was held at the Budalangi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 593 members of the public participated in the exercise.

115. A total of 592 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF has enhanced access to education through provision of bursaries and purchase of school buses. The Fund has also enhanced security in the community through the construction of police stations.
    (ii) The NGAAF has supported entrepreneurship initiatives for CBOs, women *chamas* and youth groups through provision of seed capital for businesses.

116. On the other hand, one participant expressed their reservations on the Bill due to a fear of mismanagement of the Funds and infrastructure development disparities caused by unfair distribution of resources. In their view, the Funds would be better managed at the county level and hence should be consolidated and allocated the county governments.

Photo 21: Public Participation in Budalangi Constituency

4.4.22 Bumula Constituency

117. The public hearing exercise was held at the Bumula Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 290 members of the public participated in the exercise.

118. A total of 289 participants expressed their support for the Bill. The main reason cited in support of the Bill was that the NG-CDF has promoted education through provision of bursaries and construction of classrooms.

119. On the other hand, one participant expressed their reservations on the Bill alleging disparities in allocation of the NG-CDF and NGAAF.

Photo 22: Public Participation in Bumula Constituency

4.4.23 Bura Constituency

120. The public hearing exercise was held at the Bura Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 487 members of the public participated in the exercise.

121. A total of 416 participants expressed their support for the Bill and submitted as follows:
    (i) The Funds have assisted the vulnerable by promoting equal access to education through provision of bursaries for needy children. Furthermore, the Funds have enhanced women and youth empowerment through affirmative action initiatives. This has created employment opportunities and in turn reduced poverty.
    (ii) The Funds have contributed to infrastructure development such as construction of police stations and administrative offices which have in turn increased security in the area and reduced banditry.
    (iii) Compared to other funds, the NG-CDF is easily accessible as their offices are located within the public's reach in the constituency and therefore requires an increased budgetary allocation to benefit more constituents.
    (iv) To ensure transparency and accountability, there is need for Regulations to provide clarity on the disbursement of the Funds.

122. On the contrary, 71 participants expressed reservations on the Bill noting that the Funds should be consolidated into one. In their view, the Bill should be subjected to a referendum.

Photo 23: Public Participation in Bura Constituency

4.4.24 Bureti Constituency

123. The public hearing exercise was held at the Bureti Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 137 members of the public participated in the exercise.

124. A total of 136 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has created employment opportunities through the construction of classrooms and other infrastructure projects and administrative offices.
   (ii) The NGAAF has enhanced community empowerment.

125. On the other hand, one member of the public expressed reservations on the Bill. In their view, there was a likelihood of conflict of interest in the distribution and allocation, and potential imprudent use of the Funds.

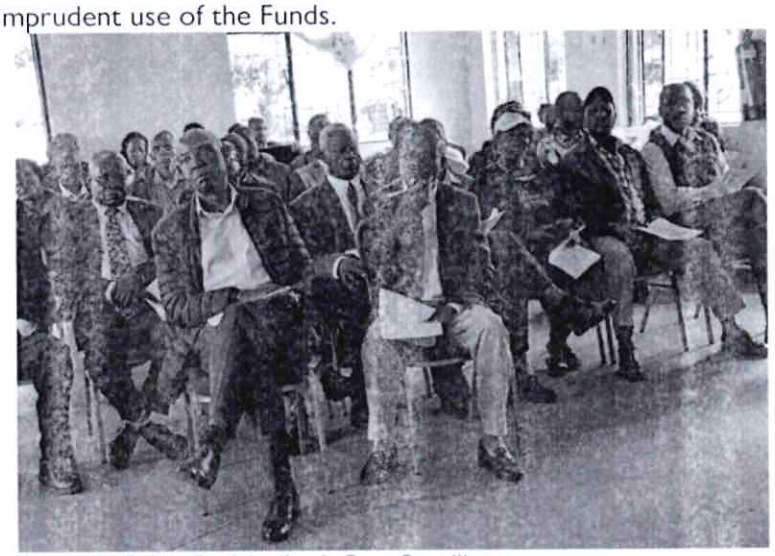

Photo 24: Public Participation in Bura Constituency

4.4.25 Butere Constituency

126. The public hearing exercise was held at the Butere Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 238 members of the public participated in the exercise.

127. All the 238 participants supported the Bill and submitted, among other reasons, that:
    (i) The NG-CDF has supported the renovation of schools, purchased school buses and improved medical facilities.
    (ii) The NG-CDF and NGAAF have supported students through issuance of bursaries to needy students and afforded school-going girls an equal opportunity to education through the provision of sanitary towels.

128. While supporting the Bill, some participants noted that the NG-CDF has benefited many constituents through a transparent allocation and distribution mechanism compared to other government funds hence its budgetary allocation should be increased from the current 2.5% to 10% of the national government's revenue.

Photo 25: Public Participation in Butere Constituency

4.4.26 Butula Constituency

129. The public hearing exercise was held at the Butula Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,060 members of the public participated in the exercise.

130. A total of 1,053 participants expressed their support for the Bill and stated as follows:
    (i) The Funds have promoted infrastructure development at the grassroot level through the construction of hospitals, schools and colleges. Furthermore, the Funds have supported needy students through provision of bursaries.

131. On the other hand, 7 participants expressed their reservations on the Bill due to a fear of mismanagement and unequal distribution of the Funds. In addition, some members of the public were of the view that the Funds should be managed by county governments.

Photo 26: Public Participation in Butula Constituency

4.4.27 Buuri Constituency

132. The public hearing exercise was held at the Buuri Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,596 members of the public participated in the exercise.

133. A total of 1,595 participants expressed their support for the Bill. Their reasons for support included:
    (i) The NG-CDF has promoted access to education through provision of bursaries, and construction of classrooms and administration blocks in schools. The Fund has also enabled the vocational training for youths in Technical Training Institutes (TTIs). Furthermore, the Fund has enabled the establishment of talent centres such as the Buuri Talent Studio.
    (ii) The NG-CDF has improved security in the constituencies through the construction of police posts and camps, and renovation of chiefs' offices.

134. On the other hand, one participant expressed their reservations on the Bill. They were of the opinion that citizens have a right to benefit from development without necessarily entrenching the Funds in the Constitution. Further that, the Funds would result in a duplication of roles and should be consolidated into one.

Photo 27: Public Participation in Buuri Constituency

4.4.28 Central Imenti Constituency

135. The public hearing exercise was held at the Central Imenti Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,859 members of the public participated in the exercise.

136. A total of 1,840 participants expressed their support for the Bill and stated as follows:
   (i) The NG-CDF and NGAAF have improved access to education through provision of bursaries and improved school infrastructure.
   (ii) The NG-CDF has supported environmental conservation through tree planting initiatives.
   (iii) The Funds have enhanced the security in the constituencies through the establishment of police posts and chiefs' offices.

137. On the hand, 19 participants expressed reservations on the Bill citing that the management of the Funds would result in a conflict of interest arising from Members of Parliament legislating and oversighting the Funds.

Photo 28: Public Participation in Central Imenti Constituency

4.4.29 Changamwe Constituency

138. The public hearing exercise was held at the Changamwe Constituency Office from 5th to 8thMay 2025 between 8.00 am and 5.00 pm. A total of 1,540 members of the public participated in the exercise.

139. A total of 1,536 participants expressed their support for the Bill and submitted, among others, that:
    (i) The NG-CDF was well structured in terms of its allocation and management and as such ensured ease of access of the Funds by wananchi. In particular, the issuance of bursaries through the NG-CDF offices located within the constituency.
    (ii) Noting the timelines within which NG-CDF projects should be completed, the utilization of the Fund ensures transparency and accountability and in turn completion of projects that benefit the constituents.
    (iii) The NG-CDF has enabled the construction of schools and installation of street lighting.

140. On the other hand, 4 participants expressed reservations regarding the Bill.

Photo 29: Public Participation in Changamwe Constituency

4.4.30 Chepalungu Constituency

141. The public hearing exercise was held at the Chepalungu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 644 members of the public participated in the exercise.

142. A total of 637 participants expressed their support for the Bill for the following reasons:
    (i) The SOF would strengthen oversight of county governments ensuring accountability and transparency.
    (ii) The NGAAF would address the existing systemic developmental inequalities.
    (iii) The NGCF would enhance development through the construction of school infrastructure including libraries and classrooms among other social amenities.

143. Conversely, 7 members of the public expressed their reservations regarding the Bill.

Photo 30: Public Participation in Chepalungu Constituency

4.4.31 Cherangany Constituency

144. The public hearing exercise was held at the Cherangany Constituency Office from 5th May to 8th May 2025 between 8.00am and 5.00pm. A total of 682 members of the public participated in the exercise.

145. All the 682 participants expressed their support for the Bill citing, among other reasons, that:
    (i) The NG-CDF has transformed the education sector through disbursement of bursaries to needy students, construction of classrooms, administration and ablution blocks as well as the purchase of school buses leading to high enrolment in primary, secondary and higher learning institutions.
    (ii) The NG-CDF has aided in the construction of bridges within the constituency, it has supported the health sector through construction of health facilities, and purchase of health equipment and ambulances. The Fund has also enhanced national government services such as establishment of civil registration offices and lands offices at the grassroot level.
    (iii) The NG-CDF has improved security in the constituency through the construction of administrative blocks for the security personnel such as the County and Assistant County Commissioners and chiefs. The Fund has also enabled the provision of electricity in areas prone to insecurity.
    (iv) The NGAAF has empowered women through support of SMEs like table banking and other credit facilities.
    (v) The three Funds would achieve their intended purpose once entrenched in the Constitution.

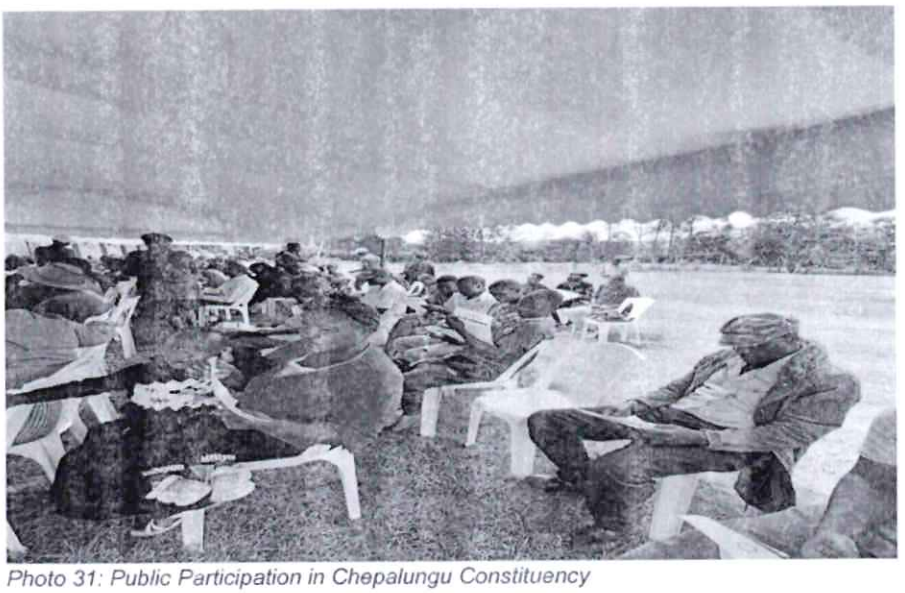

Photo 31: Public Participation in Chepalungu Constituency

4.4.32 Chesumei Constituency

146. The public hearing exercise was held at the Chesumei Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 761 members of the public participated in the exercise.

147. A total of 757 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has been instrumental in the construction of classrooms, dormitories and provision of bursaries to orphans and vulnerable children.
   (ii) The NG-CDF has facilitated access to clean water through borehole drilling projects.
   (iii) The SOF would ensure increased oversight and accountability.

148. While supporting the Bill, some participants proposed the need for clear penalties for mismanagement of the funds thereby ensuring proper management and accountability of the funds.

149. On the other hand, 4 participants expressed reservations on the Bill and observed as follows:
   (i) There were concerns of bias and lack of transparency in bursary allocation thus excluding deserving students from benefiting from the NG-CDF.
   (ii) The proposed SOF may lead to a duplication of roles with other oversight bodies.
   (iii) Women and the youth are in most cases excluded in project planning and implementation thereby failing to design inclusive development initiatives that reflect diverse community needs.

Photo 32: Public Participation in Chesumei Constituency

4.4.33 Chuka/Igambang'ombe Constituency

150. The public hearing exercise was held at the Chuka/Igambang'ombe Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,194 members of the public participated in the exercise.

151. A total of 1,188 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have supported needy students, women, persons with disabilities and other vulnerable groups.
    (ii) The NG-CDF has also promoted security through the construction of police stations.

152. On the other hand, 6 participants expressed reservations on the Bill stating a fear of misappropriation of the Funds.

Photo 33: Public Participation in Chuka/Igamang'ombe Constituency

4.4.34 Dadaab Constituency

153. The public hearing exercise was held at the Dadaab Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 396 members of the public participated in the exercise.

154. All the 396 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF has supported access to education through the construction of classrooms and provision of bursaries to needy students up to university level.
    (ii) The NG-CDF and NGAAF have facilitated social welfare initiatives by supporting provision of health insurance coverage to the elderly.
    (iii) The NGAAF has provided sanitary towels to school-going girls and start-up capital to women to support their businesses.

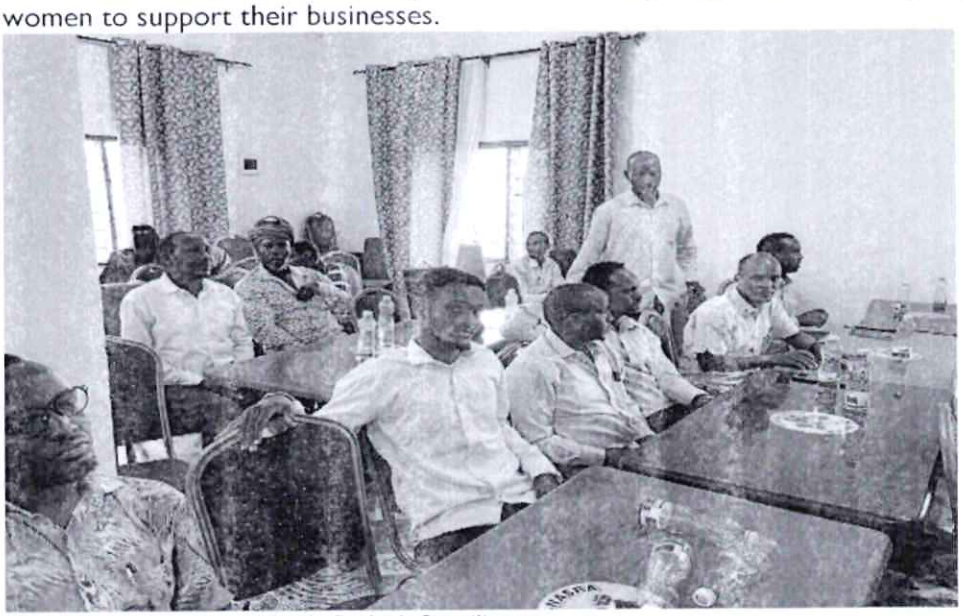

Photo 34: Public Participation in Dadaab Constituency

4.4.35 Dagoretti North Constituency

155. The public hearing exercise was held at the Dagoretti North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,233 members of the public participated in the exercise.

156. A total of 1,223 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have contributed to the education sector by providing bursaries to needy students, scholarships to the youths to enhance their technical skills and improved infrastructure in schools thereby improving learning conditions.
    (ii) The NGAAF has played a key role in providing tents and chairs to CBOs and women groups for their social and economic activities.

157. On the contrary, 10 participants expressed reservations on the Bill alleging unequal distribution and mismanagement of the NG-CDF and NGAAF thereby undermining the effectiveness of the Funds.

Photo 35: Public Participation in Dagoretti North Constituency

4.4.36 Dagoretti South Constituency

158. The public hearing exercise was held at the Dagoretti South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,692 members of the public participated in the exercise.

159. A total of 1,662 participants expressed their support for the Bill and submitted, among others, that:
   (i) The NG-CDF and NGAAF have contributed to infrastructural development including renovation of schools and construction of health facilities thereby improving the constituents' living standards.
   (ii) The NGAAF has contributed to economic empowerment of the youth, women and vulnerable groups by providing them with start-up capital for their businesses.
   (iii) The NG-CDF and NGAAF have also been instrumental during national disasters and emergency situations such as fire outbreaks by providing targeted relief support to affected constituents.

160. On the contrary, 30 participants expressed reservations on the Bill alleging that the NGAAF was not easily accessible to majority of the constituents.

Photo 36: Public Participation in Dagoretti South Constituency

4.4.37 Eldama Ravine Constituency

161. The public hearing exercise was held at the Eldama Ravine Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 462 members of the public participated in the exercise.

162. A total of 444 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has provided bursaries to needy students thereby enhancing access to education.
   (ii) The NG-CDF and NGAAF have contributed to infrastructural development.

163. On the other hand, 18 participants expressed reservations on the Bill citing, among other concerns, that:
   (i) The entrenchment of the Funds in the Constitution would result in conflict on interest in relation to the management and oversight of the Funds.
   (ii) The Funds are required to benefit the people at local level and should therefore be allocated to the county governments.

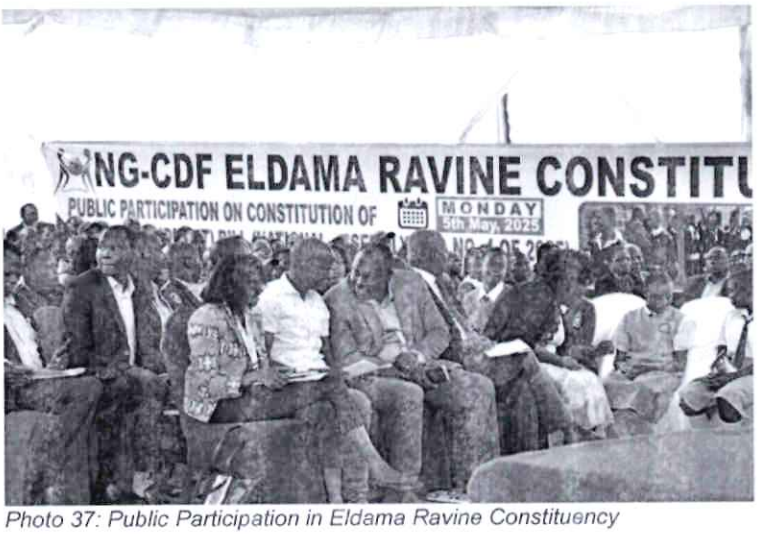

Photo 37: Public Participation in Eldama Ravine Constituency

4.4.38 Eldas Constituency

164. The public hearing exercise was held at the Eldas Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 353 members of the public participated in the exercise.

165. All 353 participants expressed their support for the Bill and submitted, among others, that:
   (i) The NG-CDF has enhanced access to education through the construction of schools. The Fund has also supported the construction of police stations and chiefs' offices contributing to improved security in the constituency.
   (ii) The NG-CDF and NGAAF have facilitated the piping of water to households, construction of toilets and building of the first KMTC institution within the constituency.

166. While supporting the Bill, some participants noted that with the additional requirements introduced by CBC, there was need to allocate more resources to adequately cater for the emerging needs.

Photo 38: Public Participation in Eldas Constituency

4.4.39 Embakasi Central Constituency

167. The public hearing exercise was held at the Embakasi Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,086 members of the public participated in the exercise.

168. A total of 1,080 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF is easily accessible due to its management at the constituency level. This helps reduce delays by eliminating unnecessary bureaucracies.
   (ii) The NG-CDF and NGAAF have enhanced accountability by involving the constituents in project selection and implementation.

169. On the contrary, 6 participants expressed reservations on the Bill. There were also concerns that the Bill does not address the specific needs of marginalized groups and makes limited provision for sustainability and monitoring of completed projects.

Photo 39: Public Participation in Embakasi Central Constituency

4.4.40 Embakasi East Constituency

170. The public hearing exercise was held at the Embakasi East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,745 members of the public participated in the exercise.

171. A total of 1,727 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have supported education by providing bursaries and school infrastructure support including classrooms. The Funds have also facilitated the construction of dispensaries, bridges and enhanced water projects.
    (ii) The NGAAF has also supported orphans, persons with disabilities and the elderly through affirmative action programs.

172. On the contrary, 18 participants expressed reservations on the Bill noting, among other concerns, that:
    (i) There was a lack of transparency in the management of the Funds, inadequate auditing mechanisms and limited technical expertise to plan and execute projects which have contributed to misuse of the Funds.
    (ii) There has been favouritism and conflict of interest in project selection resulting in failure to adequately incorporate the needs of women, youth and other vulnerable groups.

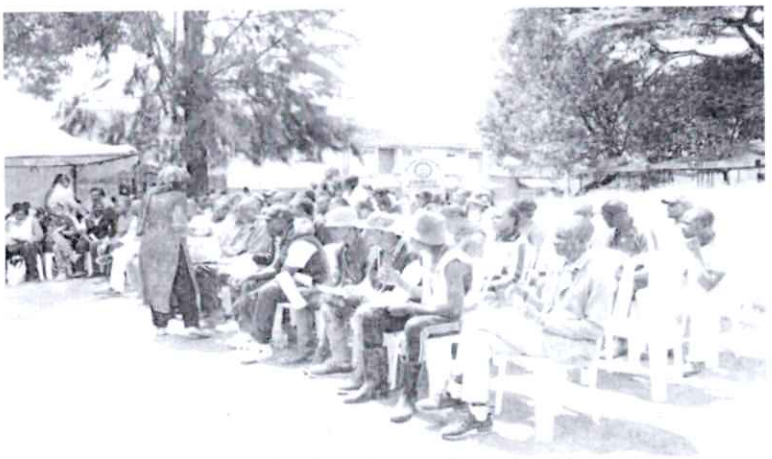

Photo 40: Public Participation in Embakasai East Constituency

4.4.41 Embakasi North Constituency

173. The public hearing exercise was held at the Embakasi North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,079 members of the public participated in the exercise.

174. A total of 1,075 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have supported the construction and rehabilitation of school infrastructure thereby improving learning conditions.
    (ii) The NG-CDF and NGAAF have also enabled needy students to access education through scholarships and bursaries thus ensuring equal access to education.

175. On the contrary, 4 participants expressed reservations on the Bill citing concerns, among others, that:
    (i) The Funds could be prone to corruption thereby failing to achieve their intended purpose.

(ii) There were allegations of unequal allocation of bursaries.

Photo 41: Public Participation in Embakasi North Constituency

4.4.42 Embakasi South Constituency

176. The public hearing exercise was held at the Embakasi South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 4,765 members of the public participated in the exercise.

177. A total of 4,759 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have enhanced access to education by providing bursaries to needy students and facilitating the construction and renovation of schools.
   (ii) The NG-CDF and NGAAF have also enabled the construction of health facilities and markets thereby ensuring community ownership and participation in projects funded by the Funds.

178. On the contrary, 6 participants expressed reservations on the Bill citing, among other concerns, that:
   (i) A lack of clear structures for public involvement in project selection and limited mechanisms for monitoring completed projects.
   (ii) A duplication of roles and potential mismanagement of the Funds due to lack of transparency and accountability.

Photo 42: Public Participation in Embakasi South Constituency

4.4.43 Embakasi West Constituency

179. The public hearing exercise was held at the Embakasi West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,683 members of the public participated in the exercise.

180. Of these, 1,625 supported the Bill. The main reasons cited in support of the Bill were, among others, that:
    (i) The NG-CDF has enhanced public infrastructure by contributing to the construction of classrooms, dispensaries, bridges, and water projects in rural areas.
    (ii) The NG-CDF-funded projects are often completed quicker as there are fewer bureaucratic hurdles compared to national government projects. The projects employ local labourers and suppliers, stimulating micro-economies.
    (iii) The NG-CDF promotes equity, since all constituencies receive funds, enhancing development and addressing historical marginalization.

181. While supporting the Bill, some participants proposed ring-fencing, within the NG-CDF, allocations for special-interest groups including the youth, PWDs and women. They also raised concerns that the Funds could be used for political expediency.

182. Conversely, 58 participants expressed reservations on the Bill. The main concerns raised were, among others, that:
    (i) The Bill violates the doctrine of separation of powers between the Executive and the Legislature.
    (ii) Entrenching the Funds in the Constitution undermines the principle of devolution.
    (iii) The High Court had declared the NG-CDF unconstitutional.
    (iv) Lack of sustainability as some projects stall or fall into disrepair due to poor planning or the absence of maintenance budgets.
    (v) Some constituencies lack the technical expertise to plan and execute high-quality projects.

Photo 43: Public Participation in Embakasi West Constituency

4.4.44 Emgwen Constitutency

183. The public hearing exercise was held at the Emgwen Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 291 members of the public participated in the exercise.

184. Of these, 284 persons supported the Bill citing, among other reasons, that:

(i) The NG-CDF has provided employment opportunities through construction projects from school buildings and market sheds. These projects have offered job opportunities to masons, suppliers, transporters, and casual labourers.
(ii) The NG-CDF and NGAAF have enhanced access to water and sanitation through provision of water tanks, drilling of boreholes and improved drainage systems. These initiatives have reduced the burden of water collection on women and girls, improved hygiene in schools, and supported clean cooking and food preparation.
(iii) The NG-CDF has contributed to the education sector through issuance of bursaries to students from vulnerable backgrounds, preventing school dropout and early marriages.
(iv) The SOF would enhance efficient resource utilization by strengthening Senate's enhanced oversight role ensures public funds are spent transparently and for their intended purpose.

185. While supporting the Bill, some participants proposed that the NG-CDF allocation should be increased to 5% of national revenue, designating some projects to youth and women empowerment and establishment of independent constituency-level audit teams.

186. On the other hand, 7 persons expressed their reservations on the Bill stating among other concerns, that:
(i) There was exclusion of *women, youth and persons with disabilities in project selection.*
(ii) There was alleged delay in the disbursement of project funds thereby affecting implementation timelines resulting in *construction projects stalling, cost overruns and abandonment or deterioration of partially completed projects.*

Photo 44: Public Participation in Emgwen Constituency

4.4.45 Emuhaya Constituency

187. The public hearing exercise was held at the Emuhaya Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 215 members of the public took part in the exercise.

188. Of these, 211 persons supported the Bill citing, among other reasons, that:
(i) The NG-CDF and NGAAF have enhanced access to education by issuing bursaries to needy students and facilitating infrastructural development in public schools by constructing classrooms, laboratories and ablution blocks.

(ii) The SOF would enhance Senate's capacity to oversee the county government's projects.

189. On the other hand, 4 persons expressed their reservations on the Bill stating, among other reasons, that there was limited visibility of the impact of the NG-CDF and NGAAF.

Photo 45: Public Participation in Emuhaya Constituency

4.4.46 Emurua Dikirr Constituency

190. The public hearing exercise was held at the Emurua Dikirr Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 680 members of the public participated in the exercise.

191. All the 680 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has supported education by providing bursaries to students thus easing the financial burden on parents, learners with disabilities and orphans.
   (ii) The NG-CDF has also improved healthcare services and supported installation of electricity in the constituency.

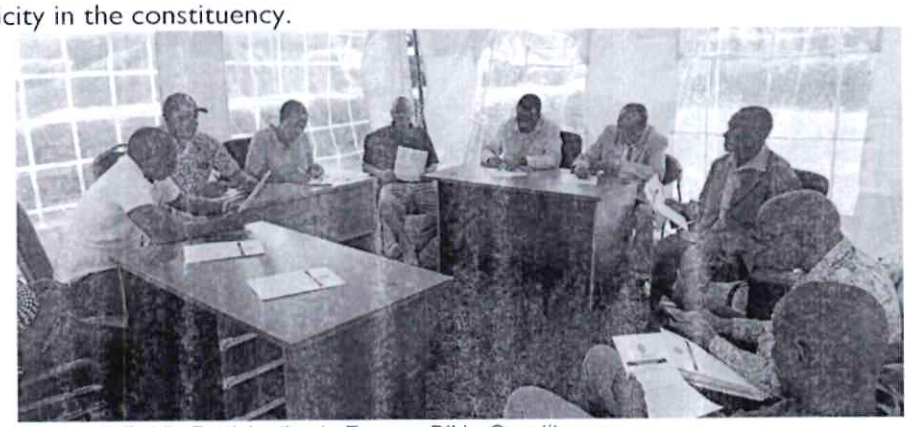

Photo 46: Public Participation in Emurua Dikirr Constituency

4.4.47 Endebess Constituency

192. The public hearing exercise was held at the Endebess Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 429 members of the public participated in the exercise.

193. All the 429 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF has transformed the education sector through disbursement of bursaries to needy students, construction of classrooms and administration blocks as well as purchase of school buses.
    (ii) The NG-CDF has aided in infrastructural development including the construction of bridges.
    (iii) The NG-CDF and NGAAF have supported the health sector by constructing health facilities and purchase of health equipment and ambulances.
    (iv) The NG-CDF has improved security through the construction of administration blocks and installation of electricity masts in insecurity-prone areas.

Photo 47: Public Participation in Endebes Constituency

4.4.48 Fafi Constituency

194. The public hearing exercise was held at the Fafi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 210 members of the public participated in the exercise.

195. All the 210 participants expressed their support for the Bill citing, among other reasons, that:
    (i) The NG-CDF and NGAAF have promoted inclusivity by addressing the diverse needs of vulnerable groups.
    (ii) The NG-CDF and NGAAF have enhanced community involvement in project selection and implementation promoting transparency and accountability. The Funds have also enhanced access to education through the issuance of bursaries to needy students.
    (iii) The NG-CDF and NGAAF have contributed to improvement of public infrastructure such as schools, health facilities, police posts, and other community amenities.
    (iv) The Bill would address constitutional gaps, particularly, in relation to equitable resource allocation and local development.

Photo 48: Public Participation in Fafi Constituency

4.4.49 Funyula Constituency

196. The public hearing exercise was held at the Funyula Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 535 members of the public participated in the exercise.

197. A total of 523 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have provided bursaries to the needy students, facilitated the construction of classrooms, ablution blocks and drilling of boreholes in schools, guaranteeing access to education.
   (ii) The NG-CDF has enhanced infrastructure development including the construction of police posts and provision of lighting within the constituency.
   (iii) The NG-CDF and NGAAF projects have increased employment opportunities in the constituency. Entrenchment of the Funds in the Constitution would, therefore, secure these jobs.

198. On the other hand, 12 participants expressed reservations on the Bill and observed that the Funds would be burdensome to already strained taxpayers and that entrenchment of the Funds may lead to a duplication of roles.

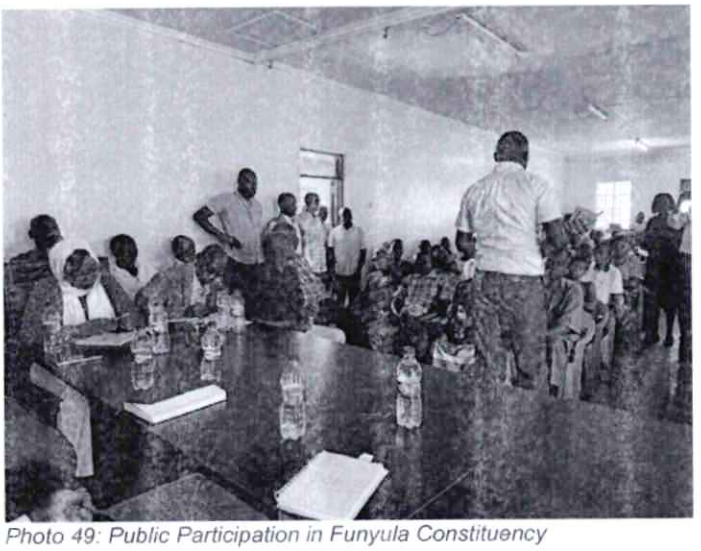

Photo 49: Public Participation in Funyula Constituency

4.4.50 Galole Constituency

199. The public hearing exercise was held at the Galole Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 557 members of the public participated in the exercise.

200. A total of 552 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have enhanced access to education through the issuance of bursaries to needy students, building secondary schools, classrooms, laboratories and ablution units.
   (ii) The NGAAF has empowered women, youth and Persons with Disabilities by supporting them in their businesses. The Fund has also supported girls from vulnerable backgrounds through provision of sanitary towels.
   (iii) The NG-CDF and NGAAF have employed constituents in their offices. Entrenchment of the SOF would further increase access to employment opportunities.
   (iv) The NG-CDF has improved security by constructing police posts enhancing security surveillance in that area. The Fund has also brought services closer to the citizens through the construction of NGAO offices. These offices have eased the process of registration of births and deaths of the constituents.

201. While supporting the Bill, some participants noted the need for disbursement of NG-CDF and NGAAF bursaries before school terms commence. In addition, they were of the opinion that the Bill should be subjected to a referendum to ensure the views of all Kenyans are taken into account.

202. On the other hand, 5 persons expressed their reservations on the Bill citing, among other concerns, that:
   (i) Entrenchment of the Funds in the Constitution would interfere with devolution and the principle of separation of powers.
   (ii) There have been allegations of mismanagement of Funds and discrimination in allocation of bursaries and project selection.

Photo 50: Public Participation in Galole Constituency

4.4.51 Ganze Constituency

203. The public hearing exercise was held at the Ganze Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 292 members of the public took part in the exercise.

204. Of these, 287 participants supported the Bill stating, among other reasons, that:
    (i) The NG-CDF has enhanced access to education through issuance of bursaries to needy students and construction of classrooms and ablution blocks.
    (ii) The NG-CDF has improved security through the construction of police posts. The Fund has also brought essential services closer to the people through the construction of NGAO offices.
    (iii) The SOF would strengthen oversight of county governments. Entrenchment of the Fund would therefore promote good governance.

205. While supporting the Bill, some participants proposed enhancement of the NG-CDF kitty to adequately provide for school feeding programmes and water harvesting projects.

206. On the other hand, 5 participants expressed reservations on the Bill citing, among other concerns, that:
    (i) The NG-CDF should not be entrenched in the Constitution because constituencies are situated within the bounds of county governments that have budgetary allocations.
    (ii) Alleged corruption in the distribution and utilization of NGAAF.
    (iii) The role of oversight in the utilization of public funds is a preserve of the Office of the Auditor General and entrenchment of the SOF in the Constitution would result in a conflict of roles.

Photo 51: Public Participation in Ganze Constituency

4.4.52 Garissa Township Constituency

The public hearing exercise was held at the Ganze Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 132 members of the public took part in the exercise.

207. Of these, 128 participants supported the Bill stating, among other reasons, that:
    (i) The NG-CDF has promoted infrastructure development through construction of classrooms.
    (ii) The NGAAF has supported girls' education through provision of sanitary towels improving attendance and retention of girls in schools.

(iii) The NG-CDF and NGAAF have positively impacted marginalized communities by providing access to water during drought seasons and other essential services.
(iv) Entrenchment of the SOF in the Constitution would strengthen the Senate's oversight role thereby promoting transparency and accountability in the use of public resources.

208. While supporting the Bill, some participants proposed an increase of the NG-CDF allocation to further enhance access to education.

209. On the other hand, 4 participants expressed reservations on the Bill citing, among other concerns, allegations of corruption and misuse of the NG-CDF and NGAAF, political favouritism in the allocation of bursaries and NG-CDF project tenders.

Photo 52: Public Participation in Garissa Township Constituency

4.4.53 Garsen Constituency

210. The public hearing exercise was held at the Garsen Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 495 members of the public participated in the exercise.

211. All the 495 participants expressed their support for the Bill and submitted, among other reasons, that:
(i) The NG-CDF and NGAAF have enhanced access to education through the issuance of bursaries to needy students, building secondary schools, classrooms, laboratories and ablution units.
(ii) The NGAAF has empowered women, youth and Persons with Disabilities by supporting them in their businesses. The Fund has also supported girls from vulnerable backgrounds through provision of sanitary towels.
(iii) The NG-CDF and NGAAF have employed constituents in their offices. Entrenchment of the SOF would further increase access to employment opportunities.
(iv) The NG-CDF has improved security by constructing police posts enhancing security surveillance in that area. The Fund has also brought services closer to the citizens through the construction of NGAO offices. These offices have eased the process of registration of births and deaths of the constituents.

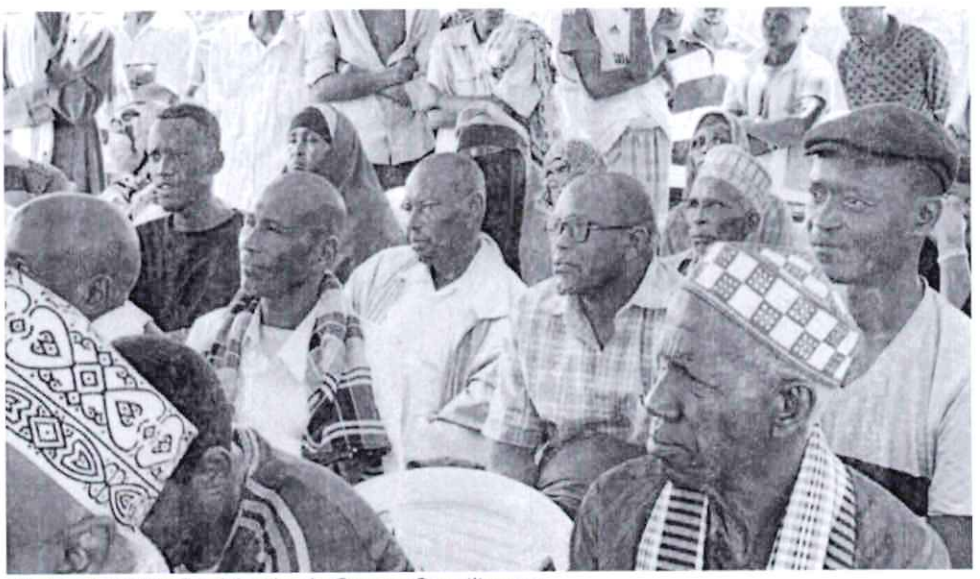

Photo 53: Public Participation in Garsen Constituency

4.4.54 Gatanga Constituency

212. The public hearing exercise was held at the Gatanga Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 729 members of the public participated in the exercise.

213. All the 729 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF has promoted education by providing bursaries for needy students and modernized school infrastructure thereby providing a conducive learning environment.
    (ii) The NGAAF has supported the empowerment of women and youth through the provision of star-up capital for businesses.

214. While supporting the Bill, some participants proposed that there was need to enhance the NG-CDF thereby enabling more students to benefit from the Fund.

Photo 54: Public Participation in Gatanga Constituency

4.4.55 Gatundu North Constituency

215. The public hearing exercise was held at the Gatundu North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 314 members of the public participated in the exercise.

216. A total of 309 participants expressed their support for the Bill noting, among other reasons, that:
    (i) The NG-CDF and NGAAF have enhanced access to education through the issuance of bursaries to needy students and improvement of school facilities, creating a conducive learning environment and addressing overcrowding in public schools.
    (ii) The NG-CDF has accelerated equitable development and empowered local communities in the constituency.

217. On the other hand, 5 participants expressed their reservations on the Bill citing, among other concerns, fear of theft and misappropriation of the Funds and a likely conflict of functions of the Funds with that of county governments.

Photo 55: Public Participation in Gatundu North Constituency

4.4.56 Gatundu South Constituency

218. The public hearing exercise was held at the Gatundu South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 288 members of the public participated in the exercise.

219. A total of 284 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have enhanced access to education by supporting various initiatives including provision of bursaries and building of schools, creating a conducive environment for learners.
    (ii) The NG-CDF and NGAAF have contributed to empowerment projects such as supporting the youth to undertake short courses to enhance their technical skills.

220. On the contrary, 4 participants expressed reservations on the Bill noting, among other concerns, allegations of political interference in allocation of the Funds and perceived exclusion of marginalized groups in bursary allocation and project selection.

Photo 56: Public Participation in Gatundu South Constituency

4.4.57 Gem Constituency

221. The public hearing exercise was held at the Gem Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 542 members of the public participated in the exercise.

222. A total of 534 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has ensured constituents can easily access their leaders as they operate from their constituency offices.
   (ii) The NG-CDF has supported education through issuance of bursaries and developed infrastructure by building schools, classrooms and administrative offices.
   (iii) The NGAAF has been instrumental in supporting vulnerable groups such as the elderly and orphans.

223. On the other hand, 8 participants expressed reservations on the Bill.

Photo 57: Public Participation in Gem Constituency

4.4.58 Gichugu Constituency

224. The public hearing exercise was held at the Gichugu Constutuency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 210 members of the public participated in the exercise.

225. A total of 207 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has enhanced access to education through the provision of bursaries to needy students, construction of classrooms and ablution blocks in schools. The Fund has also facilitated the construction of NGAO offices, bringing services closer to the people. The Fund has also supported rural electrification in the constituency.
   (ii) The NG-CDF has enhanced the digital skills of constituents through the construction of Ajira digital hubs across the constituency and supported the youth through the nurturing of talents in the field of sports. Resultantly, reducing drug and alcohol abuse.
   (iii) The NG-CDF and NGAAF are more accessible to the people compared to other government funds.
   (iv) The NGAAF has supported PWDs through affirmative action programmes.

226. On the other hand, 3 participants expressed their reservations on the Bill citing, among other concerns, that the High Court declared the NG-CDF unconstitutional. Further that, the NGAAF only focuses on women, excluding men.

Photo 58: Public Participation in Gichugu Constituency

4.4.59 Gilgil Constituency

227. The public hearing exercise was held at the Gilgil Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 433 members of the public participated in the exercise.

228. A total of 430 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has contributed to the education sector by providing bursaries for needy students, building new schools, purchasing of school buses and improving infrastructure in schools.
   (ii) The NG-CDF has supported infrastructure projects such construction of police stations and NGAO offices.
   (iii) The NGAAF has promoted economic empowerment to women, youths and persons with disabilities.
   (iv) The NG-CDF and NGAAF have been instrumental in providing targeted relief support to constituents during national disasters.

229. On the other hand, 3 participants expressed reservations on the Bill citing, among other concerns, alleged corruption and nepotism in the allocation and management of the NG-CDF and NGAAF.

Photo 59: Public Participation in Gilgil Constituency

4.4.60 Githunguri Constituency

230. The public hearing exercise was held at the Githunguri Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 863 members of the public participated in the exercise.

231. A total of 859 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have impacted the education sector by providing bursaries, school fees, building of schools and enabling form four leavers undertake short courses.
   (ii) The NG-CDF have contributed to infrastructural development such as establishment of ICT hubs, construction of hospitals and enhanced security through the construction of police stations.

232. On the contrary, 4 participants expressed reservations on the Bill.

Photo 60: Public Participation in Githunguri Constituency

4.4.61 Hamisi Constituency

233. The public hearing exercise was held at the Hamisi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 629 members of the public participated in the exercise.

234. A total of 608 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF was easily accessible as it operates within the constituents' reach.
   (ii) The NG-CDF has supported initiatives such as rural electrification.
   (iii) There has been equal distribution of the NG-CDF and NGAAF bursaries allowing needy students to access education.

235. While supporting the Bill, some participants noted the need for specifying an allocation for the key sectors such as education within the NG-CDF and provision of a kitty foe national emergency response. In addition, they proposed that the NGAAF be utilized to pay village elders of *nyumba kumi*.

236. On the other hand, 21 participants expressed their reservations on the Bill citing, among other concerns, that:
   (i) The removal of the proposed SOF and NGAAF as it would place an additional burden on the taxpayers.
   (ii) The Funds should be allocated to county governments to strengthen devolution.

Photo 61: Public Participation in Hamisi Constituency

4.4.62 Homabay Town Constituency

237. The public hearing exercise was held at the Homabay Town Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 481 members of the public participated in the exercise.

238. A total of 463 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have supported education through the issuance of bursaries to needy students.
   (ii) The NG-CDF has enhanced infrastructural development through construction of police stations, NGAO offices and bridges.
   (iii) The NGAAF has supported businesses through construction of market stalls and public toilets.

239. On the other hand, 18 participants expressed reservations on the Bill citing, among other concerns, that:
   (i) There was a lot of bureaucracies involved in accessing the NG-CDF and NGAAF.
   (ii) There was ineffective monitoring and evaluation mechanisms for the utilization of the NG-CDF and NGAAF.

Photo 62: Public Participation in HomaBay Town Constituency

4.4.63 Igembe Central Constituency

240. The public hearing exercise was held at the Igembe Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,011 members of the public participated in the exercise.

241. A total of 1,010 participants supported the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has facilitated the construction of police camps at the constituency level improving security.
   (ii) The NG-CDF has enhanced access to education through the construction of classrooms in primary and secondary schools, issuance of bursaries to needy students and the purchase of school buses. The Fund has also promoted vocational and technical training through the establishment of TVETs.

242. On the other hand, one participant expressed their reservations on the Bill alleging misuse of resources allocated to the NG-CDF and NGAAF.

Photo 63: Public Participation in Igembe Central Constituency

4.4.64 Igembe North Constituency

243. The public hearing exercise was held at the Igembe North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 484 members of the public participated in the exercise.

244. All the 484 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF provided bursaries to needy students and assisted in the construction of classrooms. Equally, the Funds have supported the empowerment of vulnerable groups including women and PWDs.
   (ii) The NG-CDF have contributed to the development of infrastructure in the security sector through the constructing of police stations.

Photo 64: Public Participation in Igembe North Constituency

4.4.65 Igembe South Constituency

245. The public hearing exercise was held at the Igembe South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,318 members of the public participated in the exercise.

246. A total of 2,307 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have made significant contributions, including creating employment opportunities for the locals, access to education for vulnerable students, enhanced security through the construction of police stations and supporting environmental protection initiatives such as tree planting.
   (ii) The NG-CDF have also played a key role in infrastructure development including the establishment of ICT hubs and improved internet connectivity which have contributed to increased literacy among the constituents.

247. On the contrary, 11 participants expressed reservations on the Bill concerned that the Funds were inadequate to meet the needs of all constituents. As a result, several projects, such as road construction, remain incomplete.

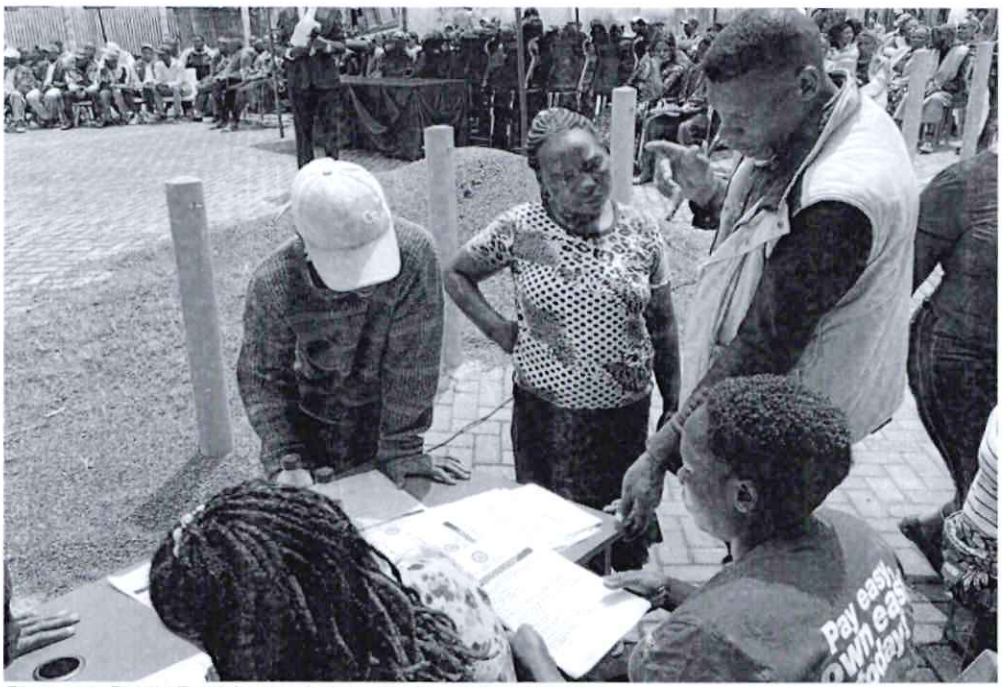

Photo 65: Public Participation in Igembe South Constituency

4.4.66 Ijara Constituency

248. The public hearing exercise was held at the Ijara Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 72 members of the public participated in the exercise.

249. All the 72 participants expressed their support for the Bill, stating, among other reasons, that the Funds have provided bursaries to needy students and assisted in the construction of classrooms. Additionally, the Funds have facilitated access to sanitary towels for girls.

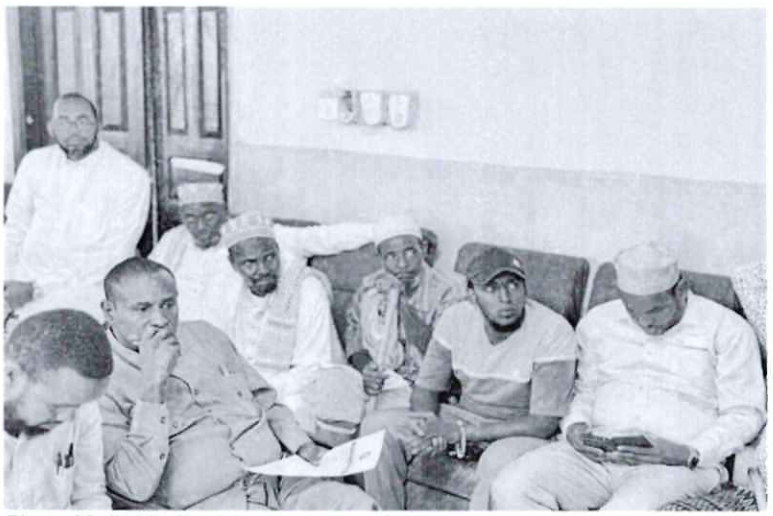

Photo 66: Public Participation in Ijara Constituency

4.4.67 Ikolomani Constituency

250. The public hearing exercise was held at the Ikolomani Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 970 members of the public participated in the exercise.

251. A total of 958 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have brought services closer to the people by increasing access to students' bursaries and supporting construction of schools thereby enhancing educational infrastructure. Further, the Funds have been used in the construction of houses for the teachers.
   (ii) The NG-CDF have assisted in development of infrastructure including the construction of police stations thus improving public access to essential services.
   (iii) The enactment of the Bill would create a legal framework that enhances transparency and accountability in the utilization and management of the Funds.

252. On the contrary, 12 participants expressed reservations on the Bill. They were of the view that the Funds may create potential avenues for corruption, favouritism and nepotism in the allocation and management of Funds. Additionally, it was noted that without proper oversight mechanisms, the Funds could be used for political advantage.

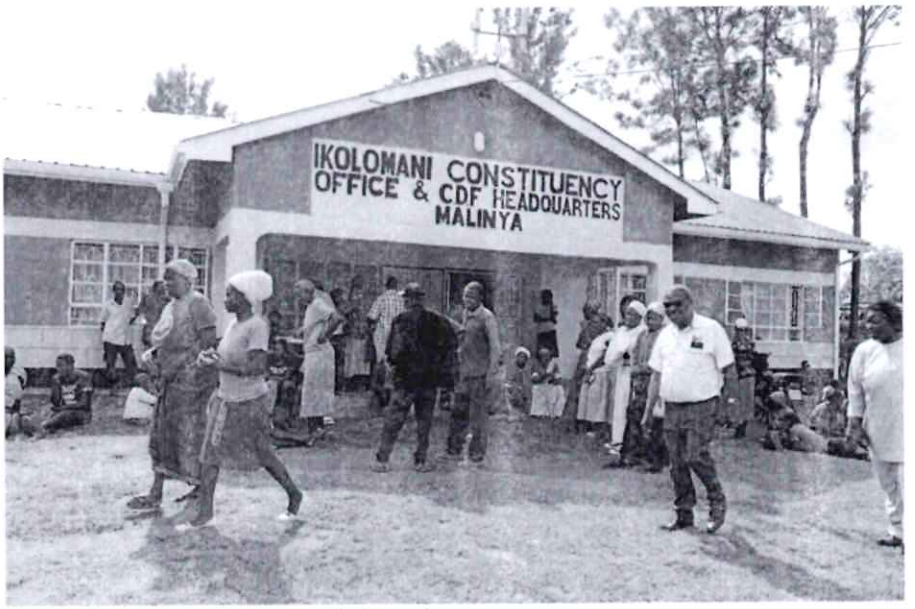

Photo 67: Public Participation in Ikolomani

4.4.68 Isiolo North Constituency

253. The public hearing exercise was held at the Isiolo North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 779 members of the public participated in the exercise.

254. A total of 761 participants expressed their support for the Bill affirming that the NG-CDF and NGAAF have provided bursaries to students, enhanced educational infrastructure as well as contributed to increased security within the constituency through the construction of police stations.

255. On the contrary, 18 participants expressed reservations on the Bill observing that, while the Funds have made notable contributions, the allocation of the Funds for projects across various parts of the constituency has been unequal. They emphasized on the need for equal distribution of the Funds to ensure inclusive access to all.

Photo 68: Public Participation in Isiolo North Constituency

4.4.69 Isiolo South Constituency

256. The public hearing exercise was held at the Isiolo South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 346 members of the public participated in the exercise.

257. A total of 343 participants expressed their support for the Bill citing, among other reasons, that the NG-CDF and NGAAF have benefited the local community by providing bursaries to students, improving learning institutions through upgraded school infrastructure and promoting security through the establishment of police stations.

258. On the contrary, 3 participants expressed reservations on the Bill. Their key concern was on the perceived disparities others for development projects in the allocation of the Funds, noting that some areas receive more funding than others.

Photo 69: Public Participation in Isiolo South Constituency

4.4.70 Jomvu Constituency

259. The public hearing exercise was held at the Jomvu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,155 members of the public participated in the exercise.

260. A total of 2,044 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have supported education programs through the distribution of bursaries to students and construction of schools.
   (ii) The NG-CDF has been instrumental in enhancing security through the construction of police stations and administrative offices as well as supported construction and upgrading of health facilities.

261. On the contrary, 111 participants expressed reservations on the Bill.

Photo 70: Public Participation in Jomvu Constituency

4.4.71 Juja Constituency

262. The public hearing exercise was held at the Juja Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,945 members of the public participated in the exercise.

263. A total of 1,938 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have benefited the education sector through the distribution of bursaries to needy students. The Funds have also enhanced security through the construction of police stations and administrative offices as well as supported the elderly and vulnerable members of the community.

264. On the contrary, 7 participants expressed reservations on the Bill but did not give reasons.

Photo 71: Public Participation in Juja Constituency

4.4.72 Kabete Constituency

265. The public hearing exercise was held at the Kabete Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 981 members of the public participated in the exercise.

266. A total of 976 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have improved access to quality education by providing bursaries, installation of electricity in schools, and building and renovating of school infrastructure.
    (ii) The NG-CDF has enhanced accessibility of the area through the construction of roads.

267. On the contrary, 5 participants expressed reservations on the Bill but did not give reasons.

Photo 72: Public Participation in Kabete Constituency

4.4.73 Kabondo Kasipul Constituency

268. The public hearing exercise was held at the Kabondo Kasipul Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 547 members of the public participated in the exercise.

269. A total of 543 participants expressed their support for the Bill noting, among other reasons, that the NG-CDF and NGAAF have contributed to the development of the community by enabling access to education through provision of bursaries, construction of schools as well as improved connectivity through the construction of feeder roads.

270. On the contrary, 4 participants expressed reservations on the Bill. They were concerned about alleged misappropriation of the Funds due to a lack of clear and structured mechanisms to guide the use of the Funds. In addition, they were of the view that such an amendment to the Constitution should be done by way of referendum.

Photo 73: Public Participation in Kabondo Kasipul Constituency

4.4.74 Kabuchai Constituency

271. The public hearing exercise was held at the Kabuchai Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 724 members of the public participated in the exercise.

272. A total of 707 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have enhanced access to education through providing bursaries to students.
    (ii) The NG-CDF has contributed to infrastructural development through the construction of police posts and chiefs' offices.

273. On the contrary, 17 participants expressed reservations on the Bill due to concerns of alleged nepotism in allocation of bursaries. In their view, there should be increased transparency and accountability in the management and oversight of the Funds.

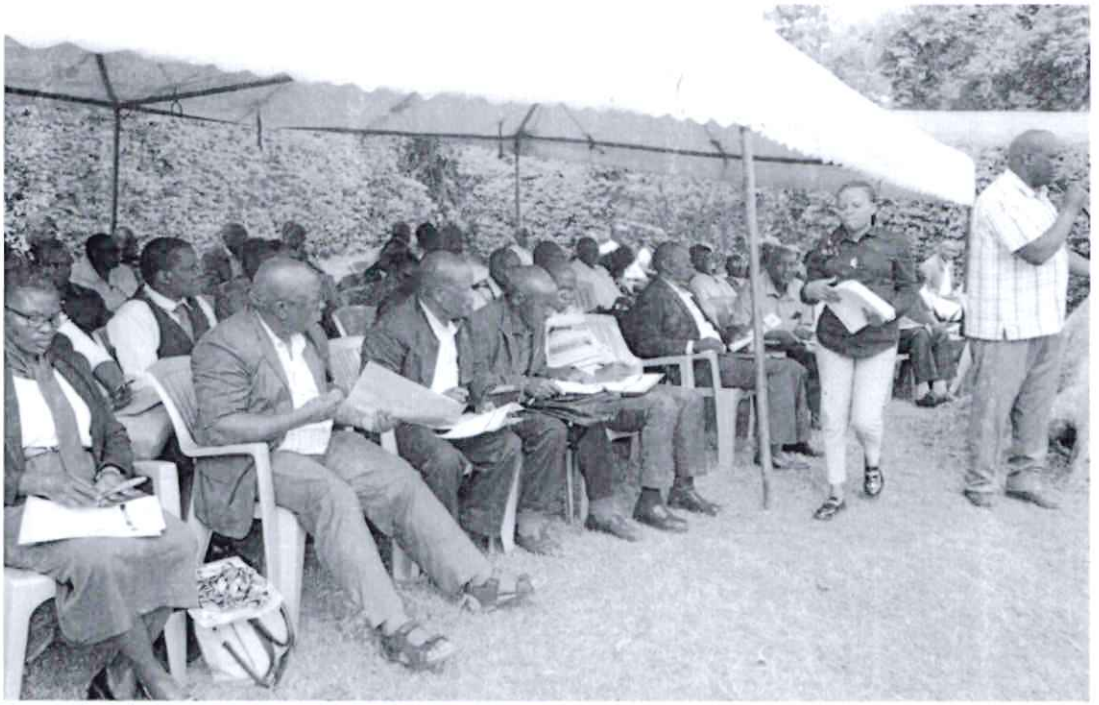

Photo 74: Public Participation in Kabuchai Constituency

4.4.75 Kacheliba Constituency

274. The public hearing exercise was held at the Kacheliba Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 165 members of the public participated in the exercise.

275. A total of 162 participants supported the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has enhanced access to education through the provision of bursaries to needy students, construction of classrooms, laboratories, libraries and administration blocks, and purchase of school buses.
   (ii) The NGAAF has supported marginalized groups through distribution of dignity kits ensuring retention of girls in schools, provision of assistive devices like wheelchairs to PWDs and income-generating initiatives for the youth.
   (iii) Entrenchment of the SOF would strengthen Senate's oversight role over county government projects.

276. On the other hand, 3 participants expressed their reservations on the Bill.

Photo 75: Public Participation in Kacheliba Constituency

4.4.76 Kaiti Constituency

277. The public hearing exercise was held at the Kaiti Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 622 members of the public participated in the exercise.

278. A total of 621 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF has enhanced access to education through the issuance of bursaries to needy and vulnerable students, school feeding programs and construction of schools and school infrastructure, improving literacy levels in the constituency.
    (ii) The NGAAF has assisted in mitigation of national disasters by providing targeted relief to vulnerable households affected by drought.

279. On the other hand, one participant expressed reservations on the Bill but did not give reasons.

Photo 76: Public Participation in Kaiti Constituency

4.4.77 Kajiado Central Constituency

280. The public hearing exercise was held at the Kajiado Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 380 members of the public participated in the exercise.

281. A total of 363 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have contributed to improved educational infrastructure such as construction of school administration blocks, ablution facilities, new classrooms as well as provided bursaries to needy students. The Funds have also facilitated access to assistive devices for persons with disabilities and promoted youth empowerment by supporting short vocational courses that equip the youth with skills for employment.
   (ii) The NG-CDF has also supported infrastructural development including construction and renovation of police posts, chiefs' offices and access roads, thus enhancing connectivity within the constituency.

282. On the contrary, 17 participants expressed reservations on the Bill noting that there was lack of transparency in project selection and the use of the Funds. There was perception that without proper accountability, the Funds could be used for political gains. It was their view that there was need for increased capacity building of leader to equip leaders with necessary skills for effective delivery of quality outcomes.

Photo 77: Public Participation in Kajiado Central Constituency

4.4.78 Kajiado East Constituency

283. The public hearing exercise was held at the Kajiado East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 664 members of the public participated in the exercise.

284. A total of 649 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have contributed to education by providing bursaries to needy students, construction of classrooms, laboratories, dormitories, ramps and accessible toilets for learners with disabilities and ablution blocks.
   (ii) The NG-CDF has supported infrastructural development programs such as construction of roads, public toilets, police posts and chiefs' offices.
   (iii) The NG-CDF and NGAAF have also supported *bodaboda* riders to obtain valid driving licenses and enabled the erection of perimeter fencing around schools, farms and community lands located near wildlife zones curbing human-wildlife conflict.

285. While in support of the Bill, some participants stated that the current allocation was insufficient to meet the growing demand for bursaries and improved infrastructure. In their view, the Funds should be increased to enhance access to essential services.

286. On the contrary, 15 participants expressed reservations on the Bill but did not give reasons.

Photo 78: Public Participation in Kajiado East Constituency

4.4.79 Kajiado North Constituency

287. The public hearing exercise was held at the Kajiado North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,118 members of the public participated in the exercise.

288. A total of 1,075 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have contributed to quality education by providing bursaries and scholarships to needy students and improved educational infrastructure through construction and renovation of classrooms. The Funds have also enabled establishment of ICT hubs and empowerment of vulnerable groups and women and the youth which has promoted equality and inclusion.
   (ii) The NG-CDF has facilitated the construction and renovation of police posts, chiefs' offices, access roads and bridges thus enhancing accessibility within the constituency.

289. On the contrary, 43 participants expressed reservations on the Bill due to concerns that without transparency, the Funds could be used for electoral gains and political expediency.

Photo 79: Public Participation in Kajiado North Constituency

4.4.80 Kajiado South Constituency

290. The public hearing exercise was held at the Kajiado South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 667 members of the public participated in the exercise.

291. A total of 658 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have contributed to education through improved infrastructure such as construction of a social hall at Kimana Primary School and provided educational support up to university level. The Funds have also supported infrastructural development including building of administrative offices and access of accessible facilities to persons with disabilities.

292. On the contrary, 9 participants expressed reservations on the Bill noting that there needs to be increased allocation into the NGAAF in order to effectively support vulnerable groups.

Photo 80: Public Participation in Kajiado South Constituency

4.4.81 Kajiado West Constituency

293. The public hearing exercise was held at the Kajiado West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,022 members of the public participated in the exercise.

294. A total of 1,019 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has facilitated infrastructural development including the construction of school administration blocks, Huduma Centres, land offices thereby enhancing service delivery to the constituents.
   (ii) The NG-CDF and NGAAF have contributed to quality education especially for girls in the constituency who have historically been disadvantaged through the provision of sanitary towels, construction of ablution blocks and dormitories.
   (iii) The NGAAF has supported CBOs and women groups by facilitating the provision of social support items such as umbrellas and tents which have provided a conducive environment to carry out social and economic activities. The Fund has also

empowered the youth, PWDs and vulnerable groups through provision of income-generating activities and capacity building programs.

295. While in support of the Bill, some participants noted that the current allocation was insufficient to meet the growing demand for bursaries and infrastructural development hence, proposed an increase of budgetary allocation to NG-CDF to boost access to essential services.

296. On the contrary, 3 participants expressed reservations on the Bill but did not give reasons.

Photo 81: Public Participation in Kajiado West Constituency

4.4.82 Kaloleni Constituency

297. The public hearing exercise was held at the Kaloleni Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 986 members of the public participated in the exercise.

298. A total of 981 participants expressed their support for the Bill noting, among other reasons, that the Funds have played a key role in awarding of bursaries to needy students, construction of classrooms, administration blocks, laboratories and NGAO offices.

299. On the contrary, 5 participants expressed reservations on the Bill. They stated that the Constitution of Kenya already establishes a devolved system of government within which county governments are allocated development funds. It was their view that establishing separate funds at constituency level may lead to duplication of roles and increase the likelihood of mismanagement of public resources.

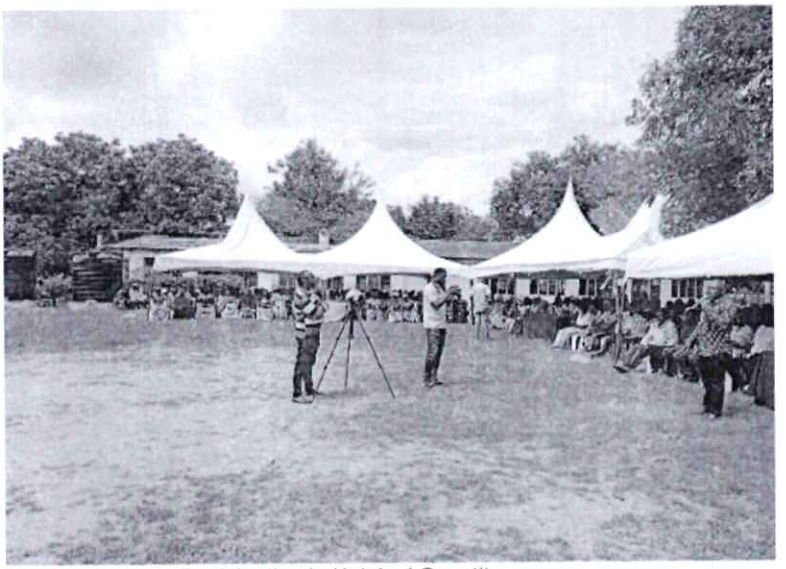

Photo 82: Public Participation in Kaloleni Constituency

4.4.83 Kamukunji Constituency

300. The public hearing exercise was held at the Kamukunji Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,610 members of the public participated in the exercise.

301. All the 1,610 participants expressed their support for the Bill submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF were easily accessible thereby enabling rural development and improvement of school infrastructure.
   (ii) The NGAAF have been essential in supporting vulnerable groups such as orphans and persons with disabilities by providing them with school fees and establishment of business opportunities.

Photo 83: Public Participation in Kamukunji Constituency

4.4.84 Kandara Constituency

302. The public hearing exercise was held at the Kandara Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 367 members of the public participated in the exercise.

303. All the 367 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF and NGAAF have enhanced access to education by providing bursaries to needy students. The funds have reduced regional disparities by allocating resources based on need, ensuring that all constituencies benefit from development initiatives.
   (ii) The Funds have facilitated the construction of educational infrastructure such as new schools, classrooms, libraries, installation of electricity and other essential infrastructure, improving access to education and other services.

Photo 84: Public Participation in Kandara Constituency

4.4.85 Kanduyi Constituency

304. The public hearing exercise was held at the Kanduyi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 364 members of the public participated in the exercise.

305. A total of 345 participants supported the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has enhanced access to education through provision of bursaries, and construction of classrooms, laboratories and dormitories. The Fund has also boosted local economy in the constituency through NG-CDF-funded projects.
   (ii) The NGAAF has improved the lives of vulnerable groups in the constituency through affirmative action programs.

306. On the other hand, 19 participants expressed their reservations on the Bill stating, among other concerns, a fear of mismanagement of the Funds for political expediency.

Photo 85: Public Participation in Kanduyi Constituency

4.4.86 Kangema Constituency

307. The public hearing exercise was held at the Kangema Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,539 members of the public participated in the exercise.

308. Of these, 1,536 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF and NGAAF have contributed the realization of some of the social and economic rights such as by providing bursaries for needy leaners for both primary and secondary schools ensuring that the learners and retained in school.
   (ii) The NG-CDF and NGAAF have contributed to the construction of educational infrastructure such as classrooms, new technical schools that equip the youth with skills that will enable them secure employment opportunities.
   (iii) The NG-CDF has facilitated the construction of new security and administration facilities in constituencies such as police stations, police posts and chiefs' offices.

309. On the contrary, 3 participants expressed reservations on the Bill noting the objective of the NGCDF is to promote equitable development and address the localized needs of the people. It was therefore their view that the NGAAF would occasion duplication and functionality overlap of the NGCDF and existing devolved and national initiatives. Additionally, they were also of the opinion that the Funds have been effectively serving their intended purpose despite operating without a legal framework therefore do not need to be entrenched in the Constitution.

Photo 86: Public Participation in Kangema Constituency

4.4.87 Kangundo Constituency

310. The public hearing exercise was held at the Kangundo Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 294 members of the public participated in the exercise.

311. A total of 290 participants supported the Bill and submitted, among other reasons, that:
    (i) The NG-CDF and NGAAF have enhanced access to education through issuance of bursaries, construction of classrooms and provision of water to schools.
    (ii) The NGAAF has improved the lives of vulnerable groups in the constituency through affirmative action programs.

312. On the other hand, 4 participants expressed their reservations on the Bill alleging corruption and nepotism in the mismanagement of the Funds.

Photo 87: Public Participation in Kangundo Constituency

4.4.88 Kapenguria Constituency

313. The public hearing exercise was held at the Kapenguria Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 444 members of the public participated in the exercise.

314. A total of 440 participants expressed their support for the Bill and submitted as follows:
    (i) The NG-CDF has enhanced access to education through the issuance of bursaries to needy students, purchase of school buses and construction of classrooms.
    (ii) The NG-CDF has supported the construction of NGAO offices, police posts and drilling of boreholes, rural electrification and maintenance of health facilities thereby improving the lives of the constituents.
    (iii) The NG-CDF and NGAAF have enhanced social support services by providing assistive devices to persons with disabilities and creation of job opportunities through local projects.
    (iv) The NGAAF has provided sanitary towels to school-going girls, promoted sporting activities and talent development programs among the youth, and supplied tents to CBOs during social functions.
    (v) The SOF would enhance transparency and accountability of county governments thus strengthen devolution.

315. On the other hand, 4 participants expressed reservations on the Bill but did not give reasons.

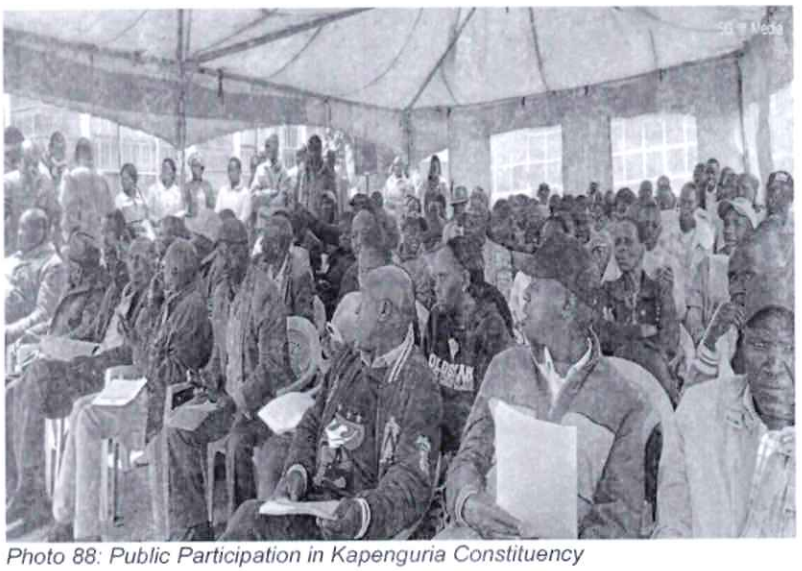

Photo 88: Public Participation in Kapenguria Constituency

4.4.89 Kapseret Constituency

316. The public hearing exercise was held at the Kapseret Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 306 members of the public participated in the exercise.

317. A total of 267 participants expressed their support for the Bill and submitted, among other reasons, that:
    (i) The NG-CDF has increased development in constituencies through the completion of local projects and construction of security units and NGAO offices. The Fund has also assisted in mitigating the effects of national disasters and emergencies.
    (ii) The NG-CDF and NGAAF have enhanced access to education through the issuance of bursaries, drilling of boreholes and provision of water storage tanks in schools and construction of ablution blocks.

318. Conversely, 39 participants expressed reservations on the Bill due to a fear of mismanagement of the Funds.

Photo 89: Public Participation in Kapseret Constituency

4.4.90 Karachuonyo Constituency

319. The public hearing exercise was held at the Karachuonyo Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,600 members of the public participated in the exercise.

320. A total of 1,547 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has supported the education sector through the construction of classrooms and administration blocks and provided bursaries to needy students.
   (ii) The NG-CDF has supported the construction of health facilities and police stations.
   (iii) The NG-CDF and NGAAF have enhanced transparency through community participation in the project selection.

321. On the other hand, 53 participants expressed reservations on the Bill citing, among other concerns, that:
   (i) Allegations of discrimination and corruption in the mismanagement of funds.
   (ii) The enactment of the Bill will result in increased taxation thereby imposing an additional financial burden on taxpayers.

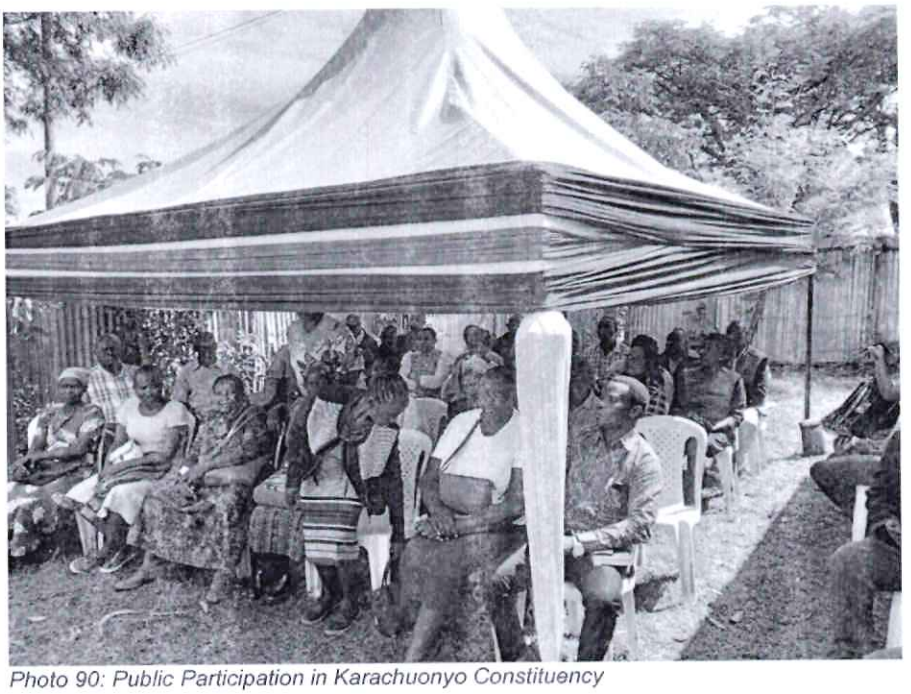

Photo 90: Public Participation in Karachuonyo Constituency

4.4.91 Kasarani Constituency

322. The public hearing exercise was held at the Kasarani Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,068 members of the public participated in the exercise.

323. A total of 1,038 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has improved the livelihood of the constituents by supporting the development of infrastructure including construction of NGAO offices and police stations.
   (ii) The NG-CDF and NGAAF have supported needy students through issuance of scholarships and bursaries.
   (iii) The NG-CDF and NGAAF have improved the living conditions of persons with disabilities through provision of assistive devices.

324. On the other hand, 30 participants expressed reservations on the Bill citing, among other concerns, that:
   (i) The Funds should be allocated to the relevant ministries in the national government.
   (ii) The distribution and management of the Funds were prone to corruption and misuse.

Photo 91: Public Participation in Kasarani Constituency

4.4.92 Kasipul Constituency

325. The public hearing exercise was held at the Kasipul Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 779 members of the public participated in the exercise.

326. A total of 774 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has contributed to education through provision of bursaries to needy students and development of school infrastructure.
   (ii) The NG-CDF has enhanced security by constructing police stations.
   (iii) The NGAAF has supported supported vulnerable groups such as orphans and contributed to empowerment of the youth by facilitating them to pursue short courses.

327. On the other hand, 5 participants expressed reservations on the Bill citing, among other concerns, that:
   (i) The Funds could be used for political mileage.
   (ii) Allegations of discrimination and nepotism in the allocation of bursaries.

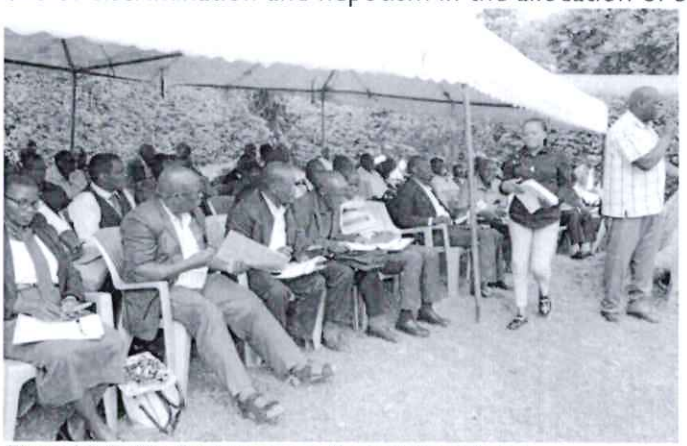
Photo 92: Public Participation in Kasipul Constituency

4.4.93 Kathiani Constituency

328. The public hearing exercise was held at the Kathiani Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,953 members of the public participated in the exercise.

329. A total of 1,941 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has provided bursaries to needy students thereby promoting access to education.
   (ii) The NG-CDF and NGAAF have aided in infrastructural development thereby creating employment opportunities for the local community.

330. On the other hand, 12 participants expressed reservations on the Bill citing, among other concerns, that there was need for a better accountability framework for the management of the Funds.

Photo 93: Public Participation in Kathiani Constituency

4.4.94 Keiyo North Constituency

331. The public hearing exercise was held at the Keiyo North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,648 members of the public participated in the exercise.

332. A total of 1,645 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has provided bursaries to needy students thereby promoting access to education.
   (ii) The NGAAF has supported the youth, women and PWDs through affirmative action programs.

333. On the other hand, 3 participants expressed reservations on the Bill citing, among other concerns, that:
   (i) Entrenchment of the Funds in the Constitution would result in a conflict on interest in relation to their management and oversight.
   (ii) The Funds are required to benefit the people at local level and should therefore be allocated to the counties.
   (iii) There have been previous allegations of mismanagement of the NG-CDF and the NGAAF.

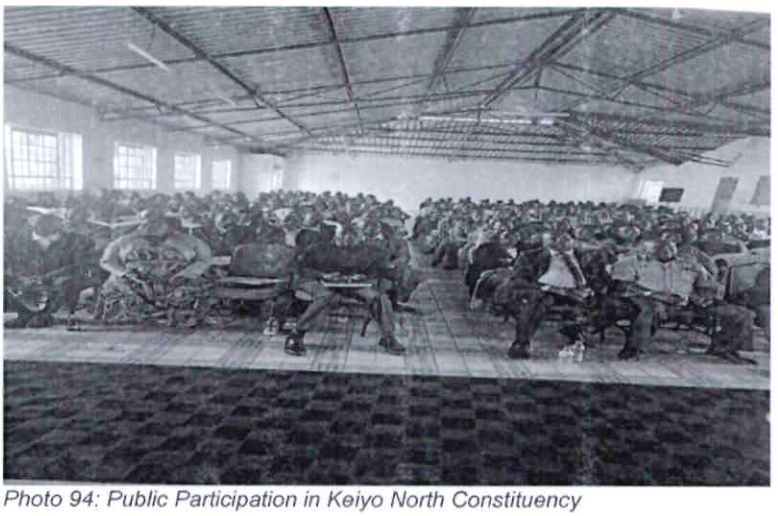

Photo 94: Public Participation in Keiyo North Constituency

4.4.95 Keiyo South Constituency

334. The public hearing exercise was held at the Keiyo South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,417 members of the public participated in the exercise.

335. A total of 1,416 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has supported education through building of schools, colleges and proper sanitary facilities. It has also provided school fees to needy students.
   (ii) The NG-CDF has facilitated the construction and renovation of roads, bridges and installation of electricity to enhance ease in access and connectivity.

336. On the other hand, one participant expressed reservations on the Bill but did not give reasons.

Photo 95: Public Participation in Keiyo South Constituency

4.4.96 Kesses Constituency

337. The public hearing exercise was held at the Kesses Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 442 members of the public participated in the exercise.

338. A total of 417 participants expressed their support for the Bill and submitted, among other reasons that:

(i) The NG-CDF has enhanced access to education through the construction of schools and school infrastructure.
(ii) The NG-CDF and NGAAF have facilitated the creation of job opportunities to the constituents in their offices and through the Funds' local projects.

339. On the other hand, 25 participants expressed reservations on the Bill alleging corruption and mismanagement of the NG-CDF and NGAAF.

Photo 96: Public Participation in Kesses Constituency

4.4.97 Khwisero Constituency

340. The public hearing exercise was held at the Khwisero Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 288 members of the public participated in the exercise.

341. All the 288 participants expressed their support for the Bill noting, among other reasons, that the Funds have played a key role in awarding of bursaries to needy students, construction of classrooms, administration blocks, laboratories and NGAO offices.

Photo 97: Public Participation in Khwisero Constituency

4.4.98 Kiambaa Constituency

342. The public hearing exercise was held at the Kiambaa Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 566 members of the public participated in the exercise.

343. A total of 560 participants expressed their support for the Bill and submitted as follows:
   (i) The NG-CDF and NGAAF have benefited the education sector through the distribution of bursaries to needy students, renovation of classrooms and supported the school feeding program.
   (ii) The NG-CDF has contributed to enhanced security through the construction of police stations.

344. On the contrary, 6 participants expressed reservations on the Bill.

Photo 98: Public Participation in Kiambaa Constituency

4.4.99 Kiambu Constituency

345. The public hearing exercise was held at the Kiambu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 910 members of the public participated in the exercise.

346. A total of 900 participants expressed their support for the Bill noting, among other reasons, that the NG-CDF and NGAAF have contributed to the advancement of the education sector by providing bursaries and school fees to needy students which has in turn led to improved livelihoods within the community.

347. On the contrary, 10 participants expressed reservations on the Bill concerned of alleged misappropriation of the Funds which they claimed has contributed to an increase in the country's national wage bill. Some participants stated that despite several attempts to apply for the NG-CDF and NGAAF bursaries, they had never received any allocations. In their view, the Funds could be more effectively managed if they were allocated to the relevant ministries for effective management.

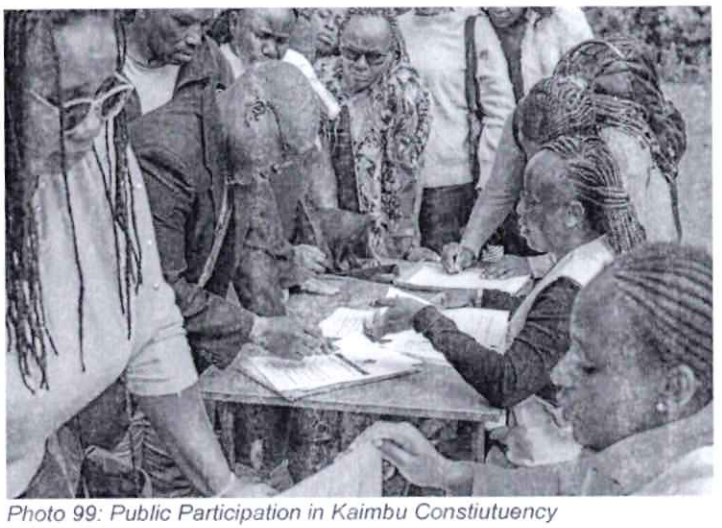

Photo 99: Public Participation in Kaimbu Constiutuency

4.4.100 Kibra Constituency

348. The public hearing exercise was held at the Kibra Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,867 members of the public participated in the exercise.

349. A total of 1,843 participants expressed their support for the Bill and submitted, among others, that:
   (i) The NG-CDF has contributed to improvement of infrastructure in schools and provided bursaries to the needy students.
   (ii) The NG-CDF has been easily accessible to constituents.
   (iii) The NG-CDF has enhanced security through the construction of police stations.

350. On the other hand, 24 participants expressed reservations on the Bill alleging previous mismanagement of the NG-CDF and NGAAF.

Photo 100: Public Participation in Kibra Constituency

4.4.101 Kibwezi East Constituency

351. The public hearing exercise was held at the Kibwezi East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,304 members of the public participated in the exercise.

352. A total of 2,295 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has actively promoted education by providing bursaries to students from vulnerable backgrounds.
   (ii) The NG-CDF has facilitated the construction of schools, roads, and public offices.
   (iii) The NGAAF has supported women and youth through various empowerment programs.

353. While supporting the Bill, some participants recommended that mechanisms be established to curb corruption and mismanagement of the Funds.

354. On the other hand, 9 participants expressed reservations on the Bill, stating, among their concerns, that:
   (i) The management of the funds should be delegated to the county governments.
   (ii) The principle of separation of powers would be infringed upon.

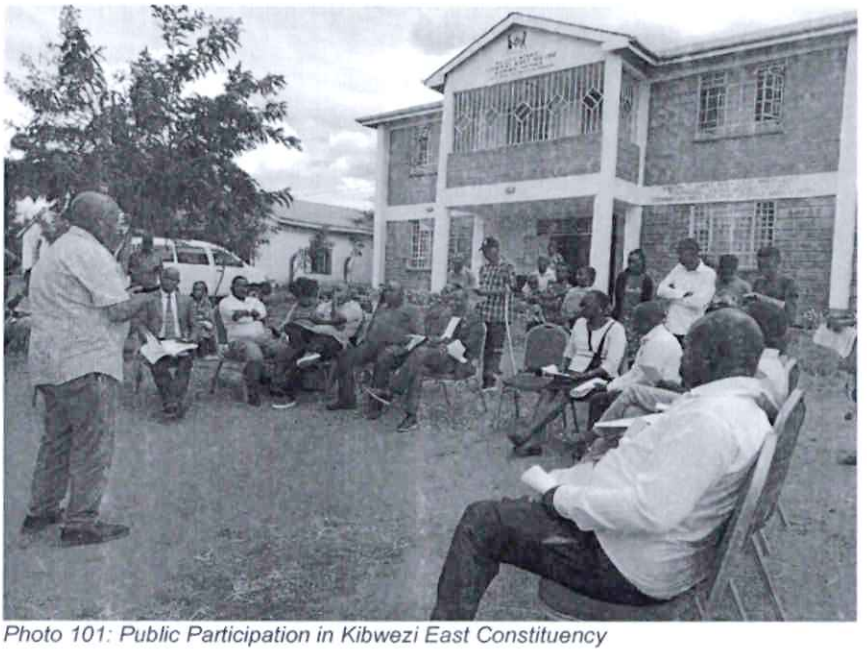

Photo 101: Public Participation in Kibwezi East Constituency

4.4.102 Kibwezi West Constituency

355. The public hearing exercise was held at the Kibwezi West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 3,084 members of the public participated in the exercise.

356. A total of 3,058 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has facilitated access to education through issuance of bursaries to needy and vulnerable students, alleviating financial strain on families.
   (ii) The NG-CDF has improved infrastructure in the constituency by constructing schools and public offices.

(iii) The NG-CDF and NGAAF have empowered women and youth by enhancing their literacy skills.
(iv) The Senate Oversight Fund would bolster the Senate's oversight role.

357. While supporting the Bill, some participants noted the need to ensure equitable allocation of bursaries.

358. On the other hand, 26 participants expressed reservations about the Bill.

Photo 102: Public Participation in Kibwezi West Constituency

4.4.103 Kieni Constituency

359. The public hearing exercise was held at the Kieni Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 844 members of the public participated in the exercise.

360. A total of 832 participants expressed their support for the Bill, submitting, among other reasons, that:
    (i) The NG-CDF has aided the education sector through initiatives like the bursary program, building administration blocks and classrooms, and supporting the school feeding program.
    (ii) It has also facilitated development projects such as drainage systems and security offices.
    (iii) The NGAAF has fostered employment opportunities for youth, women, and individuals with disabilities.

361. On the other hand, 12 participants expressed reservations about the Bill, stating that the funds should be allocated to the relevant ministries as they are able to identify and address priority needs.

Photo 103: Public Participation in Kieni Constituency

4.4.104 Kigumo Constituency

362. The public hearing exercise was held at the Kigumo Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 734 members of the public participated in the exercise.

363. All 734 participants expressed their support for the Bill. Among other reasons, they stated that the NG-CDF and NGAAF have enhanced access to education by providing bursaries to needy students and supporting the construction of classrooms. They have also provided employment opportunities for the youth through the funded projects.

Photo 104: Public Participation in Kigumo Constituency

4.4.105 Kiharu Constituency

364. The public hearing exercise was held at Kiharu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,419 members of the public took part in the exercise.

365. Of these, 1,412 persons supported the Bill citing, among others, the following reasons:
   (i) The NG-CDF fund has helped needy students access education through bursaries and school-feeding programmes. The Fund has also constructed schools, health facilities and chiefs' offices.
   (ii) The NG-CDF and NGAAF have empowered the youth and women through various programmes.
   (iii) The NG-CDF is easily accessible and equitably distributed.

366. On the other hand, 7 participants expressed reservations on the Bill citing previous misuse of the NG-CDF and NGAAF. In addition, they were of the view that the SOF was not essential.

Photo 105: Public Particiaption in Kiharu Constituency

4.4.106 Kikuyu Constituency

367. The public hearing exercise was held at the Kikuyu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,643 members of the public participated in the exercise.

368. A total of 1,428 participants expressed their support for the Bill and submitted as follows:
   (i) The NG-CDF has contributed to the education sector by providing bursaries to needy students and supporting the construction of classrooms, thereby promoting access to education.
   (ii) The NG-CDF has facilitated infrastructural development in the constituency by building roads and police stations, enhancing accessibility and promoting security.
   (iii) The NG-CDF and NGAAF have empowered women, youths, and vulnerable groups, thus improving their living standards.

369. On the contrary, 215 participants expressed reservations about the Bill, citing, among other reasons, that maintaining the Funds separately was insufficient to meet the growing demand for social services. They argued that it was necessary to consolidate the NG-CDF and the NGAAF to pool more resources to support education and provide broader coverage.

Photo 106: Public Participation in Kikuyu Constituency

4.4.107 Kilgoris Constituency

370. The public hearing exercise was held at the Kilgoris Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 616 members of the public participated in the exercise.

371. A total of 615 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has aided education by offering bursaries to underprivileged students.
   (ii) The NG-CDF has fostered infrastructural growth by constructing classrooms, toilets, roads, bridges, police stations, chiefs' offices, and installing street lights for improved business operations and safety.
   (iii) The NG-CDF and NGAAF have economically empowered youth and women through training programs, support for small-scale businesses, and talent development, ultimately enhancing their living standards.
   (iv) The NG-CDF and NGAAF have strengthened social protection efforts by assisting marginalised populations, including orphans, persons with disabilities, and the elderly.
   (v) The Funds have encouraged the fair distribution of resources across constituencies.
   (vi) The Senate Oversight Fund would bolster the Senate's oversight role therefore ensuring prudent use of resources.

372. On the other hand, one participant expressed reservations about the Bill and stated that there were concerns of political bias and favouritism in the allocation of bursaries.

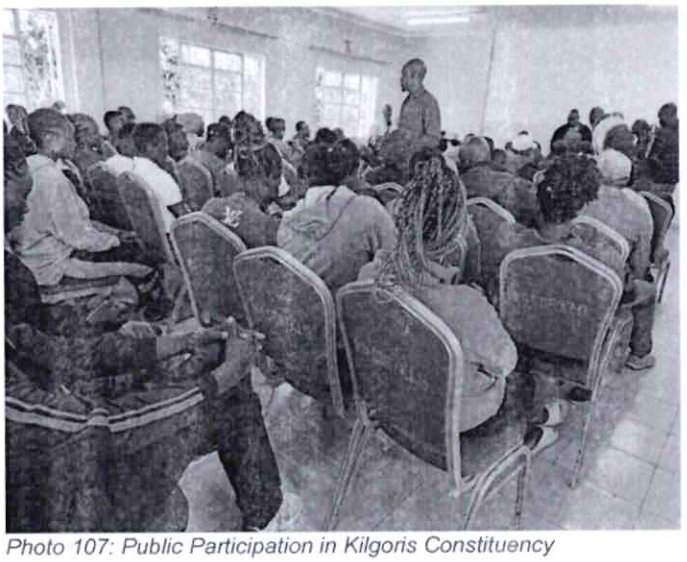

Photo 107: Public Participation in Kilgoris Constituency

4.4.108 Kilifi North Constituency

373. The public hearing exercise was held at the Kilifi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 733 members of the public participated in the exercise.

374. A total of 729 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF is easily accessible to many residents, ensuring that the development funds are decentralised to facilitate residents at the grassroots level.
   (ii) The NG-CDF has reduced the rate of school dropouts and teenage pregnancies by providing educational support.
   (iii) The NG-CDF and the NGAAF have significantly contributed to infrastructural development by establishing ICT hubs that enhance access to the Internet, thereby providing a conducive environment for learning and working.

375. On the other hand, 4 participants had reservations about the Bill, though they did not give reasons for their concerns.

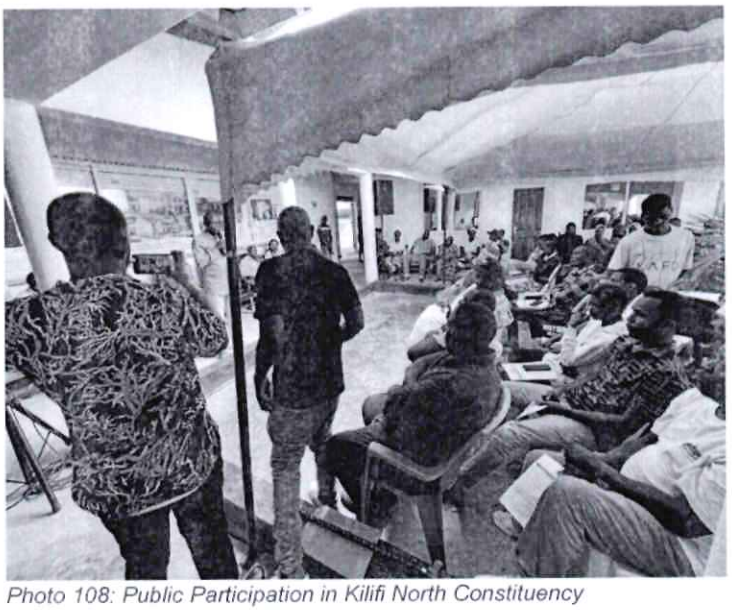

Photo 108: Public Participation in Kilifi North Constituency

4.4.109 Kilifi South Constituency

376. The public hearing exercise was held at the Kilifi South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 836 members of the public participated in the exercise.

377. A total of 816 participants expressed their support for the Bill, citing the following reasons, among others:
   (i) The NG-CDF is highly accessible, ensuring educational development through bursaries at different levels, facilitating school construction, enabling teacher employment, and fostering job opportunities in the community constituency.
   (ii) The NG-CDF and the NGAAF have also significantly contributed to women's empowerment initiatives, promoting gender equality and enhancing inclusivity.

378. On the other hand, 20 participants expressed reservations about the Bill, suggesting that the proposed Senate Oversight Fund should be allocated to the ward representatives, as they are better positioned to provide proper oversight of county governments. They also noted that the NG-CDF and NGAAF were not uniformly distributed across their constituency. As such, a system should be implemented to ensure the equitable distribution of resources across all wards.

Photo 109: Public Participation in Kilifi South Constituency

4.4.110 Kilome Constituency

379. The public hearing exercise was held at the Kilome Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 880 members of the public participated in the exercise.

380. All 880 participants expressed their support for the Bill and submitted as follows:
   (i) The NG-CDF has provided bursaries to needy and vulnerable students, alleviating financial pressure on families.
   (ii) The NG-CDF has enhanced infrastructure by constructing schools, roads, and public offices.
   (iii) The NG-CDF has boosted literacy rates by empowering youth and women.
   (iv) The Funds have improved connectivity through electricity installation in rural areas.

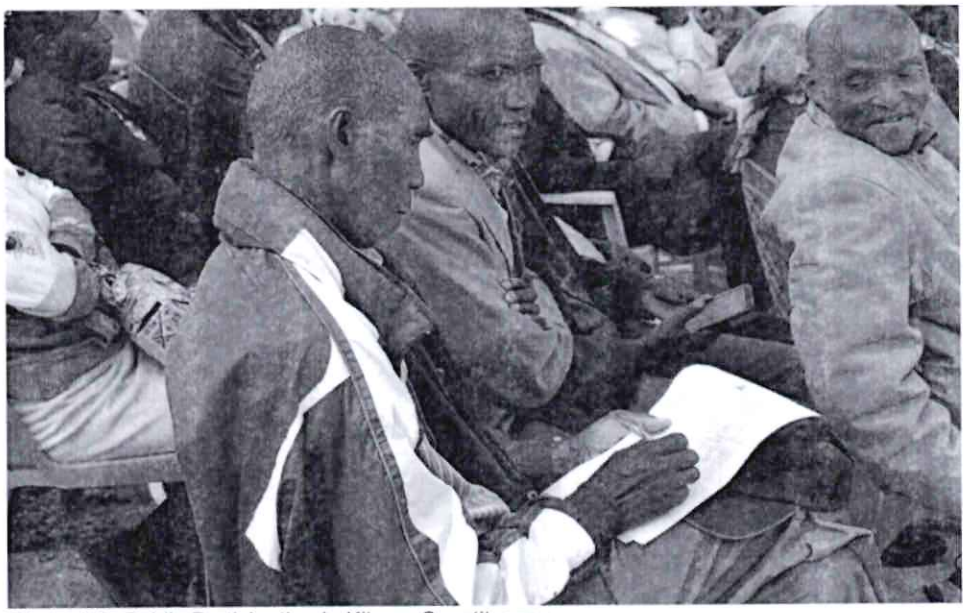

Photo 110: Public Participation in Kilome Constituency

4.4.111 Kimilili Constituency

381. The public hearing exercise was held at the Kimilili Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,245 members of the public participated in the exercise.

382. A total of 1,225 participants expressed their support for the Bill noting that the NG-CDF and NGAAF have played a key role in awarding of bursaries to needy students and the construction of classrooms.

383. On the contrary, 20 participants expressed reservations on the Bill concerned about mismanagement of the Funds.

Photo 111: Public Participation in Kimilili Constituency

4.4.112 Kiminini Constituency

384. The public hearing exercise was held at the Kiminini Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,200 members of the public participated in the exercise.

385. All the 1,200 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have supported the development of education by providing bursaries to needy students, construction of classrooms, ramps for learners and teachers with special needs, ablution blocks and playgrounds, and laboratories.
   (ii) The NGAAF have enhanced access to clean water and promoted youth economic empowerment through talent shows aimed at nurturing skills and creativity.

Photo 112: Public Participation in Kiminini Constituency

4.4.113 Kinango Constituency

386. The public hearing exercise was held at the Kinango Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 380 members of the public participated in the exercise.

387. A total of 379 participants expressed their support for the Bill stated, among other reasons, that:
   (i) The NG-CDF and NGAAF have contributed to education by providing bursaries to needy students, construction of schools and improvement of infrastructure in the schools. The Funds have also created employment opportunities through their projects and contributed to economic empowerment of women, youth and persons with disabilities.

388. While supporting the Bill, a majority of the participants indicated the need to increase NG-CDF and NGAAF's budgetary allocation to ensure equitable distribution of resources.

389. On the contrary, one participant expressed reservations on the Bill. They stated that despite the existence of the NG-CDF and NGAAF, some members of the public have been disadvantaged in the allocation of bursaries and implementation of development projects.

Photo 113: Public Participation in Kinango Constituency

4.4.114 Kinang'op Constituency

390. The public hearing exercise was held at the Kinang'op Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 825 members of the public took part in the exercise.

391. A total of 818 participants expressed their support for the Bill, citing, among other reasons, that:
   (i) The NG-CDF has enhanced access to education by issuing bursaries to needy students, constructing laboratories and modern ablution blocks, establishing TVET institutions, and procuring school buses.
   (ii) The NG-CDF has facilitated infrastructure developments in the constituency by renovating over 100 classrooms, equipping laboratories, improving rural roads, funding KMTC Kinang'op Campus, drilling boreholes in local centres and public schools, enhancing electricity access through matching funds, and installing street lighting.
   (iii) The NG-CDF has also supported governance and security in the constituency by funding police stations, posts, and chiefs' offices, licensing boda boda riders, and improving security infrastructure.
   (iv) The NG-CDF and NGAAF promote equity and efficiency by decentralising resource allocation, engaging citizens, and creating job opportunities for youth.
   (v) The NGAAF has initiated projects to empower vulnerable groups in the county.
   (vi) The Senate Oversight Fund will allow senators to oversee the projects initiated by county governments efficiently.

392. While supporting the Bill, participants proposed increasing the NG-CDF allocation from 2.5% to 5% of the national revenue.

393. Conversely, 7 individuals expressed their reservations about the Bill for the following concerns, among others:
   (i) There exists a potential risk of mismanagement of the Funds if appropriate monitoring mechanisms are not implemented.
   (ii) The Funds should be allocated to the county governments.
   (iii) The National Assembly is required to fulfil its constitutional responsibilities and ensure an equitable distribution of NG-CDF funds among constituencies.

Photo 114: Public Participation in Kinangop Constituency

4.4.115 Kipipiri Constituency

394. The public hearing exercise was held at the Kipipiri Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 213 members of the public participated in the exercise.

395. All 213 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has supported the education sector by providing bursaries to needy students, promoting the school feeding programs, procuring school buses, constructing modern ablution blocks, and offering financial support to over 500 students in TVETs and universities.
   (ii) The NG-CDF has contributed to infrastructural development through the drilling of boreholes, improvement of rural roads and enhancement of electricity and street lighting connectivity
   (iii) The NG-CDF has enhanced security through the construction of police stations and chiefs' offices.
   (iv) The NG-CDF and NGAAF have promoted environmental protection initiatives such as tree planting.
   (v) The NG-CDF and NGAAF have provided employment opportunities for the youth through various development projects.
   (vi) The NGAAF has supported widows, youths and persons with disabilities through the empowerment programs.

396. While supporting the Bill, some participants proposed increasing the budget allocation of the NG-CDF.

Photo 115: Public Participation in Kipipiri Constituency

4.4.116 Kipkelion East Constituency

397. The public hearing exercise was held at the Kipkelion East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 351 members of the public participated in the exercise.

398. A total of 339 participants expressed their support for the Bill and submitted as follows:
   (i) The NG-CDF has contributed to creating job opportunities through infrastructural development, such as constructing roads and buildings.
   (ii) The NGAAF has supported school-going girls by supplying them with sanitary towels, thereby retaining them in schools.

399. While supporting the Bill, participants proposed an increase in the allocation of the NG-CDF. They underscored the importance of ensuring equitable distribution of the Funds to the members of the public.

400. On the other hand, 12 participants expressed reservations on the Bill and observed the following:
   (i) The Funds' administration was perceived as an administrative function.
   (ii) It was recommended that the Funds be devolved to the county governments or directed to the relevant ministries, as those entities are better positioned to assess and address their priority sectoral needs.
   (iii) It was noted that the High Court had declared the NG-CDF unconstitutional.
   (iv) Concerns were raised regarding the lack of transparency in allocating the funds, accompanied by allegations of corruption.
   (v) There were apprehensions that the Funds could be utilised to influence voters.

Photo 116: Public Participation in Kipkelion East Constituency

4.4.117 Kipkelion West Constituency

401. The public hearing exercise was held at the Kipkelion West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 237 members of the public participated in the exercise.

402. A total of 221 participants expressed their support for the Bill, citing, among other reasons, that:
    (i) The NG-CDF has positively impacted the community by constructing schools, issuing bursaries to needy students, and drilling boreholes for these institutions, thereby enhancing education.
    (ii) The NG-CDF and NGAAF have facilitated the creation of job opportunities for the local community and have provided support to vulnerable groups, including PWDs.
    (iii) The Senate oversight fund should be entrenched in the Constitution to enable Senators to perform their duties effectively and efficiently.

403. While supporting the Bill, some participants noted that NGAAF, which covers the whole county, needed to be allocated additional funding.

404. On the other hand, 16 participants expressed reservations about the Bill, stating concerns, among others, that the NG-CDF and NGAAF had been unfairly distributed in their constituency and thus their fear that the proposed Funds would not benefit the ordinary citizen.

Photo 117: Public Participation in Kipkelion West Constituency

4.4.118 Kirinyaga Central Constituency

405. The public hearing exercise was held at the Kirinyaga Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 753 members of the public participated in the exercise.

406. A total of 740 participants expressed their support for the Bill, citing, among other reasons, that:
   (i) The NG-CDF has enhanced security and governance in the constituency by building NGAO offices and constructing perimeter walls.
   (ii) The NG-CDF has supported schools' infrastructure development by building additional classrooms, ablution blocks, staff rooms, and science laboratories. These initiatives have reduced overcrowding, improved hygiene, and enhanced the overall learning experience.
   (iii) The NG-CDF and NGAAF have implemented environmental initiatives, including planting fruit trees, to promote ecological awareness and enhance nutrition within school communities.
   (iv) The NG-CDF and NGAAF have also supported needy learners through bursaries, ensuring that vulnerable children stay in school, thus contributing to increased retention and reduced dropout rates.
   (v) The NG-CDF has facilitated the establishment of digital learning centres and access to ICT infrastructure.

407. On the other hand, 13 participants expressed reservations on the Bill, raising the following concerns, among others, that:
   (i) The overlap between the NG-CDF and NGAAF functions raises concerns about efficiency, resource allocation, and duplicate functions.
   (ii) Entrenching the Senate Oversight Fund in the Constitution is unnecessary, as its functions should be integrated into the existing county government structures.

Photo 118: Public Participation in Kirinyaga Central Constituency

4.4.119 Kisauni Constituency

408. The public hearing exercise was held at the Kisauni Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 896 members of the public participated in the exercise.

409. A total of 892 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have contributed to education programs through the distribution of bursaries to needy students.
   (ii) The NG-CDF have enhanced security through the construction of police stations and administrative offices as well as supported the elderly and vulnerable members of the community.

410. On the contrary, 4 participants expressed reservations on the Bill but did not give reasons.

Photo 119: Public Participation in Kisauni Constituency

4.4.120 Kisumu Central Constituency

411. The public hearing exercise was held at the Kisumu Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,178 members of the public participated in the exercise.

412. Of these, 2,154 supported the Bill noting, among other reasons, that the NG-CDF and NGAAF have enhanced access to education through bursaries and school infrastructure development, supported youth empowerment through employability in TVETs and driving schools. Further that, compared to other funds, the Funds are easier to access.

413. On the other hand, 24 participants shared their concerns about the Bill. They primarily felt that county governments lacked sufficient funding. Because of this, they emphasized the need for additional funds to support development at the county level.

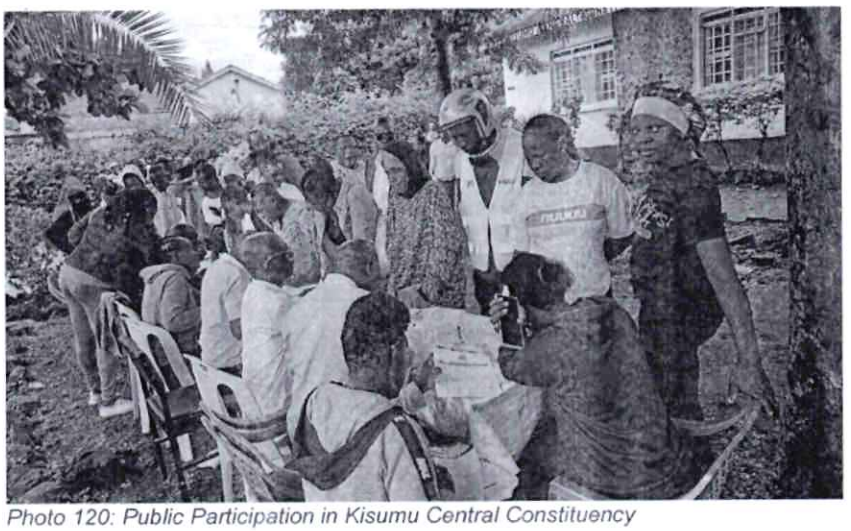

Photo 120: Public Participation in Kisumu Central Constituency

4.4.121 Kisumu East Constituency

414. The public hearing exercise was held at the Kisumu East Constituency Office from 5th and 8th May 2025 between 8.00 am and 5.00 pm. A total of 3,494 members of the public participated in the exercise.

415. Of these, 3,363 participants expressed their support for the Bill. They stated that the NG-CDF provides bursaries, develops school infrastructure, such as classrooms and dormitories, and buys school buses. The Fund also creates employment, maintains roads, supports sportsmanship, and constructs police stations. They added that the NG-CDF and the NGAAF are easy to access and that the SOF would strengthen devolution.

416. Conversely, 131 participants expressed their reservations on the Bill, stating that the Funds should, instead, be allocated to county governments to support devolution.

Photo 121: Public Participation in Kisumu East Constituency

4.4.122 Kisumu West Constituency

417. The public hearing exercise was held at the Kisumu West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 967 members of the public participated in the exercise.

418. Of these, 950 participants expressed their support for the Bill stating, among other reasons, that:
   (i) The NG-CDF and NGAAF are easily accessible by the people, support infrastructure development in schools and administrative offices.
   (ii) The NG-CDF and NGAAF have assisted the vulnerable to access education through bursaries and sponsorships.
   (iii) The NG-CDF is the sole fund managed locally through project management committees, which makes it less expensive to implement.

419. On the other hand, 17 participants expressed their reservations on the Bill. The main concerns raised include a fear of mismanagement of the Funds and lack of adequate oversight mechanisms. Some participants were of the view that the Funds should be devolved to county governments.

Photo 122: Public Participation in Kisumu West Constituency

4.4.123 Kitui Central Constituency

420. The public hearing exercise was held at the Kitui Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,021 members of the public participated in the exercise.

421. All the 2,011 participants supported the Bill noting that the Funds are vital for infrastructure projects, including electricity initiatives. In addition, the Funds have made education accessible to the vulnerable by providing bursaries for needy children, funding the construction of classrooms and science laboratories, and building and renovating schools.

422. On the other hand, 10 participants expressed reservations on the Bill but did not give reasons.

Photo 123: Public Participation in Kitui Central Constituency

4.4.124 Kitui East Constituency

423. The public hearing exercise was held at the Kitui East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 954 members of the public participated in the exercise.

424. A total of 938 participants supported the Bill. The main reason cited in support of the Bill was that the NG-CDF projects have stimulated development in various sectors, enhancing education and security.

425. On the other hand, 16 participants expressed reservations on the Bill but did not give reasons.

Photo 124: Public Participation in Kitui East Constituency

4.4.125 Kitui Rural Constituency

426. The public hearing exercise was held at the Kitui Rural Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 582 members of the public participated in the exercise.

427. All the 582 participants supported the Bill and submitted that the NG-CDF projects ensure a fair distribution of resources across the constituency, stimulating development. In addition, the Funds have enhanced access to education through bursaries and improved security.

Photo 125: Public Participation in Kitui Rural Constituency

4.4.126 Kitui South Constituency

428. The public hearing exercise was held at the Kitui South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,436 members of the public participated in the exercise.

429. Of these, 1,431 participants expressed their support for the Bill. In their view, the Funds promote infrastructure development, boost community development and support educational efforts at the community level thereby promoting regional fairness. In addition, the Funds support local businesses and creates jobs in the informal sectors, reducing poverty rates.

430. Conversely, 5 participants expressed doubts regarding the Bill but did not clarify their concerns.

Photo 126: Public Participation in Kitui South Constituency

4.4.127 Kitui West Constituency

431. The public hearing exercise was held at the Kitui West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 840 members of the public took part in the exercise.

432. Of these, 836 participants supported the Bill and submitted that the NG-CDF projects have fostered development within the constituency, improving education and security. These initiatives have stimulated growth across various sectors, particularly in education and security. Additionally, thanks to bursaries, numerous children have accessed education and completed their studies. Therefore, it is crucial to protect the Fund. They added that efforts have been made to guarantee equitable resource and project distribution through the Fund.

433. Conversely, 4 participants expressed reservations on the Bill but did not provide reasons for their concerns.

Photo 127: Public Participation in Kitui West Constituency

4.4.128 Kitutu Chache North Constituency

434. The public hearing exercise was held at the Kitutu Chache North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 342 members of the public participated in the exercise.

435. Of these, 337 participants supported the Bill. They stated as follows:
   (i) The NG-CDF has promoted access to education through the construction of administrative blocks for schools, classrooms and dormitories. It also supports vulnerable children through bursaries.
   (ii) Additionally, the NG-CDF has facilitated the protection of the environment by encouraging tree-planting initiatives in the constituencies.
   (iii) The NG-CDF has enhanced security by providing infrastructural support for the national government administration offices. The Fund has also supported the construction of police stations and installs high-security light masts.

436. On the other hand, 5 participants expressed their reservations on the Bill. While they supported the other Funds, they opposed the Senate Oversight Fund.

Photo 128: Public Participation in Kitutu Chache North Constituency

4.4.129 Kitutu Chache South Constituency

437. The public hearing exercise was held at the Kitutu Chache South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 209 members of the public participated in the exercise.

438. Of these, 183 participants expressed their support for the Bill. They submitted that the NG-CDF has assisted vulnerable children by offering bursaries and school-related support such as financial assistance for school uniforms and meals. Additionally, the NG-CDF has improved security in the constituency by enhancing the security infrastructure, such as police stations.

439. On the other hand, 26 participants expressed their reservations on the Bill. The main concerns raised include a fear of misuse of the Funds, a high tax burden on *mwanachi* and potential erosion of devolution. Furthermore, some participants were of the view that the Funds should be managed by departments within the national government.

Photo 129: Public Participation in Kitutu Chache South Constituency

4.4.130 Kitutu Masaba Constituency

440. The public hearing exercise was held at the Kitutu Masaba Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 371 members of the public participated in the exercise.

441. Of these, 366 participants expressed their support for the Bill for the following reasons:
   (i) The NGAAF supports women and girls by offering vital resources, including sanitary towels and other services, to enhance their well-being and dignity. It also aids educational institutions by installing water tanks to improve health and sanitation in schools and contributes to school feeding programmes.
   (ii) The NG-CDF promotes the creation of school infrastructure, such as new workshops focused on Science, Technology, Engineering, and Mathematics (STEM) as part of the Competence-Based Curriculum (CBC) for JSSs. Additionally, NG-CDF promotes equity by backing various community initiatives, providing bursaries for needy students, and advancing school infrastructure development.
   (iii) Furthermore, the NGCF would sponsor community-benefiting projects, including water initiatives and the establishment of health facilities furthering development.
   (iv) The SOF would empower Senators to effectively perform their oversight function by ensuring that the resources allocated to counties benefit the people.

442. Conversely, 5 participants expressed their reservations on the Bill due to a fear of misappropriation of the Funds to the exclusion of others, and discriminating against PWDs whose specific needs are frequently neglected, resulting in unequal access to opportunities and development.

Photo 130: Public Participation in Kitutu Masaba Constituency

4.4.131 Konoin Constituency

443. The public hearing exercise was held at the Konoin Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 913 members of the public participated in the exercise.

444. All the 909 participants expressed their support for the Bill and submitted as follows:
   (i) The NG-CDF, with the Ministry of Health, has improved infrastructure at the Kenya Medical Training College (KMTC) campuses, benefiting the public.
   (ii) A portion of the NG-CDF has been allocated for projects in the National Administration and Security sector to construct or renovate chiefs' offices, police posts and stations, improving security.

445. On the other hand, 4 participants expressed reservations on the Bill but did not give reasons.

Photo 131: Public Participation in Konoin Constituency

4.4.132 Kuresoi North Constituency

446. The public hearing exercise was held at the Kuresoi North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 348 members of the public participated in the exercise.

447. A total of 346 participants expressed their support for the Bill, citing, among other reasons, that:
    (i) The NG-CDF and NGAAF issue bursaries to needy students.
    (ii) The NG-CDF has enhanced security and governance in the constituency by facilitating the construction of NGAO offices and police stations.
    (iii) The NGAAF has economically empowered women, youth, and persons with disabilities.

448. Conversely, two participants articulated reservations regarding the Bill, presenting several concerns, notably the presence of considerable nepotism in the allocation of NGCDF and NGAAF.

Photo 132: Public Participation in Kuresoi North Constituency

4.4.133 Kuresoi South Constituency

449. The public hearing exercise was held at the Kuresoi South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 526 members of the public participated in the exercise.

450. A total of 514 participants expressed their support for the Bill, citing, among other reasons, that:
    (i) The NG-CDF enhanced access to education by providing bursaries for needy students, improving school infrastructure, buying school buses, and building new schools.
    (ii) The NG-CDF & NGAAF have been instrumental whenever there has been a national emergency.

451. On the other hand, 12 participants expressed reservations about the Bill, raising several concerns, including that there has been significant corruption in the projects funded by NGCDF and NGAAF.

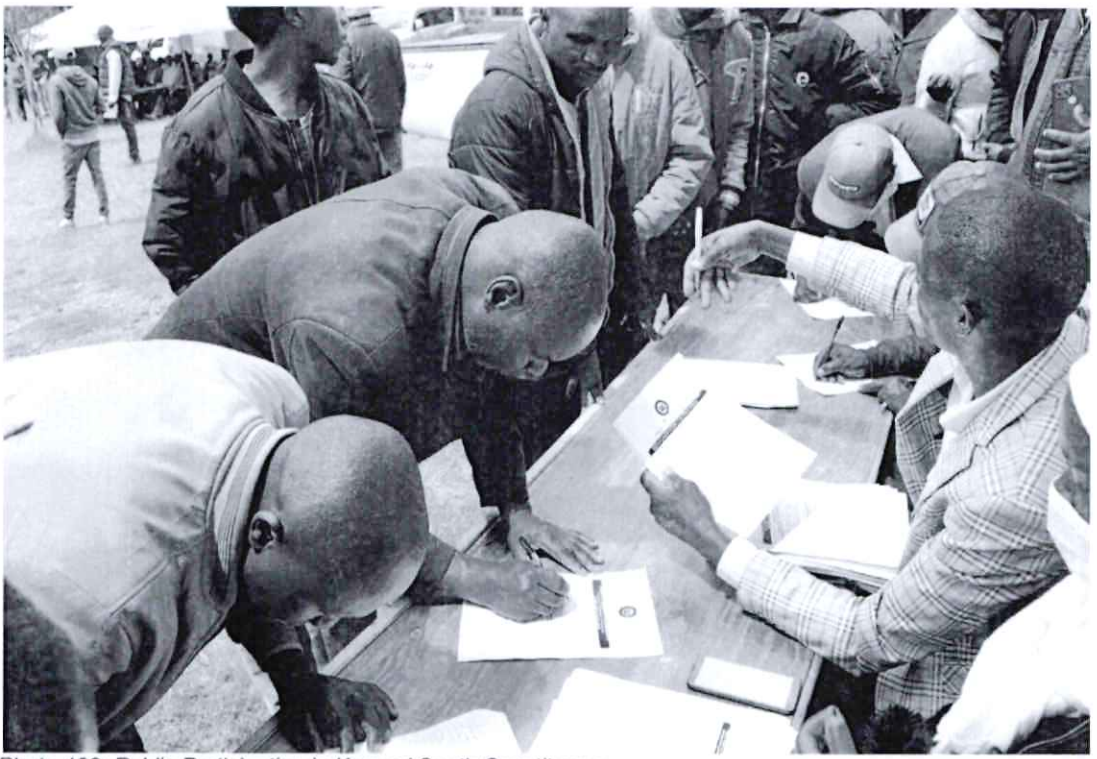

Photo 133: Public Participation in Kuresoi South Constituency

4.4.134 Kuria East Constituency

452. The public hearing exercise was held at the Kuria East Constituency Office from 5th to 8th May 2025 between 8:00 am and 5:00 pm. A total of 439 members of the public participated in the exercise.

453. A total of 392 participants expressed their support for the Bill and submitted as follows:
   (i) There are identifiable benefits of the NG-CDF including contribution to the development of infrastructure in schools, establishment of security offices, and facilitated the construction of roads. Noting these benefits to constituents, the constituency is a better representative unit than the county government.
   (ii) The NGCDF and NGAAF have supported the needy and vulnerable in society to access education and supports local entrepreneurship thus creating employment opportunities.
   (iii) Entrenching the Funds in the Constitution would reduce the persistent legal challenges on legitimacy of the Funds, saving the taxpayers' large sums of money lost in legal fees.

454. On the other hand, 47 participants expressed their reservations on the Bill. The main concerns raised include:
   (i) The SOF and NGAAF are unnecessary. A lack of adequate funding for the three Funds, could lead to over-taxation.
   (ii) There is a potential for embezzlement and mismanagement of the Funds as well as favouritism in the distribution of the Funds. The Funds should instead be managed by the relevant ministries in the national government.
   (iii) County governments should manage the Funds to avoid a duplication of functions.

(iv) The Funds should not have been grouped in the same Bill. Furthermore, the Bill should be subjected to a referendum to allow participation from every citizen.

Photo 134: Public Participation in Kuria East Constituency

4.4.135 Kuria West Constituency

455. The public hearing exercise was held at the Kuria West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 244 members of the public participated in the exercise.

456. A total of 235 participants expressed their support for the Bill by submitting as follows:
   (i) The NG-CDF has facilitated improvements in infrastructure for schools and security offices, and has built and maintained roadways. It has also created employment opportunities.
   (ii) The constituency offers a better representation level than the county government.
   (iii) The NG-CDF and NGAAF support the needy and vulnerable individuals and empowers citizens.
   (iv) The NGAAF assists in distributing sanitary towels to girls in schools.
   (v) The SOF would empower the Senate to provide enhanced oversight ensuring the interests of counties are protected and that devolution is effectively implemented. Further, it would advance service provision and community development at different levels of representation.

457. On the other hand, 9 participants expressed their reservations about the Bill. They were concerned of potential embezzlement and mismanagement of the Funds. In their view, the SOF and NGAAF are unnecessary and insufficient funding to support the three Funds could increase taxation straining an already burdened taxpayer.

Photo 135: Public Participation in Kuria West Constituency

4.4.136 Kwanza Constituency

458. The public hearing exercise was held at the Kwanza Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 745 members of the public participated in the exercise.

459. All the 745 participants expressed their support for the Bill and stated as follows:
   (i) The NG-CDF addresses constituents' socio-economic development problems, thus reducing poverty levels and enhancing regional development. Furthermore, the Fund delivers projects more effectively and in a timely manner than other funds. It also helps reduce bills owed to the constituency by paying contractors in a timely manner.
   (ii) The NG-CDF projects are community-owned, unlike county projects, which are either ward, departmental or flagship and as such does not undermine devolution but complements it for meaningful development.
   (iii) All countries are embracing NG-CDF as the only impactful fund for the grassroots, with Kenya as the benchmark. They noted that even the Commonwealth Parliamentary Association (CPA) supports NG-CDF.
   (iv) The NG-CDF has helped Kenyans move from harambee schemes to those manned by politicians and their partners.
   (v) NG-CDF money is managed efficiently, effectively, and accountably. It has also enhanced the education sector by allowing needy students to attain higher education levels they could not have otherwise reached. As such, the NG-CDF is an equaliser; it affords all children an equal opportunity to learn.

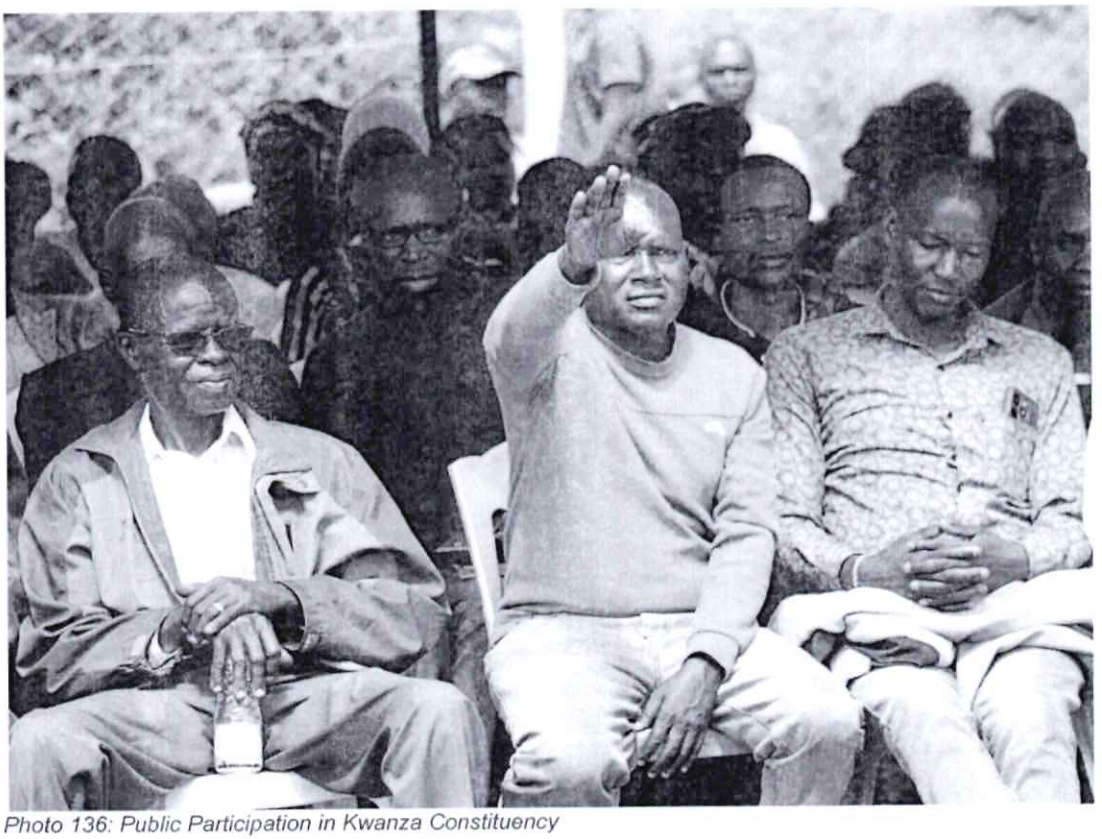

Photo 136: Public Participation in Kwanza Constituency

4.4.137 Lafey Constituency

460. The public hearing exercise was held at the Lafey Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 488 members of the public participated in the exercise.

461. All the 488 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF has been useful in various sectors. In the education sector, the NG-CDF has provided bursary education to the needy students, assisted in setting up new schools, rehabilitation of the existing ones and provision of furniture to schools. The Fund has also supported the health and security sector by constructing health facilities and National Government Administration Offices and police posts, respectively.
   (ii) The NGAAF has supported youth and women empowerment programmes and enhanced gender-based violence interventions through the establishment of rescue and counselling centres.
   (iii) Noting the benefits of the NG-CDF, there is need for an increase in its budgetary allocation. Digitization of the NG-CDF Board records of projects undertaken would enhance transparency and provide a feedback mechanism.

Photo 137: Public Participation in Lafey Constituency

4.4.138 Lagdera Constituency

462. The public hearing exercise was held at the Lagdera Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 171 members of the public participated in the exercise.

463. A total of 170 participants expressed their support for the Bill for the following reasons:
   (i) The NGCDF connects Members of Parliament with the community, promoting inclusivity in infrastructure projects, bursary allocation, school construction and various other forms of development. The introduction of the NGCDF in the North Eastern region has contributed to the community's growth, which was previously marginalised within the country.
   (ii) The NGAAF has significantly contributed to the community by providing sanitary towels for vulnerable schoolchildren. Additional funds for the NGAAF will assist school-going children with food, sanitary towels, and water tanks for underprivileged schools during droughts.
   (iii) The SOF would empower Senators to monitor Governors, improving county development and accountability.
   (iv) NGCDF and NGAAF have supported marginalised communities by providing free education and water during droughts. Therefore, they should be entrenched in the Constitution and allocated more funds.

464. Conversely, one person expressed reservations about the Bill, concerned that the funds would still be lost to corruption, regardless of constitutional entrenchment.

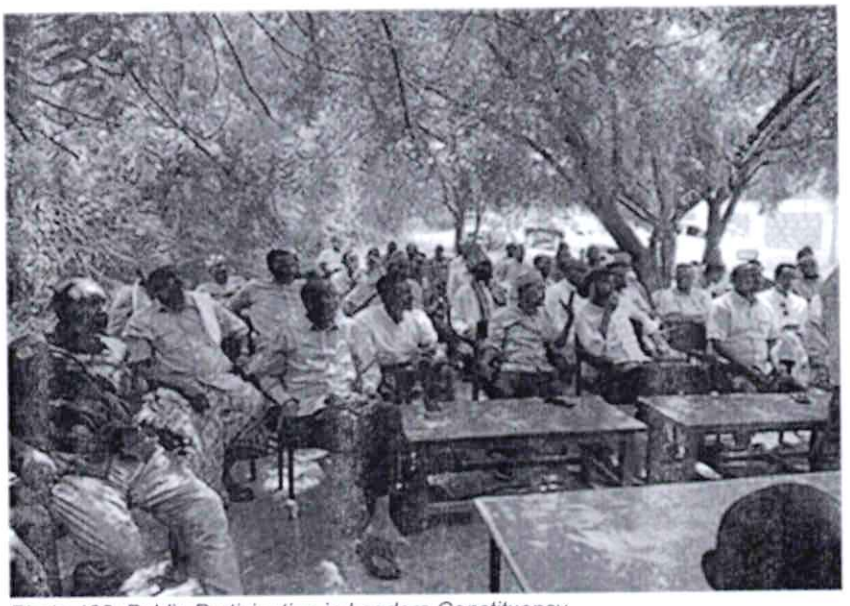

Photo 138: Public Participation in Lagdera Constituency

4.4.139 Laikipia East Constituency

465. The public hearing exercise was held at the Laikipia East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 249 members of the public participated in the exercise.

466. A total of 246 participants supported the Bill stating, among other reasons, that:
    (i) The NG-CDF and NGAAF have enabled many needy students to pursue their education by paying school fees using bursaries, support for constructing school facilities and improving learning conditions through feeding programs.
    (ii) The NG-CDF and NGAAF enhance local security by promoting the construction of police stations and chiefs' offices.
    (iii) The NG-CDF and NGAAF support environmental conservation efforts such as tree planting and protection of natural resources.
    (iv) The NG-CDF and NGAAF have supported affirmative action programs for women and the youth.

467. On the other hand, 3 participants expressed their reservations on the Bill due to a fear of mismanagement of the Funds.

Photo 139: Public Particiaption in Laikipia East Constituency

4.4.140 Laikipia North Constituency

468. The public hearing exercise was held at the Laikipia North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 333 members of the public participated in the exercise.

469. A total of 332 participants expressed their support for the Bill. They submitted as follows:
   (i) The NG-CDF has enabled the construction and maintenance of roads, thereby enhancing transportation, accessibility and trade within the constituency.
   (ii) The NG-CDF and NGAAF have promoted access to education by reducing the rates of school dropouts and supporting the construction of school facilities and other learning facilities, such as feeding programs, which have boosted school attendance and learning performance.
   (iii) The NG-CDF and NGAAF have contributed to establishing and refurbishing security facilities such as police stations and chiefs' camps, thereby enhancing safety and public order.
   (iv) The NG-CDF and NGAAF have facilitated job creation through infrastructure projects and community initiatives, reducing poverty and improving livelihoods.

470. On the other hand, one participant expressed reservations on the Bill due to a fear of mismanagement of the Funds.

Photo 140: Public Participation in Laikipia North Constituency

4.4.141 Laikipia West Constituency

471. The public hearing exercise was held at the Laikipia West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,236 members of the public participated in the exercise.

472. A total of 2,099 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) Many needy students have benefited from bursaries funded by the NG-CDF and NGAAF, which have improved access to education and reduced dropout rates.
   (ii) The NG-CDF and NGAAF have also established and enhanced security facilities like police stations and chiefs' offices, promoting safety and order.
   (iii) The NG-CDF has supported road construction and maintenance, improving transportation, accessibility, and trade.

(iv) Additionally, the NG-CDF and NGAAF have facilitated job creation through infrastructure projects and community initiatives, reducing poverty and improving livelihoods.

473. Conversely, 137 participants expressed their reservations on the Bill. Their main concerns were a fear of unequal distribution of funds and potential for mismanagement of the Funds and instances of corruption. They also noted that there is already a proposal to consolidate all bursaries to support free education.

Photo 141: Public Participation in Laikipia West Constituency

4.4.142 Laisamis Constituency

474. The public hearing exercise was held at Laisamis Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 211 members of the public participated in the exercise.

475. A total of 207 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The SOF would enable Senators to oversee devolved units for accountability. The Fund would enhance transparency and accountability in public resource utilisation at the grassroots level, fostering inclusivity by involving marginalised groups in decision-making. They also bridge development gaps between urban and rural areas, promoting national cohesion.
   (ii) The NG-CDF and NGAAF promote equitable development and public participation in constituency projects and stimulate local economies by funding employment and business opportunities. The Funds promote sustainable development through environmentally friendly, community-driven projects, aligning development efforts with each constituency's social and cultural contexts.
   (iii) The NG-CDF and NGAAF serve marginalised community members, including women and PWDs. The Funds also enhance primary and secondary school infrastructure by providing bursaries to needy students, building and renovating classrooms and modern toilets, improving sanitation and hygiene.
   (iv) The NG-CDF The NG-CDF provide job opportunities within constituencies. Establishing these Funds would ensure sustained projects tailored to each constituency's needs, while empowering local leadership to address pressing community issues effectively.

(v) The Funds would facilitate timely responses to emergencies and unforeseen challenges, strengthen collaboration between national and county governments in service delivery, and support capacity-building initiatives to enhance local skills.

476. On the other hand, 4 participants expressed their reservations on the Bill. The main concerns raised included:
   (i) A potential increase in corruption and likely conflict of interest in the oversight of the Fund due to lack of a clear management structure of the Funds.
   (ii) The establishment of multiple funds may lead to a duplication of roles and inefficiencies in resource allocation.
   (iii) A risk of politicization of development projects, where funds may be directed based on political affiliations rather than community needs.

Photo 142: Public Participation in Laisamis Constituency

4.4.143 Lamu East Constituency

477. The public hearing exercise was held at the Lamu East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 275 members of the public participated in the exercise.

478. Of these, 273 participants expressed their support for the Bill stating as follows:
   (i) The entrenchment of the NGCF would continue facilitating access to education by providing bursaries to needy students. The Fund would also improve security in constituencies by constructing police stations. Therefore, allocation to the NG-CDF should be increased to further development in the constituencies.
   (ii) The entrenchment of the NGAAF would promote access to financial facilities to women, youth, the elderly and persons with disabilities.
   (iii) The introduction of the SOF would promote accountability in county governments regarding how they use the money allocated to them through the Division of Revenue Act and their own-source revenue.

479. Conversely, 2 individual voiced concern about the Bill. The main issue highlighted was the lack of clarity regarding the SOF's purpose, which could result in Senators misusing the Fund for personal benefit.

Photo 143: Public Participation in Lamu East Constituency

4.4.144 Lamu West Constituency

480. The public hearing exercise was held at the Lamu West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 481 members of the public participated in the exercise.

481. A total of 475 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF has assisted in the country's infrastructure development, especially in constructing schools and improving security. The Funds has also enabled the development of health facilities in the constituency.
   (ii) The entrenchment of the NGAAF and NGCDF will continue to help the people at the grassroots level and ensure access to bursaries for the common *mwananchi*.
   (iii) The introduction of the SOF would promote accountability in county governments regarding how they use the money allocated to them through the Division of Revenue Act and their own-source revenue.

482. On the other hand, 6 participants expressed reservations about the Bill. The primary concern raised was that the SOF would financially burden taxpayers.

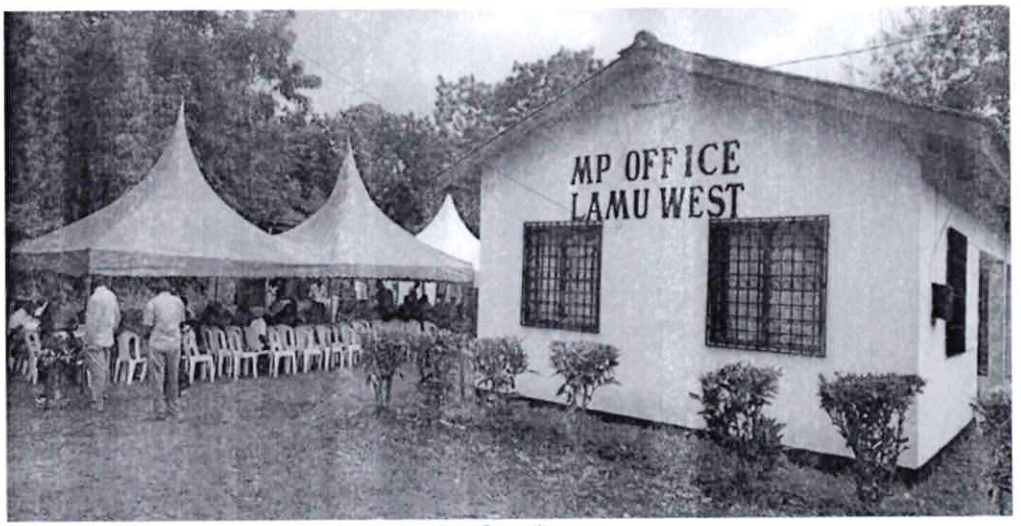

Photo 1444: Public Participation in Lamu West Constituency

4.4.145 Lang'ata Constituency

483. The public hearing exercise was held at the Langata Constituency Office from 5th to 8th May 2025 from 8.00 am to 5.00 pm. A total of 159 members of the public participated in the exercise.

484. A total of 143 participants expressed their support for the Bill. They submitted as follows:
   (i) The NGCDF has delivered tangible results that have benefited most constituents, such as constructing schools, police stations, and chiefs' offices and providing bursaries to needy students.
   (ii) The NGCDF is easily accessible due to the ease of access to MPs compared to other representatives.

485. On the other hand, 16 participants expressed reservations about the Bill. Their main concerns were that the NG-CDF had been mismanaged and that the disbursement of bursaries was selective and marred by tribalism.

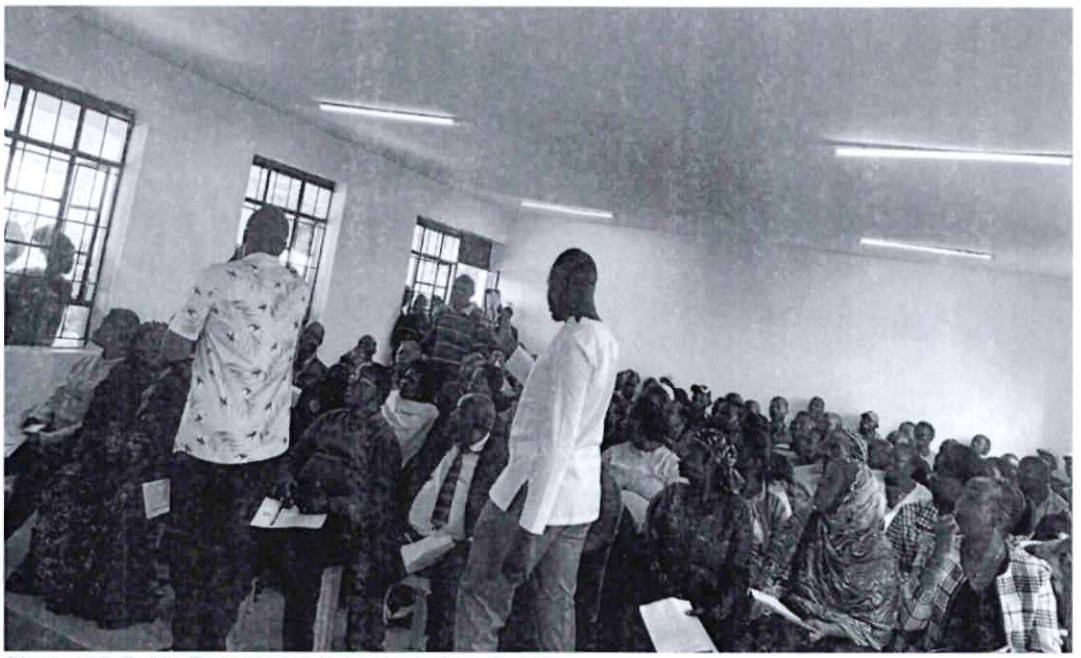

Photo 145: Public Participation in Lang'ata Constituency

4.4.146 Lari Constituency

486. The public hearing exercise was held at the Lari Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 613 members of the public participated in the exercise.

487. All the 613 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF enables access to education through bursaries. The Fund also supports education through improvement of infrastructure like electricity in schools, renovation of schools, construction of classrooms and roads.
   (ii) The NG-CDF supports and enhances security in the community through building police stations.

Photo 146: Public Participation in Lari Constituency

4.4.147 Likoni Constituency

488. The public hearing exercise was held at the Likoni Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,236 members of the public participated in the exercise.

489. A total of 2,234 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF has facilitated development at the grassroots level, including the construction of roads, schools, school infrastructure, boreholes, and chiefs' offices. The Fund has also assisted in payment of school fees through bursaries and provision of school buses.
   (ii) The NG-CDF has enhanced security at the local level through the provision of security lights and the equipping of police stations and posts.
   (iii) The NG-CDF assists vulnerable members of society, such as PWDs, the elderly, orphans, and the impoverished.
   (iv) The NG-CDF has contributed to a reduction in cases of rape and early pregnancies among school-going children by building schools closer to them, thus minimising long travel distances where children are more susceptible to such incidents.
   (v) The SOF would empower the Senate in discharging its oversight duties.

490. On the other hand, 2 participants expressed their reservations on the Bill. The main concerns raised were that the NGAAF resources do not reach the grassroots level and that the Funds would result in a high tax burden on already strained taxpayers. In their view, the Funds should be administered by the Ministry of Education and channelled directly to the schools to ensure access by all and guarantee free education in the country. Additionally, several participants were of the opinion that the Constitution did not require amendments as was satisfactory. Instead, there was need for leaders to adhere to the law.

Photo 147: Public Participation in Likoni Constituency

4.4.148 Likuyani Constituency

491. The public hearing exercise was held at the Likuyani Constituency Office from 5th to 8th May 2025 between 8:00 am and 5.00 pm. A total of 345 members of the public participated in the exercise.

492. A total of 304 participants expressed their support for the Bill. The reasons cited in support of the Bill included the following:
   (i) The NG-CDF has boosted the education sector by supporting needy students at St. Don Bosco Special School, especially those with special needs, by constructing classrooms and providing bursaries to vulnerable students.
   (ii) The NG-CDF has also created employment opportunities and constructed roads.

493. On the other hand, 41 participants expressed their reservations on the Bill. They were of the view that:
   (i) Enacting the Bill would take a lot of time and that establishment of the Funds would be expensive to taxpayers.
   (ii) There is a likelihood of misuse of the Funds noting that most NG-CDF projects are sub-standard and the national government does not require affirmative action funds. Therefore, the Funds should be consolidated into one for efficient utilization.
   (iii) The Legislature is not mandated to develop constituencies and MPs should instead focus on their legislative and oversight role. Additionally, the Senate does not require the SOF as Senators are already paid a salary for their legislative work.

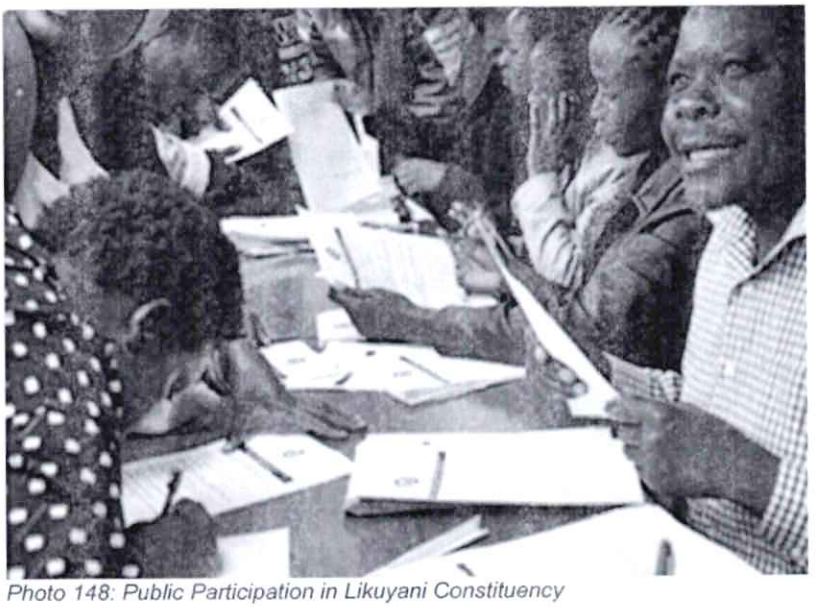

Photo 148: Public Participation in Likuyani Constituency

4.4.149 Limuru Constituency

494. The public hearing exercise was held at the Limuru Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,687 members of the public participated in the exercise.

495. All the 2,661 participants expressed their support for the Bill because the NG-CDF has transformed the lives of *wananchi* and boosted economic growth at the community level.

496. On the other hand, 26 participants expressed reservations on the Bill due to a fear of mismanagement of the Funds.

Photo 149: Public Participation in Limuru Constituency

4.4.150 Loima Constituency

497. The public hearing exercise was held at the Loima Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 191 members of the public participated in the exercise.

498. A total of 189 participants expressed their support for the Bill, citing, among other reasons, that:
   (i) The constituents have directly benefited from the programmes and projects of the two existing funds.
   (ii) Entrenchment in the Constitution shall protect the existence of the Funds from recurring threats of illegality.
   (iii) Compared to the devolved funds to the counties, NGCDF and NGAAF have performed significantly better in management and accountability in fund utilisation.
   (iv) Due to the decision-making processes and the implementation of programmes being conducted at the grassroots levels, a consensus exists among constituents that significantly contributes to the success of these initiatives.

499. Conversely, 2 participants expressed reservations on the Bill, raising the following concerns, among others. That:
   (i) Identifying and implementing the projects to be funded by NG-CDF and NGAAF is biased.
   (ii) There are insufficient systems to guarantee that contractors receive project awards impartially and without favouritism.
   (iii) The funds designated for the benefit of individuals and groups are too limited to create a meaningful impact.
   (iv) A lack of awareness about NGAAF keeps some constituents from seeking or applying for the available funds.

Photo 150: Public Participation in Loima Constituency

4.4.151 Luanda Constituency

500. The public hearing exercise was held at Luanda Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 695 members of the public participated in the exercise.

501. A total of 659 participants supported the Bill. They submitted, among other reasons, that:
   (i) The NG-CDF has enhanced access to quality education through issuance of bursaries, construction of classrooms, laboratories and other infrastructural developments in public schools.
   (ii) The SOF would enhance Senate's oversight over county government's projects.

502. On the other hand, 36 participants expressed their reservations on the Bill due to perceived unfairness in the appointment of the NG-CDF Committee members and a potential of mismanagement of the three Funds for political expediency. In addition, they were of the view that the NG-CDF should be devolved to county governments.

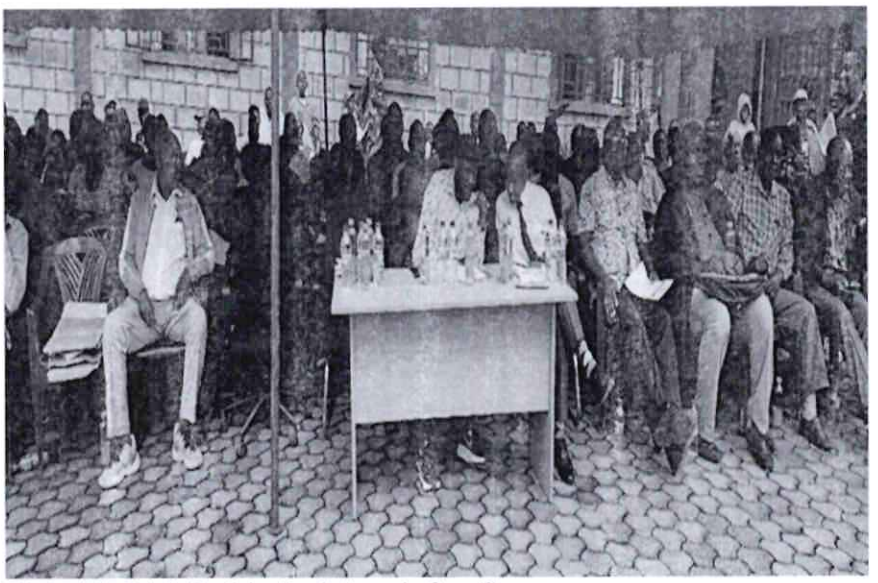

Photo 151: Public Participation in Luanda Constituency

4.4.152 Lugari Constituency

503. The public hearing exercise was held at the Lugari Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 435 members of the public participated in the exercise.

504. A total of 432 participants supported the Bill. They submitted, among other reasons, that:
   (i) The NG-CDF has assisted in the construction of schools and enhanced access to education through issuance of bursaries for payment of school fees. The Fund has also helped to increased electricity connectivity and creation of employment.
   (ii) The NG-CDF has supported construction of NGAO offices including chiefs' offices and police stations. The Fund has also ensured equality in all constituencies in Kenya through community development projects.
   (iii) The SOF would strengthen the oversight role of the Senate thus promoting transparency and accountability of public resources.

505. On the other hand, 3 participants expressed their reservations on the Bill concerned that the NG-CDF was not beneficial to the common *mwananchi* due to alleged discrimination in allocation of bursaries. Further, the three Funds would be burdensome to an already strained taxpayer.

Photo 152: Public Participation in Lugari Constituency

4.4.153 Lunga Lunga Constituency

506. The public hearing exercise was held at the Lunga Lunga Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 581 members of the public participated in the exercise.

507. All the 581 participants supported the Bill stating, among other reasons, that:
   (i) The NG-CDF has ensured that children go to school through the provision of bursaries to needy parents. The Fund has developed police stations, chiefs' offices and other vital administration facilities bringing services closer to the people. The Fund has also created employment opportunities for the youth, both directly and indirectly through various development projects across the constituency.
   (ii) The NGAAF has been key in assisting women, youths and persons with disabilities.
   (iii) The SOF would strengthen the Senate's oversight role in monitoring development at the county level.
   (iv) Entrenching the Funds in the Constitution will cure existing legal challenges facing the funds.

508. While supporting the Bill, some participants proposed an increase in the NG-CDF's budgetary allocation.

Photo 153: Public Participation in Lunga Lunga Constituency

4.4.154 Lurambi Constituency

509. The public hearing exercise was held at Lurambi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 373 members of the public participated in the exercise.

510. A total of 370 participants supported the Bill. They submitted, among other reasons, that:
    (i) The NG-CDF had assisted in the payment of school fees through issuance of bursaries, construction of schools and purchase of school buses, improving access to quality education.
    (ii) The NG-CDF has improved road infrastructure and created employment opportunities.
    (iii) Decentralization of the Funds would ensure the resources from the national kitty impact Kenyans at the grassroot level.

511. On the other hand, 3 participants expressed their reservations on the Bill concerned about allegations of previous mismanagement of the NG-CDF and NGAAF for political expediency and self-enrichment.

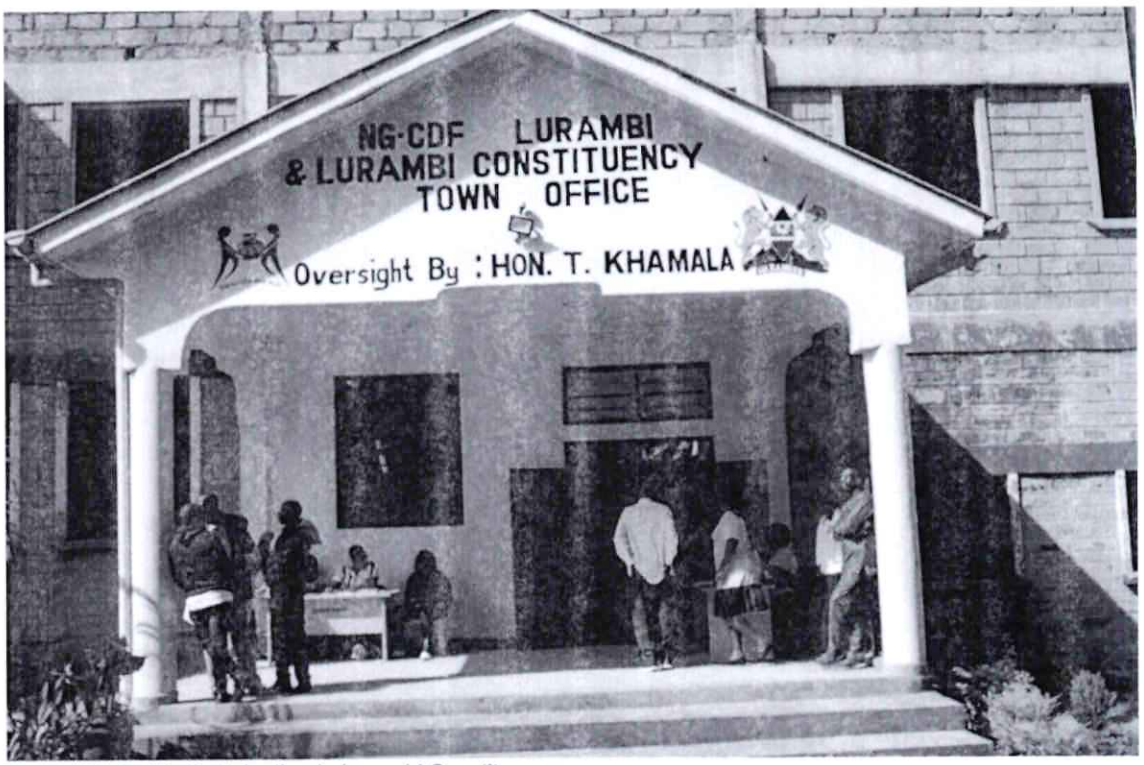

Photo 154: Public Participation in Lurambi Constituency

4.4.155 Maara Constituency

512. The public hearing exercise was held at the Maara Constituency Office from 5th May to 8th May 2025 between 8.00am and 5.00pm. A total of 366 members of the public participated in the exercise.

513. A total of 360 participants supported the Bill. They submitted as follows:
    (i) The NG-CDF and NGAAF has provided educational support to needy students in the community through issuance of school bursaries. The Fund has also played a key role in development initiatives such as the construction of schools and roads.
    (ii) The NG-CDF has ensured that essential services are brought closer to the grassroots level.

(iii) The SOF would enhance monitoring of county government spending.
(iv) The NGAAF has improved the lives of women, PWDs and other vulnerable groups in society.

514. On the other hand, 6 participants expressed their reservations on the Bill due to a potential of misappropriation of the Funds. In their view, the NG-CDF has not benefited low-income earners noting that the support provided by the Fund is limited to a small segment of the population.

Photo 155: Public Participation in Maara Constituency

4.4.156 Machakos Town Constituency

515. The public hearing exercise was held at the Machakos Town Constituency Office from 5th to 8th between 8.00 am and 5.00 pm. A total of 175 members of the public participated in the exercise.

516. A total of 174 participants supported the Bill. They submitted, among other reasons, that:
(i) The Bill has the potential to strengthen the Senate's oversight function.
(ii) The NG-CDF and NGAAF have contributed to the development of educational infrastructure, including schools, classrooms, and acquisition of school buses and related facilities thereby enhancing access to quality education.
(iii) The NG-CDF has provided bursaries to support needy and deserving learners. The Fund has also facilitated the construction of bridges, enhancing local connectivity.
(iv) The NG-CDF has impacted the overall well-being and livelihoods of citizens.

517. On the other hand, one participant expressed reservations on the Bill but did not give reasons.

Photo 156: Public Participation in Machakos Town Constituency

4.4.157 Magarini Constituency

518. The public hearing exercise was held at the Magarini Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 616 members of the public participated in the exercise.

519. A total of 606 members of the public supported the Bill citing among others reasons that:
    (i) The NG-CDF has contributed to education through development of modern infrastructure in schools and purchasing of school buses thereby easing students' access to schools.
    (ii) The NG-CDF has facilitated the construction of police stations and NGAO offices thereby enhancing security in the constituency.
    (iii) The NG-CDF and NGAAF have contributed to the empowerment of PWDs thereby improving their living standards. The Funds have also supported welfare groups through provision of affordable loans to finance their businesses.
    (iv) The NG-CDF and NGAAF have contributed to economic empowerment through creation of employment opportunities.

520. While supporting the Bill, some participants proposed the establishment of NGCF committees that would enable the constituents to effectively take part in project selection thereby ensuring transparency and accountability.

521. On the other hand, 10 persons expressed their reservations on the Bill stating among other concerns alleging that the NGAAF and SOF would not directly benefit the residents.

Photo 157: Public Participation in Magarini Constituency

4.4.158 Makadara Constituency

522. The public hearing exercise was held at the Makadara Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,051 members of the public participated in the exercise.

523. A total of 1,978 members of the public supported the Bill citing among others reasons that:
   (i) The NG-CDF has supported education through provision of bursaries to needy students and facilitated the construction and rehabilitation of schools.
   (ii) The NG-CDF has contributed to infrastructural development through the building of housing facilities and offices for police officers thereby enhancing security within the constituency. The Funds have also aided in supplying of electricity and erecting of security lights.
   (iii) The NG-CDF and NGAAF have contributed to the construction of health facilities.

524. On the other hand, 73 participants expressed reservations on the Bill stating among other concerns that:
   (i) There has been fear of corruption and misappropriation of Funds.
   (ii) There has been limited community participation in project selection.
   (iii) There has been discrimination in the allocation of bursaries to students.

Photo 158: Public Participation in Makadara Constituency

4.4.159 Makueni Constituency

525. The public hearing exercise was held at the Makueni Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,458 members of the public participated in the exercise.

526. A total of 1,456 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF has enabled equitable development across the country. The Fund has also ensured access to bursary funds for the needy and vulnerable students and improved security as a result of constructing police stations.
   (ii) Further, the NGAAF has enhanced women and youth empowerment.

527. On the other hand, 2 participants expressed their reservations on the Bill. in their view, the proposed Funds should be devolved to county governments.

Photo 159: Public Participation in Makueni Constituency

4.4.160 Malava Constituency

528. The public hearing exercise was held at the Malava Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00pm. A total of 2,695 members of the public participated in the exercise.

529. A total of 2,667 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF promoted education through issuance of bursaries. The Fund has also promoted security through construction of police stations and chiefs' offices. Further, the Fund reaches interior parts of the country, ensuring development in marginalized areas.
   (ii) Entrenching the Funds into the Constitution would secure public resources from misuse at the national government level.
   (iii) The Bill will ensure equitable provision of services to all constituencies.

530. On the other hand, 28 participants expressed their reservations on the Bill concerned that:
   (i) There have been previous allegations of mismanagement of the Funds, corruption and embezzlement of public resources.
   (ii) Disbursement of bursaries has been done in a discriminative way, lacking transparency.
   (iii) The Bill was against the spirit of devolution which promoted decentralization of funds.
   (iv) The Funds should be channeled to counties.
   (v) There have been allegations of misuse of the Funds for political expediency.

Photo 160: Public Participation in Malava Constituency

4.4.161 Malindi Constituency

531. The public hearing exercise was held at the Malindi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 169 members of the public participated in the exercise.

532. All the 169 participants supported the Bill citing among others reasons that:
    i. The NG-CDF has supported education through provision of bursaries hence promoting ethics and acceptable moral values in the society.
    ii. The NG-CDF and NGAAF have promoted economic empowerment through provision of working tools such as tailoring machines and mechanical tools as well as provided access to affordable loans for welfare groups.
    iii. The NGAAF has improved sanitation and hygiene among women and girls by providing sanitary towels thereby boosting their confidence and enhancing their living standards.

Photo 161: Public Participation in Malindi Constituency

4.4.162 Mandera East Constituency

533. The public hearing exercise was held at the Mandera East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00pm. A total of 584 members of the public participated in the exercise.

534. A total of 582 participants supported the Bill. They submitted, among other reasons, that:
   (i) In the education sector, the NG-CDF has provided education bursaries to needy students, assisted in setting up of new schools, rehabilitation of the existing ones and provision of furniture to schools. The Fund has also has supported the health sector through construction of health facilities.
   (ii) The NG-CDF has supported the security sector through the construction of NGAO offices and police posts.
   (iii) The NGAAF has supported youth and women empowerment programmes. The Fund has also supported the fight against GBV through the establishment of rescue and counselling centres. The Fund also supports value addition initiatives such as in agri-business, small industries and enterprise trainings undertaken by groups.

535. While supporting the Bill, some participants proposed an increase in the budgetary allocation of NG-CDF. The NG-CDF Board should consider digitalization of projects for an effective feedback mechanism.

536. On the other hand, 2 persons expressed their reservations on the Bill concerned that Parliament should focus on oversight and that the NG-CDF and NGAAF should be monies under devolved funds in county governments.

Photo 162: Public Participation in Mandera East Constituency

4.4.163 Mandera North Constituency

537. The public hearing exercise was held at the Mandera North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 930 members of the public participated in the exercise.

538. A total of 928 participants supported the Bill. They submitted, among other reasons, that:
   (i) In the education sector, the NG-CDF has provided education bursaries to needy students, assisted in setting up of new schools, rehabilitation of the existing ones and provision of furniture's to schools.
   (ii) The NG-CDF has supported the health sector through construction of health facilities. The Fund has also supported the security sector through the construction of national government administration offices and police posts.
   (iii) The NGAAF has taken part in youth and women empowerment programmes as well as supported the fight against GBV through establishment of rescue and counselling centers.

539. While supporting the Bill, some participants submitted that there was a need to increase the budgetary allocation for the NG-CDF.

540. On the other hand, 2 persons expressed their reservations on the Bill concerned about a potential for mismanagement of the Funds. In addition, the NG-CDF and NGAAF should be monies under devolved funds.

Photo 163: Public Participation in Mandera North Constituency

4.4.164 Mandera South Constituency

541. The public hearing exercise was held at the Mandera South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 456 members of the public participated in the exercise.

542. Of these, 452 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF has been enhanced access to quality education through the provision of bursaries needy students, construction of new schools, renovation of the existing ones and provision of furniture to schools. The Fund has also supported the health and security sector through the construction of health facilities and NGAO office and police posts, respectively.
   (ii) The NGAAF has taken part in youth and women empowerment programmes and supported the fight against GBV through establishment of rescue and counselling centres.

543. While supporting the Bill, some participants added that there was a need to increase the NG-CDF's budgetary allocation to align with the growing demand for school bursaries.

544. On the other hand, 4 persons expressed their reservations on the Bill due to a fear of mismanagement of the Funds and a potential of conflict of interest in the utilization and oversight of the Funds. Furthermore, it was their submission that the NG-CDF and NGAAF be monies under the devolved resources in county governments.

Photo 164: Public Participation in Mandera South Constituency

4.4.165 Mandera West Constituency

545. The public hearing exercise was held at the Mandera West Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 541 members of the public participated in the exercise.

546. A total of 537 participants supported the Bill. They submitted, among other reasons, that:
   (i) In the education sector, the NG-CDF has provided education bursaries to needy students, assisted in setting up of new schools, rehabilitation of the existing ones and provision of furniture's to schools. The Fund has also supported the health sector through the construction of health facilities and the security sector through the construction of NGAO offices and police posts.
   (ii) The NGAAF has ensures youth and women empowerment through the affirmative action programmes such as provision of seed capital to conduct business. The Fund has also supported the fight against GBV through the establishment of rescue and counselling centers.

547. On the other hand, 4 persons expressed their reservations on the Bill concerned that Parliament should focus on its oversight role. Further that, the NG-CDF and NGAAF should be monies under the devolved funds of county governments.

Photo 165: Public Participation in MAndera West Constituency

4.4.166 Manyatta Constituency

548. The public hearing exercise was held at the Manyatta Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,072 members of the public participated in the exercise.

549. A total of 1,042 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF provides educational support to needy students in the community through school bursaries. The Fund has also played a key role in development initiatives such as the construction of schools, ablution blocks and laboratories.
   (ii) The NG-CDF has ensured that essential services are brought closer to *mwananchi* at the grassroots level. The Fund has also facilitated the construction of NGAO offices.
   (iii) The SOF would enhance monitoring of county governments' spending.
   (iv) The NGAAF has improved the lives of women, PWDs and other vulnerable groups in society through the provision of sanitary towels to girls.

550. On the other hand, 30 participants expressed their reservations on the Bill concerned that the three Funds need to be consolidated into one for better management.

Photo 166: Public Participation in Manyatta Constituency

4.4.167 Maragwa Constituency

551. The public hearing exercise was held at Maragua Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 814 members of the public participated in the exercise.

552. A total of 811 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has enhanced access to quality education through issuance of bursaries and improved infrastructure in schools, for instance, construction of classrooms and toilets.
   (ii) The NG-CDF has also enabled youths to access jobs through NG-CDF projects. Further, the NG-CDF has funded the construction and renovation of police posts and chiefs' offices, enhancing local security. The Fund has also supported renovation and furnishing of public offices like the DCC office which currently hosts both government and community meetings.

(iii) The NG-CDF has enabled the drilling of boreholes such as the one proposed at Muchagara Secondary School to address water scarcity in dry areas. The Fund has also contributed to security and enhanced local governance through supporting the construction of government administrative offices such as Kenol Police Station and Kenol Law Courts.

553. While supporting the Bill, some participants expressed additional views and opinions including:
   (i) The NG-CDF allocation should be increased and disbursed on time to ensure the completion of delayed projects like the Eshangai Police Station which is yet to be commissioned.
   (ii) There is need to involve community members in project identification.
   (iii) Bursary allocation per student should be increased. For example, parents requested that support for university and college students be raised from Kshs. 7,000 to Kshs. 30,000, especially for those in Murang'a University and Murang'a KMTC.

554. On the other hand, 3 participants expressed their reservation on the Bill concerned that there are needy students who don't benefit from the NG-CDF and therefore, it should be channelled through the Ministry of Education to support and make education free to all.

Photo 167: Public Participation in Maragua Constituency

4.4.168 Marakwet East Constituency

555. The public hearing exercise was held at the Marakwet East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 441 members of the public participated in the exercise.

556. All the 441 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF facilitated the construction of classrooms, dispensaries, chief offices and provision of water storage tanks. The Fund has also provided bursaries for vulnerable students and thus, improved access to education.
   (ii) The SOF would enhance transparency in the administration of public resources through strengthened oversight of the Senate.
   (iii) The NGAAF has assisted PWDs in the constituency, funded women and youth groups, provided sanitary towels to girls, enabling them to stay in school.

(iv) The NG-CDF and NGAAF have assisted in national disaster and emergency response e.g. during floods, by providing targeted relief food and non-food items.

Photo 168: Public Participation in Marakwet East Constituency

4.4.169 Marakwet West Constituency

557. The public hearing exercise was held at the Marakwet West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 70 members of the public participated in the exercise.

558. All the 70 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF facilitated the construction of police stations and bridges, renovation of worn-out infrastructure and provided employment for the locals through the projects. The Fund has also promoted equal distribution of bursaries to needy students and electrical connectivity.
   (ii) The NGAAF has assisted PWDs and empowered women and the youth in the constituency through affirmative action programmes.

Photo 169: Public Participation in Marakwet West Constituency

4.4.170 Masinga Constituency

559. The public hearing exercise was held at the Masinga Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 859 members of the public participated in the exercise.

560. A total of 855 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF has provided bursaries to needy students. The Fund has also reduced regional disparities by allocating resources based on need, ensuring that all constituencies benefit from development initiatives.
   (ii) The NG-CDF has also encouraged community participation in project planning and implementation, fostering a sense of ownership and responsibility.

561. On the other hand, 4 participants expressed reservations on the Bill but did not give reasons.

Photo 170: Public Participation in Masinga Constituency

4.4.171 Matayos Constituency

562. The public hearing exercise was held at the Matayos Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 639 members of the public participated in the exercise.

563. A total of 596 members of the public supported the Bill citing among others reasons that:
   (i) The NG-CDF has contributed to education through the provision of bursaries to needy students, facilitating the construction and renovation of school facilities as well as purchasing of school buses.
   (ii) The NG-CDF has contributed to infrastructural development through the construction of new police posts thereby enhancing security within the constituency.
   (iii) The NG-CDF and NGAAF have promoted economic empowerment by supporting the growth of business initiatives of the youth and women.
   (iv) The Senate Oversight Fund would enable the Senate to perform its oversight role.

564. On the other hand, 43 expressed their reservations on the Bill stating among other concerns that:
   (i) There has been alleged corruption in the use and management of the Funds.
   (ii) The entrenchment of the Funds in the Constitution would result to duplication of roles.

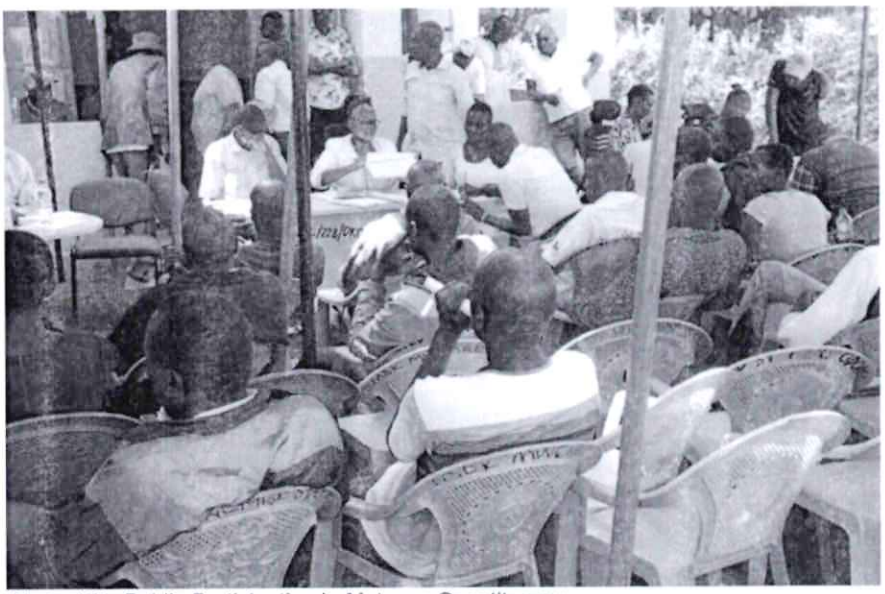

Photo 171: Public Participation in Matayos Constituency

4.4.172 Mathare Constituency

565. The public hearing exercise was held at the Mathare Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 2,079 members of the public participated in the exercise.

566. All the 2,079 members of the public supported the Bill citing among other reasons that:
   (i) The NG-CDF has supported education through provision of scholarships and bursaries to needy and vulnerable students and facilitated the construction of schools.
   (ii) The NG-CDF has promoted infrastructural development through construction of police stations and NGAO offices as well as contributing to the establishment of ICT hubs.

Photo 172: Public Participation in Mathare Constituency

4.4.173 Mathioya Constituency

567. The public hearing exercise was held at Mathioya Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 315 members of the public participated in the exercise.

568. A total of 313 supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF bursaries have enhanced access to quality education through issuance of bursaries and renovation of school infrastructure including classrooms, dormitories and administration blocks. The Fund has also facilitated the construction of police posts and installation of street lights in market places, improving security.
   (ii) The NG-CDF has further provided employment to the staff in the various constituency offices and projects and facilitated the provision of necessary utilities for use in the constituency such as ICT hubs.
   (iii) The NGAAF has supported women and youth empowerment.

569. On the other hand, 2 participants expressed reservations on the Bill concerned due to a potential of mismanagement of the Funds.

Photo 173: Public Participation in Mathioya Constituency

4.4.174 Mathira Constituency

570. The public hearing exercise was held at Mathira Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 150 members of the public participated in the exercise.

571. Of those, 147 supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF has enhanced access to education through the issuance of bursaries.
   (ii) The NG-CDF was perceived as the only fund whose management and administration has embodied transparency. They noted the various accountability measures put in place among the reasons for supporting the Bill in Mathira Constituency. Participants stated that the NG-CDF is the only fund that has involved the people and has specific limitations for spending. This indicates a perception that the NG-CDF specifically operates with a degree of openness that other funds may lack, implying a positive view of its accountability compared to others.

572. On the other hand, 3 persons expressed their reservations on the Bill citing a fear of mismanagement of the Funds. In addition, they were of the view that the SOF was unnecessary.

Photo 174: Public Participation in Mathira Constituency

4.4.175 Matuga Constituency

573. The public hearing exercise was held at Matuga Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 572 members of the public took part in the exercise.

574. Of those, 569 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF has helped a lot of people by building schools, and offering education bursaries to the needy in Matuga. The Fund has also created employment opportunities for the youth.
   (ii) The SOF would ensure that counties are properly oversighted, enhancing transparency and accountability.
   (iii) The NG-CDF has created job opportunities for the youth through the NG-CDF-funded projects.
   (iv) The NGAAF has been critical in empowering youths, women and PWDs in the constituency.
   (v) Entrenching the Funds in the Constitution would reduce the persistent legal challenges on legitimacy of the Funds, saving the taxpayers' large sums of money lost in legal fees.
   (vi) The NG-CDF has built security and administration facilities in Matuga.

575. While supporting the Bill, some participants proposed an increase in the budgetary allocation of the NG-CDF and NGAAF to ensure it caters for more PWDs and the marginalized in the community.

576. On the other hand, 3 participants expressed their reservations on the Bill citing discrimination in NG-CDF bursary allocation and misuse of NGAAF. In their view, the resources apportioned to the NGAAF should be apportioned to the NG-CDF that is more beneficial to all constituents.

Photo 175: Public Participation in Matuga Constituency

4.4.176 Matungu Constituency

577. The public hearing exercise was held at the Matungu Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 280 members of the public took part in the exercise.

578. A total of 271 participants supported the Bill. They submitted as follows:
   (i) Through NG-CDF, developments such as building of classrooms, purchase of land for schools, purchase of school buses and maintenance of roads has been done. The Fund has also facilitated community development.
   (ii) The NG-CDF has changed lives of people by enhancing access to quality education through issuance of bursaries to students.

579. On the other hand, 9 persons expressed their reservations on the Bill concerned that they had not benefitted from any of the NG-CDF and NGAAF funded projects and that the two Funds had been previously used to benefit a few individuals and encouraged corruption. In addition, they noted allegations of discrimination in the allocation of bursaries.

Photo 176: Public Participation in Matungu Constituency

4.4.177 Matungulu Constituency

580. The public hearing exercise was held at the Matungulu Constituency Office on 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,303 members of the public participated in the exercise.

581. A total of 1,296 supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The development of educational infrastructure, including schools, classrooms, and acquisition of school buses and related facilities, has promoted access to education. Therefore, entrenchment of the Fund in the Constitution would protect the provision of bursaries to support needy learners.
   (ii) The construction and upkeep of minor roads have enhanced local connectivity and impacted the overall well-being and livelihoods of constituents.
   (iii) The Bill has the potential to strengthen the Senate's oversight function.

582. On the other hand, 7 participants expressed their reservations on the Bill but did not give reasons.

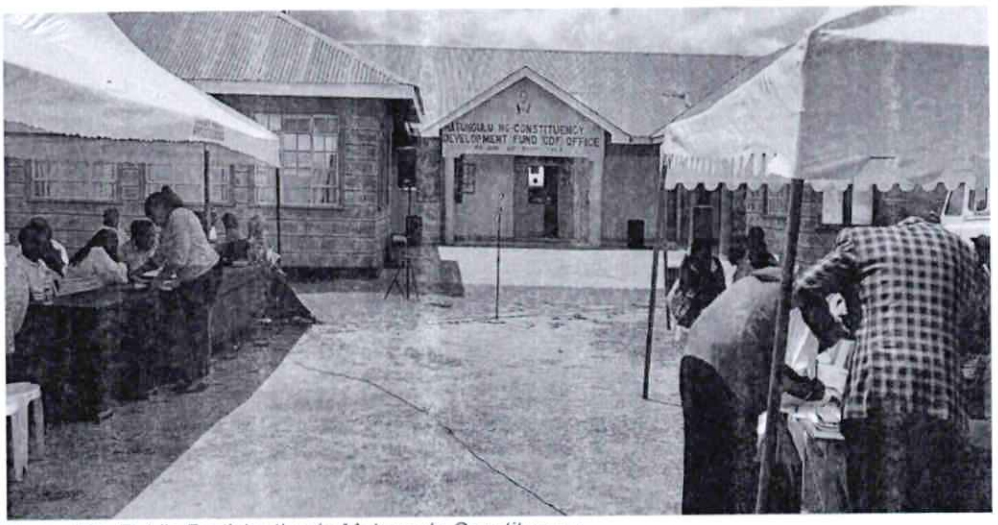

Photo 177: Public Participation in Matungulu Constituency

4.4.178 Mavoko Constituency

583. The public hearing exercise was held at the Mavoko Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 141 members of the public participated in the exercise.

584. Of these, 139 participants supported the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF provided bursaries to needy and deserving students. The Fund has reduced regional disparities by allocating resources based on need, ensuring that all constituencies benefit from development initiatives. The Fund has also facilitated the construction of new schools, classrooms, libraries, and other essential infrastructure, improving access to education and other services.
   (ii) The NG-CDF and NGAAF encourage community participation in project planning and implementation, fostering a sense of ownership and responsibility.

585. On the other hand, 2 participants expressed their reservations on the Bill concerned that there was a lack of accountability and transparency in the management of the Funds and allegations of unequal distribution of the NG-CDF.

Photo 178: Public Participation in Mavoko Constituency

4.4.179 Mbeere North Constituency

586. The public hearing exercise was held at the Mbeere North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 543 members of the public participated in the exercise.

587. A total of 521 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has enhanced access to education through the construction of JSSs, development of school infrastructure and access roads to schools and provision of bursaries to needy students. These construction works have also provided employment opportunities to the constituents.
   (ii) The NG-CDF has also facilitated the construction of security offices and digital hubs, and assisted in mitigation of climate change across the constituency.
   (iii) In addition, some participants expressed additional views and opinions, particularly stating that it gives common *mwananchi* access to government money.

588. On the other hand, 22 participants expressed their reservations on the Bill due to a fear of unequal development across the constituency and that the NGAAF would be inadequately resourced due to underfunding.

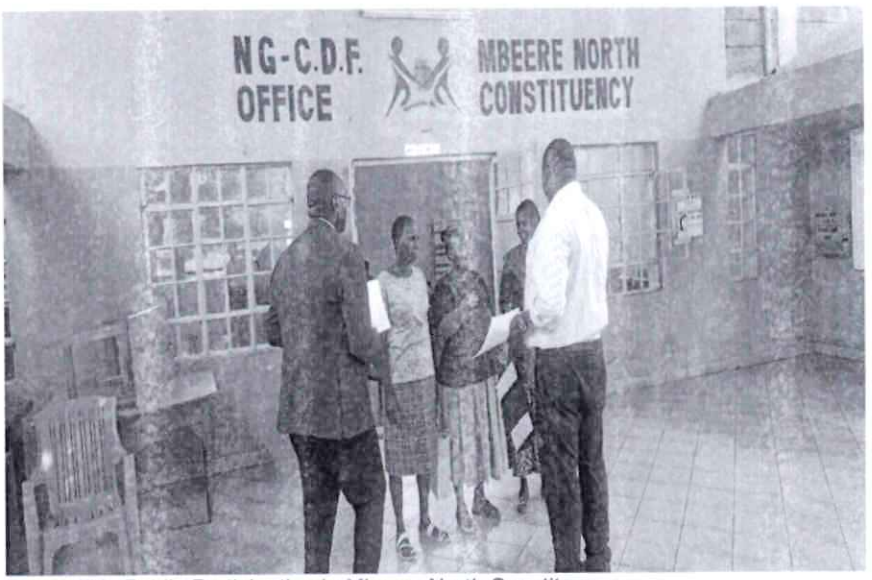

Photo 179: Public Participation in Mbeere North Constituency

4.4.180 Mbeere South Constituency

589. The public hearing exercise was held at the Mbeere South Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 495 members of the public participated in the exercise.

590. A total of 481 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has enhanced access to education through the construction of JSSs, development of school infrastructure and access roads to schools and provision of bursaries to needy students. These construction works have also provided employment opportunities to the constituents.
   (ii) The NG-CDF has also facilitated the construction of security offices and digital hubs, and assisted in mitigation of climate change across the constituency. Further that the Fund has also promoted digital hub initiatives.
   (iii) In addition, some participants expressed additional views and opinions, particularly stating that it gives common *mwananchi* access to government money.

591. On the other hand, 14 participants expressed their reservations on the Bill concerned that the Funds would result in a duplication of roles and that unfair bursary allocation.

Photo 180: Public Participation in Mbeere South Constituency

4.4.181 Mbooni Constituency

592. The public hearing exercise was held at the Mbooni Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 1,352 members of the public participated in the exercise.

593. All the 1,352 participants supported the Bill stating, among other reasons, that:
   (i) The NG-CDF and NGAAF have enhanced access to education through issuance of bursaries to needy students and improving school facilities.
   (ii) The NG-CDF and NGAAF has empowered the youth through job creation thereby reducing social crimes in the villages.

Photo 181: Public Participation in Mbooni Constituency

4.4.182 Mogotio Constituency

594. The public hearing exercise was held at Mogotio Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 950 members of the public participated in the exercise.

595. A total of 937 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF have empowered the youth, PWDs and the vulnerable in the constituents to access education through provision of school bursaries and development of school infrastructure.
   (ii) The NG-CDF has enhanced security through the construction of chiefs' offices and police posts.

596. On the other hand, 13 participants expressed their reservations on the Bill but did not give reasons.

Photo 182: Public Participation in Mogotio Constituency

4.4.183 Moiben Constituency

597. The public hearing exercise was held at the Moiben Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 474 members of the public participated in the exercise.

598. A total of 462 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has assisted in constructing classrooms, improving education in the constituency. Through the provision of bursaries, the Fund has enhanced access to education for needy students, promoting fairness and equal opportunities in learning. Furthermore, with the support of the Fund, classrooms, dormitories, and government offices have been built, reducing the community's burden of fundraising for such essential facilities.
   (ii) The NG-CDF has allowed for faster development in the constituency through timely implementation of projects. The Fund has improved the way resources are shared across the constituency, ensuring a more balanced development. The implementation of various development projects funded by the NG-CDF has created job opportunities for the youth, fostering empowerment and skill development.
   (iii) The NG-CDF has supported the construction of vital infrastructure like roads and bridges, boosting local connectivity and stimulating economic growth in the area.
   (iv) The NGAAF and NGCDF have helped the vulnerable in the constituency through the provision of self-help funds and the issuance of school bursaries.

599. On the other hand, 12 participants expressed their reservations on the Bill concerned that a lack of transparency and accountability in the management of both the NGAAF and the NG-CDF would allow for corruption and embezzlement of the Funds. In their view, the Funds should be consolidated and allocated to county governments for better management and utilization.

Photo 183: Public Participation in Moiben Constituency

4.4.184 Molo Constituency

600. The public hearing exercise was held at the Molo Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 364 members of the public participated in the exercise.

601. A total of 356 participants supported the Bill and submitted as follows:
   (i) The NG-CDF has been beneficial to the constituents by providing bursaries for needy students, purchasing school buses, constructing new schools and improving existing school infrastructure. In addition, the Fund has also improved the infrastructure of NGAO offices.
   (ii) The NGAAF has provided economic empowerment for women and youth groups, and PWDs.
   (iii) The NG-CDF and NGAAF have been instrumental during national disasters and emergencies by providing targeted relief.

602. On the other hand, 8 participants expressed their reservations on the Bill due to a fear of corruption and nepotism in the utilization and management of the Funds.

Photo 184: Public Participation in Molo Constituency

4.4.185 Mosop Constituency

603. The public hearing exercise was held at the Mosop Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 190 members of the public participated in the exercise.

604. A total of 180 participants supported the Bill. They submitted, among other reasons, that:
    (i) The NG-CDF has improved school infrastructure, especially in remote areas. Schools in hard-to-reach regions now have better classrooms, libraries, and labs, enabling students to learn in safe and conducive environments. This development bridges the urban-rural education gap and promotes equity, while also attracting and retaining qualified teachers who seek decent working conditions.
    (ii) Many students have benefited from bursaries funded by the NG-CDF. Bursaries have made a significant difference for low-income families, ensuring their children attend school consistently. These funds reduce financial pressure on parents, enhance student morale, and help create equal learning opportunities regardless of socioeconomic background, contributing to social mobility and national development.
    (iii) The Bill promotes structured development planning at the grassroots. Communities have the opportunity to prioritize their most pressing needs through public forums. This bottom-up planning model ensures projects are relevant, community-owned, and effectively implemented. It also fosters a culture of inclusiveness and strengthens democratic participation in development.
    (iv) The SOF would enhance accountability and reduce fund misappropriation. Oversight from the Senate introduces an additional layer of scrutiny, reducing the chance of misuse and poor project execution. It encourages better planning, regular reporting, and responsible fund management. This boosts public confidence and improves the overall efficiency of service delivery.

605. While supporting the Bill, some participants expressed additional views and opinions including:
    (i) The percentage of national revenue allocated to NG-CDF should be raised to 5%. Current allocations are insufficient for growing needs in education, infrastructure, and health. Increasing the percentage would enhance impact, enable long-term planning, and help constituencies meet the development expectations of rapidly growing populations
    (ii) Special consideration should be given to support PWDs and elderly citizens. Dedicated funding for these groups ensures inclusive development. It can support assistive devices, accessible infrastructure, and healthcare services, improving their quality of life and enabling active participation in society.
    (iii) A ward-level committee should be established to guide the NG-CDF project selection. These committees would ensure that each ward's priorities are represented fairly, improving equity and responsiveness in project planning. Localized input fosters ownership, accountability, and better targeting of resources
    (iv) The Bill should ensure proper coordination between the NG-CDF and county government development plans. Lack of coordination leads to duplicated efforts or neglected areas. Synchronizing development plans ensures efficient use of funds, avoids service gaps, and promotes holistic, complementary development strategies.

606. On the other hand, 10 participants expressed their reservations on the Bill. The main concerns raised included:
    (i) The community is not always consulted during project planning. Top-down decision-making can result in irrelevant or misplaced projects. Community consultation ensures

local needs and preferences guide development efforts, improving project relevance, efficiency, and sustainability.

(ii) Senate oversight might overlap with county assembly functions. Without clear role demarcation, Senate involvement could clash with existing county oversight mechanisms, leading to duplication or confusion. Proper legislation and coordination are needed to ensure oversight roles are complementary, not competitive.

(iii) Some projects are initiated without proper feasibility studies. Lack of thorough planning can result in stalled or failed projects due to cost underestimation, site issues, or unmet regulatory requirements.

Photo 185: Public Participation in Mosop Constituency

4.4.186 Moyale Constituency

607. The public hearing exercise was held at the Moyale Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 141 members of the public participated in the exercise.

608. All the 126 participants supported the Bill. They submitted as follows:

(i) The NGCDF has been instrumental in improving educational outcomes through the provision of bursaries and enhancement of school infrastructure. The Fund has also facilitated the development of essential infrastructure, such as roads and healthcare facilities, improving the quality of life for residents. Further, the Fund has created employment opportunities, especially for the youth, through the initiation of community-driven projects and in turn contributed to reduced poverty levels.

(i) The NGCF would further the benefits of NG-CDF including strengthening disaster preparedness and response mechanisms at the constituency level, promoting participatory governance by involving community members in planning and implementation of development projects and supporting initiatives aimed at enhancing food security and sustainable agriculture.

(ii) The SOF would empower Senators to effectively monitor and evaluate the performance of county governments, ensuring transparency and accountability.

(iii) The NGAAF would continue to provide targeted support to vulnerable groups, promoting social equity and inclusion.

(ii) The Funds would aid in the preservation and promotion of cultural heritage through support for local arts and traditions.

609. On the other hand, 15 of the participants expressed their reservations on the Bill.

Photo 186: Public Participation in Moyale Constituency

4.4.187 Msambweni Constituency

610. The public hearing exercise was held at the Msambweni Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 294 members of the public participated in the exercise.

611. All the 294 participants supported the Bill. They submitted as follows:
    (i) The NG-CDF has improved education standards in areas where no schools were present. It has helped build classrooms, toilets, laboratories and improved existing school infrastructure in Msambweni. The Fund has also supported youths by building and equipping ICT hubs for youths. Additionally, the Fund has improved security and enhanced national administration in Msambweni by building police stations, a Huduma Centre and chiefs' offices, bringing services closer to the people. As a result, budgetary allocation to the NG-CDF should be increased if the Bill is passed by Parliament to ensure the local constituents continue to benefit.
    (ii) The SOF would ensure transparency and accountability in how county governments' funds are utilized.
    (iii) The NGAAF would continue to offer support to the marginalized groups through affirmative action. Affirmative action funds have bettered the living standards in the constituency.
    (iv) Entrenching the three Funds in the Constitution will ensure development and service delivery at the local level.

Photo 187: Public Participation in Msambweni Constituency

4.4.188 Mt. Elgon Constituency

612. The public hearing exercise was held at the Mt. Elgon Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 1,126 members of the public participated in the exercise.

613. All the 1,126 participants supported the Bill. They submitted, among other reasons, that:
    (i) The NG-CDF has supported education through the purchase of school buses, payment of school fees through bursaries to relieve the financial burden on parents and construction of classrooms.
    (ii) On security, the NG-CDF has supported construction of police posts and chief's offices.

Photo 188: Public Participation in Mt. Elgon Constituency

4.4.189 Muhoroni Constituency

614. The public hearing exercise was held at the Muhoroni Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 328 members of the public participated in the exercise.

615. A total of 322 participants supported the Bill. They submitted as follows:
    (i) The NG-CDF and NGAAF have enhanced access to education through provision of school bursaries, construction of classrooms and latrines in schools, development of school infrastructure, provision of sanitary towels for girls and water storage tanks.
    (ii) The NG-CDF has contributed to the construction and maintenance of rural roads and last mile electricity connectivity. The Fund has also facilitated the construction of public utilities such as chiefs' offices among others, creating employment.

616. On the other hand, 6 participants expressed their reservations on the Bill. The main concern raised was that Funds should be devolved to county governments.

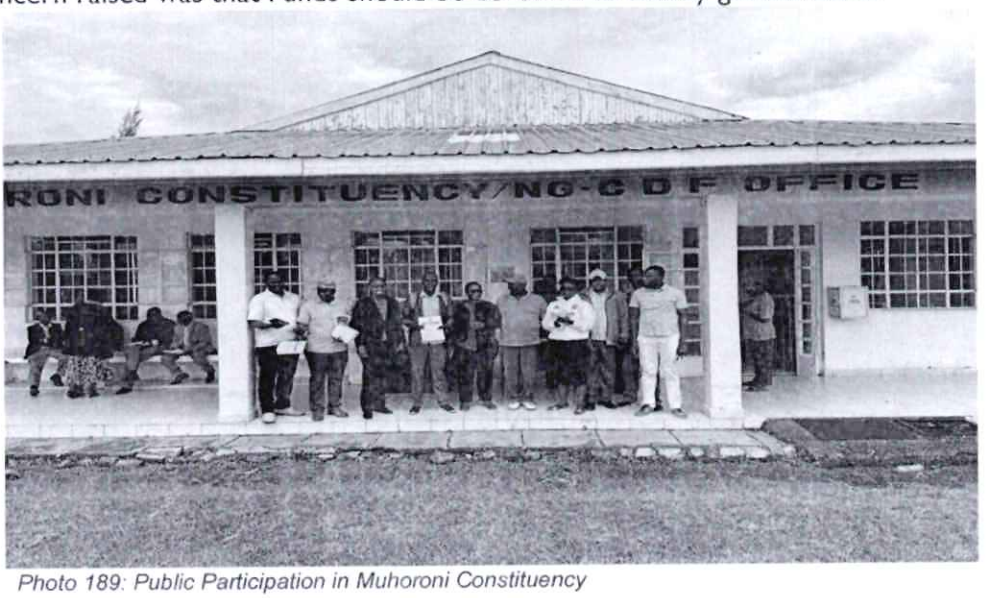

Photo 189: Public Participation in Muhoroni Constituency

4.4.190 Mukurweini Constituency

617. The public hearing exercise was held at the Mukurweini Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 336 members of the public participated in the exercise.

618. A total of 331 participants supported the Bill. They submitted as follows:
    (i) The Funds would be beneficial in overall development in the rural areas.
    (ii) The NGCF would further support education through distribution of bursaries for needy children, construction of schools and renovation of school infrastructure. The Fund would also contribute to curbing insecurity by assisting in electrification of the constituencies.

619. While supporting the Bill, some participants proposed as follows:
    (i) The percentage of national revenue allocated to NG-CDF should be raised to 5%. Current allocations are insufficient for growing needs in education, infrastructure, and health. Increasing the percentage would enhance impact, enable long-term planning, and help constituencies meet the development expectations of rapidly growing populations

(ii) Special consideration should be given to support persons with disabilities and elderly citizens. Dedicated funding for these groups ensures inclusive development. It could support assistive devices, accessible infrastructure, and healthcare services, improving their quality of life and enabling active participation in society.

(iii) A ward-level committee should be established to guide NG-CDF project selection. These committees would ensure that each ward's priorities are represented fairly, improving equity and responsiveness in project planning. Localized input fosters ownership, accountability, and better targeting of resources

(iv) The Bill should ensure proper coordination between NG-CDF and county government development plans. Lack of coordination could lead to duplicated efforts or neglected areas. Synchronizing development plans would ensure efficient use of funds, avoid service gaps, and promote holistic, complementary development strategies.

620. On the other hand, 5 participants expressed their reservations on the Bill.

Photo 190: Public Participation in Mukurweini Constituency

4.4.191 Mumias East Constituency

621. The public hearing exercise was held at Mumias East Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 269 members of the public participated in the exercise.

622. A total of 265 participants supported the Bill. They submitted, among other reasons, that:

(i) The NG-CDF has contributed to the payment of school fees through bursaries, hence helping children from poor families to access education. The Fund has improved the quality of life in the society by supporting security programmes through electrification; construction of schools, administration blocks, classrooms, dormitories and laboratories; and the purchase of school buses. The Fund has also contributed to the construction of several colleges such as Wanga TTI and Shianda KMTC.

(ii) The NG-CDF has also improved security and public order by supporting the construction of National Government Administrative Offices such as the chiefs' and Deputy County Commissioner offices. The Fund has also supported the construction of roads and a bride on River Lusumu, improving roadway connectivity.

(iii) The NGAAF and NG-CDF has improved hygiene in schools by funding construction of toilets and installation of water storage tanks in schools.

(iv) The Funds are easily accessible to the common *mwananchi*.

623. On the other hand, 4 participants expressed their reservations on the Bill stating, among other concerns, that:
   (i) The bursaries are issued in a discriminatory manner, with some participants stating that no bursary had allocated given to their children.
   (ii) The Member of Parliament should focus on oversight of the NGCF and not its management.
   (iii) The money should be allocated to the relevant ministries in the national government.

Photo 191: Public Participation in Mumias East Constituency

4.4.192 Mumias West Constituency

624. The public hearing exercise was held at the Mumias West Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 468 members of the public participated in the exercise.

625. All the 468 participants supported the Bill. They submitted, among other reasons, that:
   (i) The NG-CDF has supported education through provision of bursaries for students, improved school infrastructure, the purchase of school buses, and the construction of classrooms, administration blocks, fences around schools for security, among others.
   (ii) The NG-CDF has improved road connectivity in the constituency and boosted the business environment by building markets, promoting self-reliance for small traders. Noting the benefits of the Fund, there is need for an increase in the budgetary allocation of the Fund to support more projects.

Photo 192: Public Participation in Mumias West Constituency

4.4.193 Mvita Constituency

626. The public hearing exercise was held at Mvita Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 794 members of the public participated in the exercise.

627. A total of 793 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has enhanced access to education through provision of bursaries for school fees for needy children thus eased the burden for parents and expansion of existing schools and construction of new ones. Since its inception in 2003, there has been an increase in the number of public schools within and around Mombasa Island.
   (ii) Furthermore, the NG-CDF has facilitated the construction of school laboratories and purchase of school equipment such as desks in JSSs; and construction of TVET institutions which has boosted acquisition of technical education and provided employment opportunities for Mvita constituents. The Fund has also facilitated the training of youths in computer literacy in Mvita's NG-CDF Office, enabling them gain skills and keeping them out of the streets.
   (iii) The NG-CDF has promoted easy access of government services at the constituency level. For instance, increased security through the construction of police stations. The Fund has also reduced the prevalence of harambees for school fees, hospital bills by supporting self-reliance. Moreover, the Fund has been more accessible at the constituency level compared to other governments funds under ministries because *'fimbo ya mbali haiui nyoka'*.
   (iv) The SOF would strengthen Senate oversight of the county governments and ensure prudent use of funds.
   (v) Entrenching the Funds in the Constitution would ensure continuation of provision services at the grassroot level regardless of who is in power.

628. While supporting the Bill, a majority of the participants proposed the increase of budgetary allocation for NGCDF, especially the amounts for bursaries provided per child.

629. On the other hand, one participant expressed reservations on the Bill. The main concern raised was that the participant felt that the NG-CDF was not equally and equitably distributed as some schools did not receive any aid.

Photo 193: Public Participation in Mvita Constituency

4.4.194 Mwala Constituency

630. The public hearing exercise was held at the Mwala Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 254 members of the public participated in the exercise.

631. A total of 253 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF provide bursary to needy students, enabling them to also access education. The Funds have also assisted in the construction of new schools, classrooms, libraries, and other essential infrastructure, improving access to education and other social services. The Fund has reduced regional disparities by allocating resources based on need, ensuring that all constituencies benefit from development initiatives.
   (ii) The NG-CDF and NGAAF have encouraged community participation in project planning and implementation, fostering a sense of ownership and responsibility.

632. On the other hand, one participant expressed reservations on the Bill concerned that the lack of accountability and transparency in the management of the NG-CDF could result in and unequal distribution of the Fund.

Photo 194: Public Participation in Mwala Constituency

4.4.195 Mwatate Constituency

633. The public hearing exercise was held at the Mwatate Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 1,328 members of the public participated in the exercise.

634. A total of 1,250 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF have enhanced access to quality education through bursaries, building of new schools, renovations of dilapidated school infrastructure and construction of TVETs and KMTCs. The Funds have also improved social amenities through building social halls in the constituency.

(ii) The NG-CDF has enhanced security through construction of police stations, police headquarters, police housing units and NGAO offices.

(iii) The NGAAF has supported affirmative action by funds to women groups within the county, empowering them through table banking as well as benefiting from the tents and chairs issued to them. The Fund has also enabled the establishment of rescue centres for Gender-Based Violence (GBV) survivors and provision of sanitary towels to girls and wheelchairs to PWDs.

(iv) The SOF would enhance oversight of the devolved funds.

635. While supporting the Bill, a majority of the public advocated for increased budgetary allocation to the NG-CDF and NGAAF and sensitization of the functions of the Funds.

636. On the other hand, 78 participants expressed their reservations on the Bill due to a fear of bias in distribution of the Funds. They added that MPs should primarily focus on their main roles of legislation, oversight and representation.

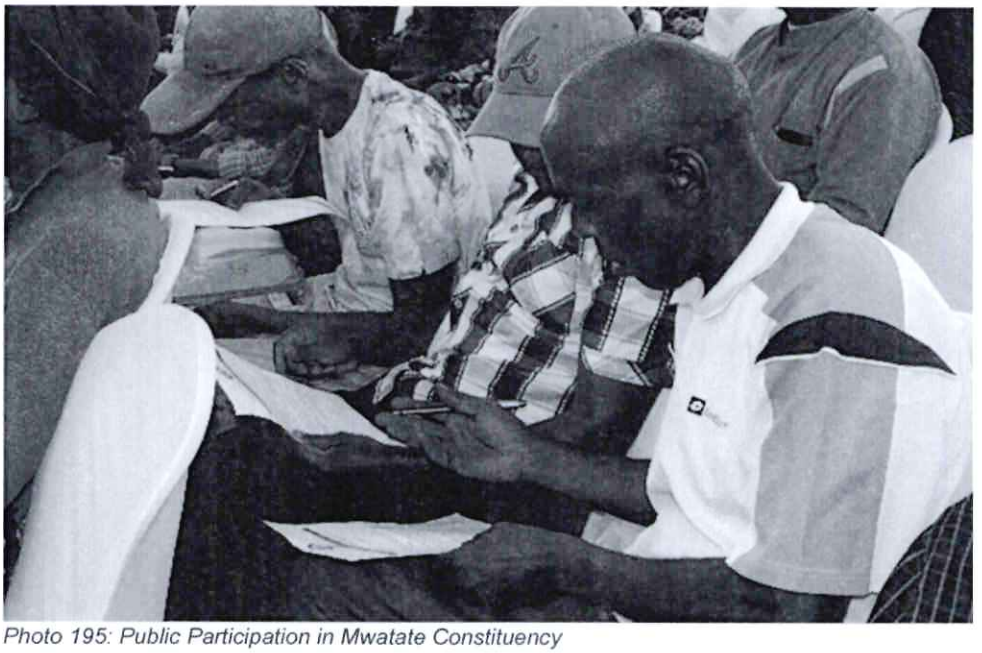

Photo 195: Public Participation in Mwatate Constituency

4.4.196 Mwea Constituency

637. The public hearing exercise was held at the Mwea Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 765 members of the public participated in the exercise.

638. A total of 735 participants supported the Bill. They submitted as follows:

(i) Relating to the NG-CDF, it has supported social development in the community at large and infrastructure development including the construction of the chiefs and assistant chiefs' offices, schools, digital centres, Huduma Centres and police posts. The Fund has also facilitated the construction of bridges making transportation accessible; provision of bursaries that have benefited many families by reducing their financial burden and increasing access to education; installation of electricity in many areas has enhanced security and enabled youths to engage in economic activities especially, Jua Kali; and facilitated environmental projects such as tree planting.

(ii) The NGAAF has provided valuable support to the constituents by supplying tents and chairs, enhancing their access to essential resources; supported many social welfare

groups by providing financial resources. The Fund has facilitated the distribution of water storage tanks to communities, addressing water scarcity issues.

639. On the other hand, 30 participants expressed their reservations on the Bill noting that there is an increased wastage of resources by the accounting officers at the NG-CDF and NGAAF Offices. In their view, the NG-CDF and NGAAF are not properly streamlined and their overlapping mandates of NG-CDF and NGAAF have resulted in concerns about duplication of functions. Furthermore, the three Funds could result in a potential conflict of roles between the national and county governments.

Photo 196: Public Participation in Mwea Constituency

4.4.197 Mwingi Central Constituency

640. The public hearing exercise was held at the Mwingi Central Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 1,215 members of the public participated in the exercise.

641. All the 1,215 participants supported the Bill. They submitted, among other reasons, that:
   (i) The NG-CDF projects have spurred development across all areas, thereby boosting both the education and security sectors. The Fund has enabled needy students to pursue their education without interruption thanks to bursaries.
   (ii) The NG-CDF and NGAAF have ensured equal distribution of resources and projects at the grassroot level.

Photo 197: Public Participation in Mwingi Central Constituency

4.4.198 Mwingi North Constituency

642. The public hearing exercise was held at the Mwingi North Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 771 members of the public participated in the exercise.

643. A total of 770 participants supported the Bill. They submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have enhanced access to quality education by funding school infrastructure projects, providing bursaries for school fees and creating job opportunities through local employment in the community project offices.
   (ii) The NG-CDF is locally managed, minimizing bureaucracy, enhancing efficiency, ensuring easy access by the people and streamlined project contracting. The Fund has accelerated development in constituencies.

644. On the other hand, one participant expressed reservations on the Bill.

Photo 198: Public Participation in Mwingi North Constituency

4.4.199 Mwingi West Constituency

645. The public hearing exercise was held at the Mwingi West Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 737 members of the public participated in the exercise.

646. All the 737 participants supported the Bill. They submitted, among other reasons, that:
   (i) The NG-CDF and NGAAF have enhanced access to quality education though provision of bursaries for school fees. The Funds have also supported community development projects by contributing to local infrastructure development. These projects and construction works have created jobs and supported local businesses, encouraging small and medium-sized enterprises (SMEs) growth. The Funds have promoted poverty reduction and regional equity through economic empowerment and affirmative action programs.

Photo 199: Public Participation in Mwingi West Constituency

4.4.200 Naivasha Constituency

647. The public hearing exercise was held at the Naivasha Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 1,439 members of the public participated in the exercise.

648. All the 1,439 participants supported the Bill. They submitted, among other reasons, that:
   (i) The NGCDF has been instrumental in improving educational outcomes through the provision of bursaries and enhancement of school infrastructure. The Fund has also facilitated the development of essential infrastructure, such as roads and healthcare facilities, improving the quality of life for residents. Further, the Fund has created employment opportunities, especially for the youth, through the initiation of community-driven projects and in turn contributed to reduced poverty levels.
   (iii) The NGCF would further the benefits of NG-CDF including strengthening disaster preparedness and response mechanisms at the constituency level, promoting participatory governance by involving community members in planning and implementation of development projects and supporting initiatives aimed at enhancing food security and sustainable agriculture.
   (ii) The NGAAF would continue to provide targeted support to women, youth, PWDs and vulnerable groups, promoting social equity and inclusion.
   (iii) The SOF would empower Senators to effectively monitor and evaluate the performance of county governments, ensuring transparency and accountability.

Photo 200: Public Participation in Naivasha Constituency

4.4.201 Nakuru Town East Constituency

649. The public hearing exercise was held at the Nakuru Town East Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 285 members of the public participated in the exercise.

650. A total of 280 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has been beneficial to the constituents by providing bursaries for needy students, purchasing school buses, constructing new schools and improving existing school infrastructure. In addition, the Fund has also improved the infrastructure of NGAO offices.
   (ii) The NGAAF has provided economic empowerment for women and youth groups, and PWDs.
   (iii) The NG-CDF and NGAAF have been instrumental during national disasters and emergencies by providing targeted relief.

651. On the other hand, 5 participants expressed their reservations on the Bill. The main concern raised was that there has been a lot of corruption and nepotism in the use of NG-CDF and NGAAF.

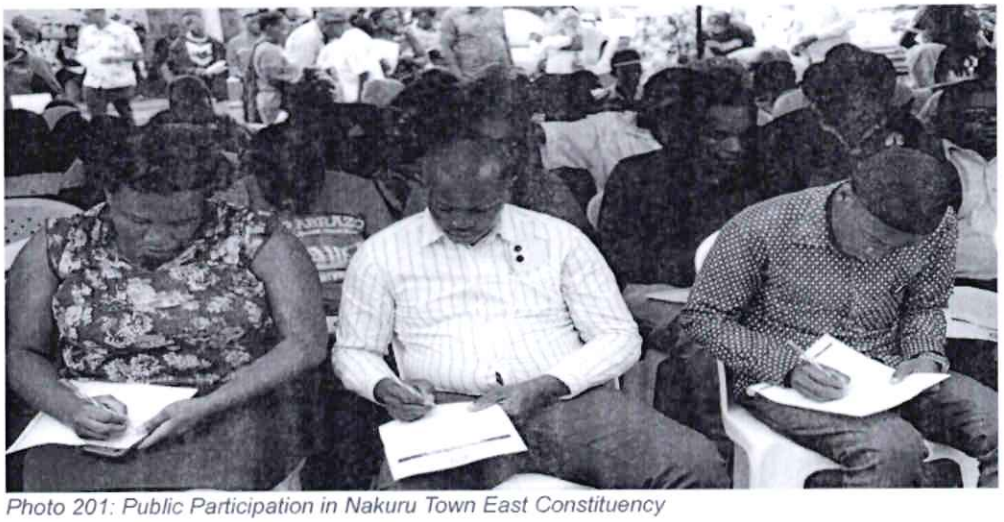

Photo 201: Public Participation in Nakuru Town East Constituency

4.4.202 Nakuru Town West Constituency

652. The public hearing exercise was held at the Nakuru Town West Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 441 members of the public participated in the exercise.

653. A total of 434 participants supported the Bill. They submitted as follows:
    (i) The NG-CDF has been beneficial to the constituents by providing bursaries for needy students, purchasing school buses, constructing new schools and improving existing school infrastructure. In addition, the Fund has also improved the infrastructure of NGAO offices.
    (ii) The NGAAF has provided economic empowerment for women and youth groups, and PWDs.
    (iii) The NG-CDF and NGAAF have been instrumental during national disasters and emergencies by providing targeted relief.

654. On the other hand, 7 participants expressed their reservations on the Bill. The main concern raised was that there has been a lot of corruption and nepotism in the use of both NGCDF and NGAAF.

Photo 202: Public Participation in Nakuru West Town Constituency

4.4.203 Nambale Constituency

655. The public hearing exercise was held at the Nambale Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 345 members of the public participated in the exercise.

656. A total of 338 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has assisted in constructing classrooms, improving education in the constituency. Through the provision of bursaries, the Fund has enhanced access to education for needy students, promoting fairness and equal opportunities in learning. Furthermore, with the support of the Fund, classrooms, dormitories, and government offices have been built, reducing the community's burden of fundraising for such essential facilities.
   (ii) The NG-CDF has allowed for faster development in the constituency through timely implementation of projects. The Fund has improved the way resources are shared across the constituency, ensuring a more balanced development. The implementation of various development projects funded by the NG-CDF has created job opportunities for the youth, fostering empowerment and skill development.
   (iii) The NG-CDF has supported the construction of vital infrastructure like roads and bridges, boosting local connectivity and stimulating economic growth in the area.
   (iv) The NGAAF and NGCDF have helped the vulnerable in the constituency through the provision of self-help funds and the issuance of school bursaries.

657. On the other hand, 7 participants expressed their reservations on the Bill concerned that the Funds would result in a high taxation burden on an already strained taxpayer, potential of mismanagement of resources. In their view, the NGAAF and SOF should be abolished.

Photo 203: Public Participation in Nambale Constituency

4.4.204 Nandi Hills Constituency

658. The public hearing exercise was held at the Nandi Hills Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 222 members of the public participated in the exercise.

659. A total of 216 participants supported the Bill. They submitted as follows:

(i) The NG-CDF has assisted in construction of classrooms and equipped them. New and renovated classrooms have reduced congestion in schools and improved learning environments. The fund has also equipped them with desks, blackboards, and digital learning tools, facilitating CBC implementation. These efforts ensure that learners access quality education in conducive settings that promote better concentration, teacher effectiveness, and student performance.

(ii) The vulnerable in society have been able to pay fees through the NG-CDF bursaries. Bursaries have provided crucial financial relief for low-income households, ensuring their children continue schooling uninterrupted. This has helped reduce school dropouts and child labour while promoting education equity. Such support is especially important for orphans and vulnerable children who might otherwise be denied an education due to poverty

(iii) The SOF would fast track the development agenda by facilitating senators to carry out their oversight mandate. Equipped with adequate resources, senators will conduct monitoring visits, evaluate project implementation, and investigate complaints, thereby ensuring proper fund utilization. Their role strengthens good governance, enforces financial discipline, and ensures government-funded projects deliver tangible results to communities in line with national and county development goals.

(iv) The Funds would be easily accessible at the grassroots level hence ensuring equity and equality during resource distribution. Devolving funds like the NG-CDF would ensure communities have direct access to financial resources for local development. This leads to faster implementation of critical projects like classrooms, roads, and water systems. Such proximity increases accountability, reduces delays, and guarantees that diverse communities benefit fairly and equitably from public investment.

660. While supporting the Bill, some participants proposed that:

(i) The allocation of the NG-CDF from the government shared revenue should be increased from 2.5% to 5%. Doubling the allocation would expand the Fund's capacity to support more development projects, including bursaries, health facilities, and infrastructure. It would also address high demand and bridge service gaps in rural and marginalized areas.

(ii) The harmonization of the all bursary schemes to vest in the NG-CDF to prevent duplication in distribution, ensure fairer access, eliminate duplication of roles and allowing more students to benefit. A unified bursary scheme under a harmonized framework would ensure all deserving students receive support without being side-lined due to duplication or bias.

(iii) Making separate provision for budgetary allocation towards PWDs and for extracurricular activities such as sports. Allocating resources for sports and inclusion programs builds talent and promotes holistic development. Facilities and tools for PWDs ensure equitable access, support rehabilitation, and empower them to participate in learning and leadership fully.

661. On the other hand, 6 people expressed their reservations on the Bill for the following reasons.

(i) The NG-CDF should be consolidated and allocated to other projects like providing free secondary and university education. Some citizens felt that pooling funds nationally could support broader social programs such as fully free education. This centralized approach, if well-managed, could ensure equal access to education countrywide and reduce inequalities between constituencies, but may reduce local flexibility and responsiveness.

(ii) The NG-CDF tends to facilitate corruption through mismanagement and embezzlement. Lack of clear separation between fund managers and political leaders

increases risks of misappropriation. Politicians may direct funds based on loyalty rather than need. Stronger controls, public involvement, and independent audits are needed to safeguard funds from political manipulation and ensure projects are truly beneficial.

(iii) The SOF should be devolved to the county assemblies as they have more access to the grassroots. County Assemblies are considered closer to the people and may be better placed to provide frequent, localized oversight. Empowering MCAs with oversight funding could enhance checks and balances and ensure more direct community engagement in monitoring project execution.

(iv) There are no control measures over the NG-CDF. Funds should be channelled through each sub-county under the docket of the DCC by forming boards to ensure there are control mechanisms. Sub-county-based boards can improve supervision and reduce political interference. Having government officials like the DCC oversee funds would enhance transparency and accountability while ensuring compliance with procurement and project management laws.

Photo 204: Public Participation in Nandi Hills Constituency

4.4.205 Narok East Constituency

662. The public hearing exercise was held at the Narok East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 566 members of the public participated in the exercise.

663. A total of 526 participants supported the Bill for the following reasons:

(i) The NG-CDF supports education by providing bursaries to needy, orphaned and vulnerable students in the community, supports the construction and renovation of school infrastructure, road and water projects and administrative facilities, including the chiefs' office. The Fund has also enhanced health services by constructing and rehabilitating hospitals and health centres in the constituency.

(ii) The NGCDF has also enhanced security and safety by constructing police posts and promoting peace at the border and in high-risk areas within the constituency.

(iii) The NGAAF supports youth and women's empowerment programmes, promotes sports and nurtures youth talents, and creates inclusive platforms for marginalised groups, including persons with disabilities.

664. On the other hand, 40 participants expressed their reservations on the Bill. Their main concern was alleged bias in the allocation of funds, discrimination in bursary distribution, and a lack of accountability in their use. In their view, entrenchment of the Funds in the Constitution would still not benefit the constituents.

Photo 205: Public Participation in Narok East Constituency

4.4.206 Narok North Constituency

665. The public hearing exercise was held at the Narok North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 343 members of the public participated in the exercise.

666. All the 343 participants supported the Bill citing the following reasons:
   (i) The NG-CDF supports education by providing bursaries to needy students in the community. It has also contributed to infrastructure development in the constituency, including the construction of roads, electricity connectivity, police posts, and other essential services.
   (ii) The NGAAF has provided support for marginalised and vulnerable groups, including women, youth, and PWDs. The Fund has also boosted local economic development through grassroots projects, reducing inequality by channelling funds directly to communities and enhancing service delivery to the community.
   (iii) The SOF would strengthen the oversight role of the Senate thus promote good governance and transparency.

Photo 206: Public Participation in Narok North Constituency

4.4.207 Narok South Constituency

667. The public hearing exercise was held at the Narok South Constituency Office from 5th to 9th May 2025 between 8.00 am and 5.00 pm. A total of 279 members of the public participated in the exercise.

668. All the 279 participants supported the Bill and stated, among other reasons, that:
   (i) The NG-CDF supports education by providing bursaries to needy, orphaned and vulnerable students in the community, supports the construction and renovation of school infrastructure, road and water projects and administrative facilities, including the chiefs' office. The Fund has also enhanced health services by constructing and rehabilitating hospitals and health centres in the constituency.
   (ii) The NGCDF has also enhanced security and safety by constructing police posts and promoting peace at the border and in high-risk areas within the constituency.
   (iii) The NGAAF supports youth and women's empowerment programmes, promotes sports and nurtures youth talents, and creates inclusive platforms for marginalised groups, including persons with disabilities.

Photo 207: Public Participation in Narok South Constituency

4.4.208 Narok West Constituency

669. The public hearing exercise was held at the Narok West Constituency Office from 5th to 8th May 2025 from 8.00 am to 5.00 pm. A total of 467 members of the public participated in the exercise.

670. A total of 366 participants supported the Bill and stated as follows:
   (i) The NG-CDF has provided bursaries and scholarships for needy and vulnerable students, enhanced access to healthcare facilities and development of health services, and job opportunities through the NG-CDF.

671. On the other hand, 101 participants expressed their reservations on the Bill due to a fear of mismanagement of the Funds and a history of previous embezzlement of the NG-CDF and NGAAF. In addition, they were of the view that the NG-CDF and NGAAF as currently established is sufficient.

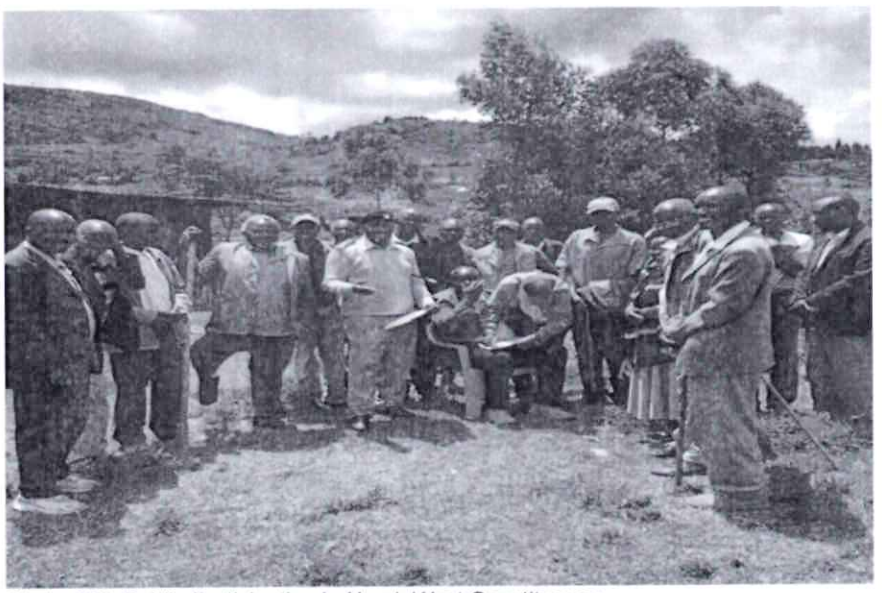

Photo 208: Public Participation in Narok West Constituency

4.4.209 Navakholo Constituency

672. The public hearing exercise was held at the Navakholo Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 754 members of the public participated in the exercise.

673. A total of 750 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF supports students by providing bursaries to needy students and purchasing water tanks for schools.
   (ii) The NGAAF financially supports women and youth and creates job opportunities for locals. The fund has also facilitated the provision of sanitary towels and empowered farmers within the Constituency.
   (iii) The provision of Funds at the constituency level ensures development at the grassroots level.

674. While supporting the Bill, some participants proposed that the Funds should be managed by finance experts.

675. On the other hand, 4 participants expressed their reservations on the Bill citing the allegations of previous use of the Funds for political expediency and a potential increase in taxation, imposing a high financial burden on an already strained taxpayer. They also stated that noted that the Constitution restricts the roles of Parliament to legislation, representation and oversight. In their view, therefore, the Funds should be administered at the national level. Furthermore, there were allegations of unequal distribution and discrimination in the allocation of bursaries.

Photo 209: Public Participation in Navakholo Constituency

4.4.210 Ndaragwa Constituency

676. The public hearing exercise was held at the Ndaragwa Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,199 members of the public participated in the exercise.

677. A total of 1,196 participants expressed their support for the Bill. They stated as follows:
   (i) The NG-CDF and NGAAF have supported needy students through the allocation of bursaries and the construction of classrooms and ablution blocks in schools, as well as through the provision of support to students enrolled in TVETs and universities students. The Funds have also assisted in enhancing access to electricity through matching funds from 36% in 2013 to 56% in 2025.
   (ii) The NG-CDF has developed and improved infrastructure in public facilities such as the construction of police stations, police posts and offices for the area chiefs. The Fund has also created employment opportunities for residents and licensed *bodaboda* riders.
   (iii) The decentralisation of resource allocation to the grassroots level fosters community development in the constituency.
   (iv) The NGAAF has empowered vulnerable groups through local programmes in the county, such as training two hundred (200) women in entrepreneurship and empowering youth through the Ajira Digital Programme.

678. While supporting the Bill, some participants proposed an increase in the budgetary allocation of the NG-CDF.

679. On the other hand, 3 participants expressed their reservations about the Bill. The main concerns raised included:
   (i) The Funds should be managed solely by the Executive.
   (ii) The entrenchment of the Funds in the Constitution may result in a duplication of roles between the Legislature and national government agencies.

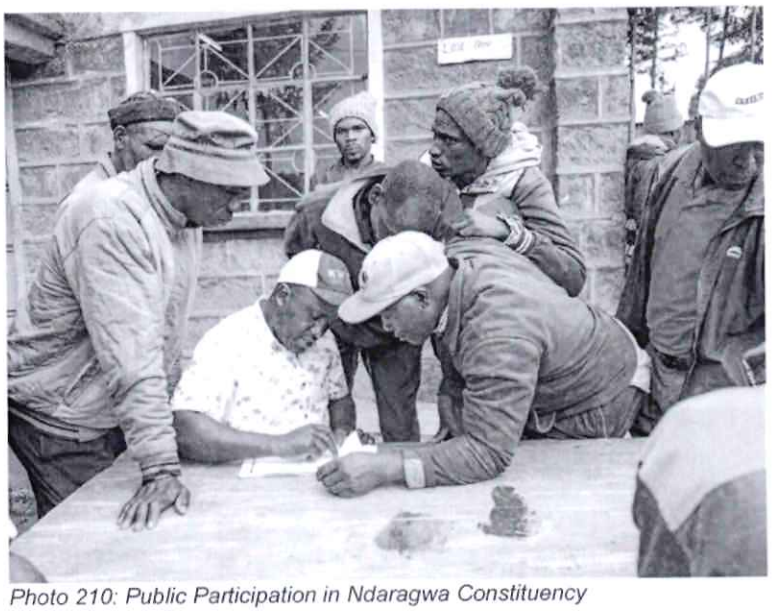

Photo 210: Public Participation in Ndaragwa Constituency

4.4.211 Ndhiwa Constituency

680. The public hearing exercise was held at the Ndhiwa Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 178 members of the public participated in the exercise.

681. A total of 175 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF and NGAAF have provided more proportionate developments in the constituency than the county governments as they help the community through education bursaries, construction and maintenance of school infrastructure, construction of administration and security offices, access roads, and purchase of school buses.
   (ii) The Funds contribute to the equitable distribution of national government funds.
   (iii) The NGAAF has specifically provided socio-economic development support to girls, women, the physically disabled, and other needy individuals.
   (iv) The SOF would strengthen Senators' oversight of county government funds.

682. On the other hand, 3 participants expressed their reservations on the Bill. The main concerns raised included:
   (i) Entrenching the three funds into the Constitution would not help citizens.
   (ii) The SOF may be ineffective as Senators are not properly overseeing the counties. In addition, this Fund may reduce the national government's development budget.
   (iii) They were concerned that the Funds would be misused to serve private interests.

Photo 211: Public Participation in Ndhiwa Constituency

4.4.212 Ndia Constituency

683. The public hearing exercise was held at the Ndia Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,073 members of the public participated in the exercise.

684. A total of 1,067 participants expressed their support for the Bill and submitted as follows:
   (i) The NG-CDF and NGAAF have supported education by providing education bursaries, building school and college infrastructure, such as school halls, classrooms, and toilets, and purchasing school buses. The Funds have also been used to construct police posts and expand access to water by facilitating the drilling of boreholes in various areas.
   (ii) Noting the benefits of the NGAAF, there is need to increase the budgetary allocation of the Fund to support all societal groups, including elderly men.

685. On the other hand, 6 participants expressed their reservations about the Bill. The main concerns raised include inequity in the allocation and distribution of NG-CDF among the constituents and delays in the disbursement of Funds, hindering the timely addressing of citizens' needs. They noted the need for enhanced oversight mechanisms of NG-CDF management.

Photo 212: Public Participation in Ndia Constituency

4.4.213 Njoro Constituency

686. The public hearing exercise was held at the Njoro Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 956 members of the public participated in the exercise.

687. A total of 893 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF and NGAAF have assisted in enabling access to education by constructing new schools, purchasing school buses and administration blocks, and providing bursaries for needy students. The Funds have also improved national government infrastructure such as police stations and administration offices.
   (ii) The NGAAF has provided economic empowerment for women groups, youth groups and persons with disability.
   (iii) The NG-CDF & NGAAF have been instrumental whenever there have been national emergencies by providing disaster relief.

688. On the other hand, 63 participants expressed their reservations about the Bill. The primary concern raised was the fear of corruption, misuse, and nepotism in the management of the NG-CDF and NGAAF.

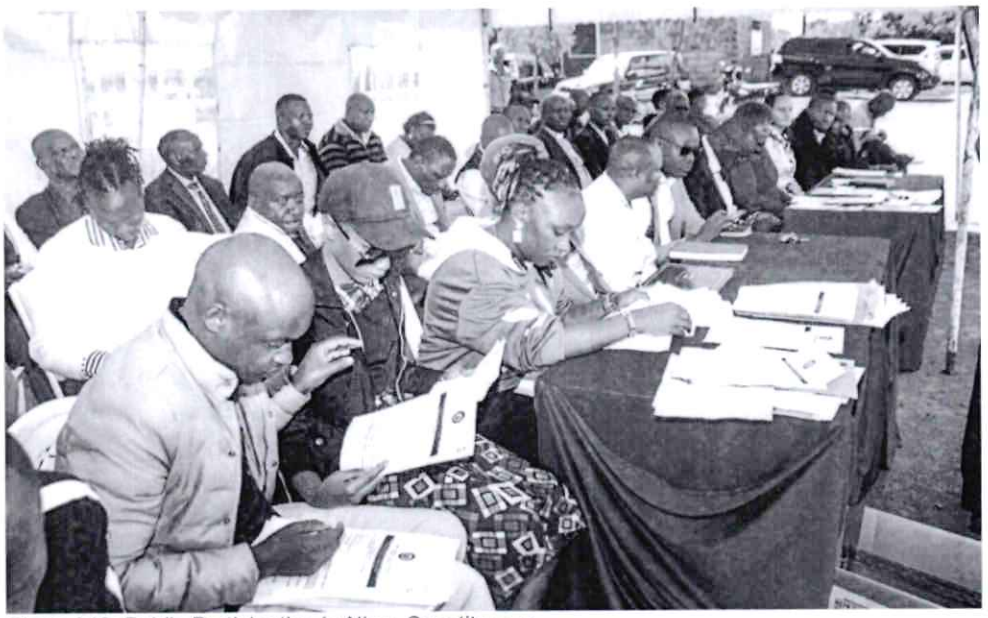

Photo 213: Public Participation in Njoro Constituency

4.4.214 North Horr Constituency

689. The public hearing exercise was held at the North Horr Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 240 members of the public participated in the exercise.

690. A total of 237 participants expressed their support for the Bill and stated, among other reasons, that:
   (i) The NG-CDF and NGAAF have supported students through the disbursement of bursaries and facilitated infrastructural development in public learning institutions by building classrooms and administration blocks. The Funds have also enhanced equality in marginalised areas.
   (ii) The NG-CDF has contributed to improved security in the region by enabling the construction of police stations, police posts, and administrative offices.

(iii) The NG-CDF has established accountability mechanisms, thus there is minimal or no wastage of funds.

691. On the other hand, 3 participants expressed their reservations on the Bill. In their view, the Funds would be used to usurp the functions of county governments, were prone to misuse and potential unequal distribution of NG-CDF resources at the local level.

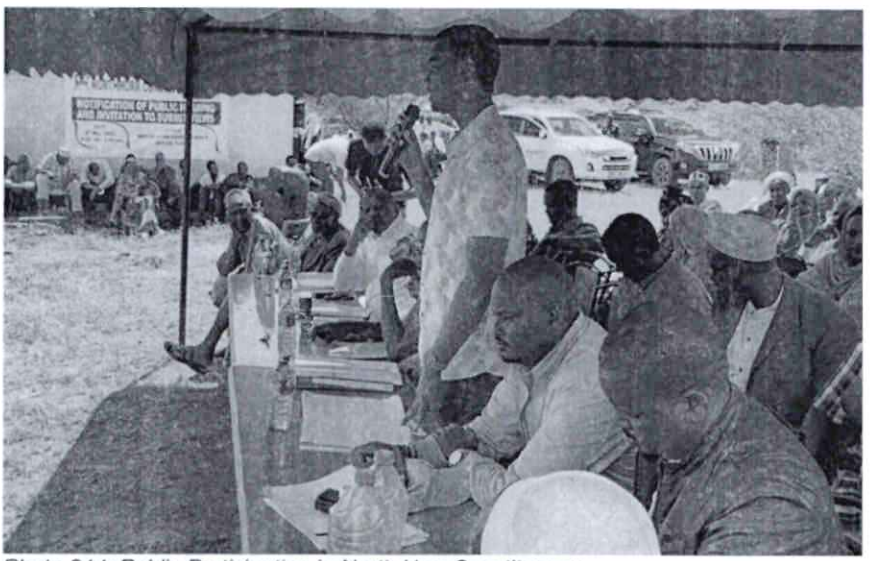

Photo 214: Public Participation in North Horr Constituency

4.4.215 North Imenti Constituency

692. The public hearing exercise was held at the North Imenti Constituency Office from 5th to 8th May 2025 from 8.00 am to 5.00 pm. A total of 1,871members of the public participated in the exercise.

693. A total of 1,868 participants expressed their support for the Bill for the following reasons:
   (i) The SOF would enable Senators to oversee the devolved units, ensuring accountability.
   (ii) The NGAAF has served the marginalised members of the communities, including women, PWDs and the elderly.
   (iii) The NG-CDF has provided bursaries to needy students and improved the infrastructure of primary and secondary schools by building and renovating classrooms and modern toilets. The Fund has also improved security in the region by enabling the construction of police stations, police posts, and administrative offices.
   (iv) The NG-CDF has promoted equal constituency development and enhanced public participation in various projects.
   (v) The NG-CDF and NGAAF projects have provided job opportunities to people within constituencies.

694. On the contrary, 3 participants expressed reservations on the Bill concerned that there was a likely conflict of interest in the management and oversight of the NG-CDF.

Photo 215: Public Participation in North Imenti Constituency

4.4.216 North Mugirango Constituency

695. The public hearing exercise was held at the Ekerenyo Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 460 members of the public participated in the exercise.

696. Of these, 458 persons supported the Bill for the following reasons:
   (i) The NGCF would address the local needs of the people including education through bursaries, development of infrastructure in schools and enhanced security through the construction of NGAO offices. The Fund would also facilitate the establishment of infrastructure such a tea buying centres and *bodaboda* shades.
   (ii) The NGCF would be easily accessible at the grassroot level and would have a direct impact on communities as the local projects are closer to the constituents in comparison to those being done by county governments.
   (iii) The NGAAF would ensure financial support of affirmative action groups such as women, youth and persons with disability. Further, the Fund would assist PWDs by promoting inclusivity and accessibility as it provides resources for education, healthcare and vocational training.
   (iv) The NGAAF would also assist vulnerable children, women and girls by providing essential resources such as sanitary towels, improving their well-being.
   (v) The establishment of the SOF would ensure socio-economic development at the county level through strengthened oversight by the Senate.

697. Conversely, 2 participants expressed their reservations on the Bill but did not give reasons.

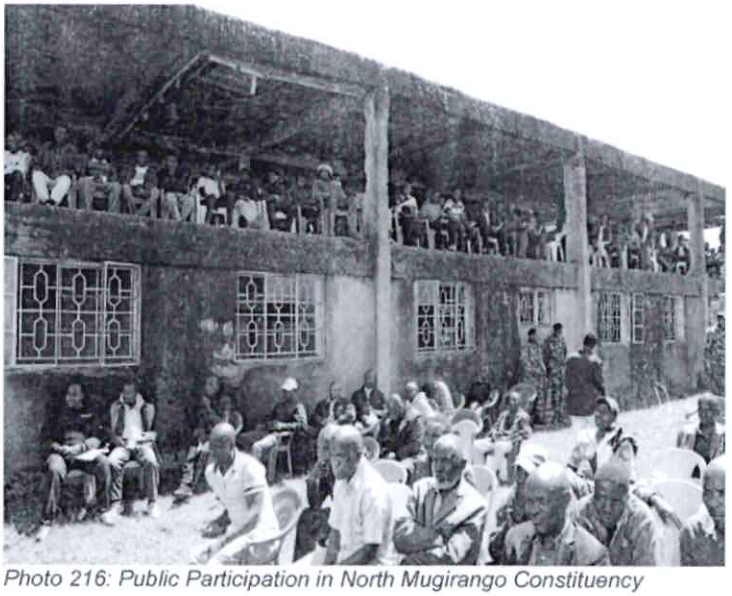

Photo 216: Public Participation in North Mugirango Constituency

4.4.217 Nyakach Constituency

698. The public hearing exercise was held at the Nyakach Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,535 members of the public participated in the exercise.

699. A total of 1,527 participants expressed their support for the Bill. The reasons cited in support of the Bill included the following:
   (i) The NG-CDF and NGAAF have supported education in the region through the issuance of bursaries to needy students. The Funds have also significantly improved security and educational infrastructure by constructing police posts and classrooms across the constituency.

700. On the other hand, 8 participants expressed their reservations on the Bill. The main issue raised was that the management and implementation of the Funds should be fully devolved to county governments.

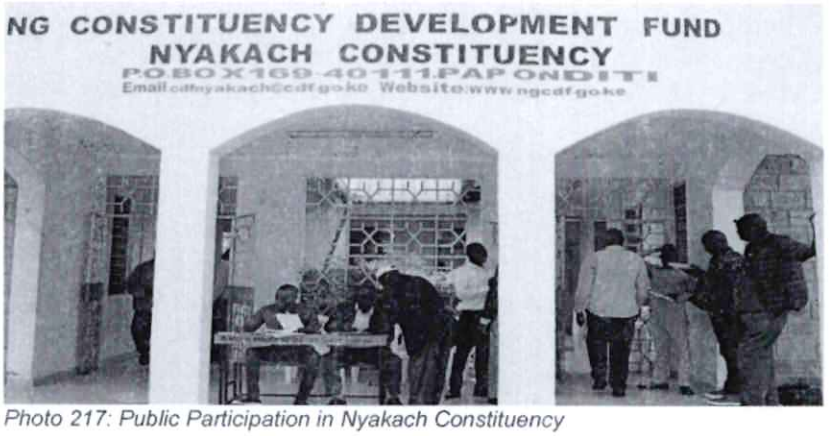

Photo 217: Public Participation in Nyakach Constituency

4.4.218 Nyali Constituency

701. The public hearing exercise was held at the Nyali Constituency Office, from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 828 members of the public participated in the exercise.

702. All the 828 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF projects are planned and executed in close consultation with residents and ensures that projects are prioritised in accordance with the community's needs. The Fund has also supported the construction and rehabilitation of cabro roads, facilitating smoother travel and boosting commerce within towns and villages. These projects have created employment opportunities.
   (ii) The NG-CDF has also enhanced security in the constituency through the construction of police posts, administration offices and installation of security lights.
   (iii) The NG-CDF and NGAAF have provided bursaries to needy students and facilitated the construction and expansion of schools.

Photo 218: Public Participation in Nyali Constituency

4.4.219 Nyando Constituency

703. The public hearing exercise was held at the Nyando Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 870 members of the public participated in the exercise.

704. All the 870 participants expressed their support for the Bill, noting, among other reasons, that the funds had supported needy students through bursaries and maintained and developed most of the constituency's schools' infrastructure.

Photo 219: Public Participation in Nyando Constituency

4.4.220 Nyaribari Chache Constituency

705. The public hearing exercise was held at the Nyaribari Chache Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 574 members of the public participated in the exercise.

706. Of these, 570 participants expressed their support for the Bill by stating as follows:
   (i) The NG-CDF and NGAAF have provided bursaries to students and funded the development of learning institutions' infrastructure, such as classrooms and other school amenities.
   (ii) The NG-CDF has also assisted in the protection of the environment through tree planting initiatives in schools and contributed to improved regional security by enabling the construction of police stations, police posts, and administrative offices.

707. Conversely, 4 participants expressed their reservations on the Bill. The primary concern was a fear of corruption and mismanagement of the Funds.

Photo 220: Public Participation in Nyaribari Chache Constituency

4.4.221 Nyaribari Masaba Constituency

708. The public hearing exercise was held at the Nyaribari Masaba Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 313 members of the public participated in the exercise.

709. A total of 310 participants expressed their support for the Bill and submitted as follows:
   (i) The NG-CDF and NGAAF have supported access to education through the infrastructural development of school amenities such as classrooms, laboratories, and modern toilets, as well as the provision of bursary funds for needy students.
   (ii) The Ng-CDF has also contributed to mitigating climate change by facilitating tree-planting initiatives in the area. The Fund has also been instrumental in building offices for chiefs and assistant chiefs, including constructing police stations and enhancing security.

710. Conversely, 3 participants expressed their reservations on the Bill. The main concerns raised were fears of mismanagement and the bureaucracy involved in disbursing the funds.

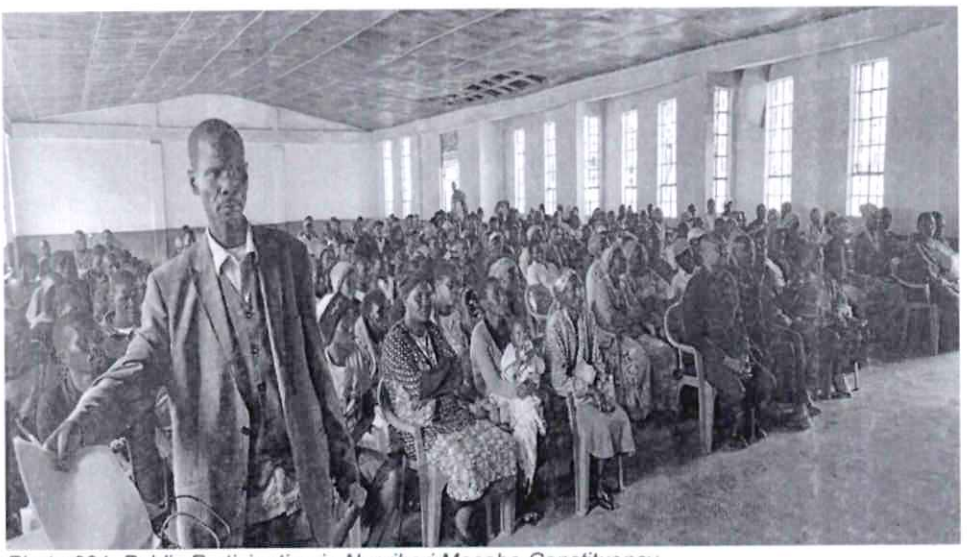

Photo 221: Public Participation in Nyaribari Masaba Constituency

4.4.222 Nyatike Constituency

711. The public hearing exercise was held at the Nyatike Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 352 members of the public participated in the exercise.

712. A total of 351 participants supported the Bill and stated as follows:
    (i) The NG-CDF has provided funding for developing essential community infrastructure such as boreholes, laboratories, classrooms, school buses, dormitories, toilets, hospitals, police stations, offices for NGAO and facilitated road construction and maintenance projects. Further, the NGCF would improve representation at the constituency level compared to the county level.
    (ii) The NGAAF has empowered women and youth through support for small businesses and assistance to vulnerable groups, including widows, orphans, and PWDs. The Fund has also created employment opportunities within local communities and provided emergency response support to communities.
    (iii) The SOF would strengthen effective oversight by Senators.

713. Conversely, one participant expressed reservations on the Bill concerned that the Senate should not manage the SOF.

Photo 222: Public Participation in Nyatike Constituency

4.4.223 Nyeri Town Constituency

714. The public hearing exercise was held at the Nyeri Town Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 382 members of the public participated in the exercise.

715. A total of 367 participants expressed their support for the Bill. They submitted as follows:
   (i) The NG-CDF has facilitated many development projects in the community, the most impactful of which is the development of school infrastructure.
   (ii) The Senate should be equipped to oversee county government funds and functions.
   (iii) The NGAAF has been instrumental in providing resources within the community to ensure equity and inclusivity in development in the country.
   (iv) The establishment of three Funds will enhance the accessibility of government services to ordinary citizens.

716. While supporting the Bill, some participants stated that Parliament should ensure the implementation of proper accountability measures for utilization of the three Funds.

717. Conversely, 15 participants expressed their reservations on the Bill. They stated that the SOF and the NGAAF are unnecessary. In their view, the SOF would duplicate the functions of county governments. Noting loopholes in allocating bursaries to needy students, some participants proposed that the resources be redirected to alternative initiatives, such as increasing the rates for coffee prices. The participants also stated that the three Funds could be used for political expediency.

Photo 223: Public Participation in Nyeri Town Constituency

4.4.224 Ol Jorok Constituency

718. The public hearing exercise was held at the Ol Jorok Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 702 members of the public participated in the exercise.

719. A total of 701 participants expressed their support for the Bill and submitted as follows:
   (i) The NG-CDF has supported education through bursaries for the needy students, school feeding programmes, construction of dining halls, classrooms and science laboratories, issuance of desks to learners, construction of ablution blocks and water tanks in schools, procurement of school buses, and scholarships to students in TVETs.

(ii) The NG-CDF has also been instrumental in infrastructural development, such as the construction of the chief's offices, police posts, and stations, improvement of rural roads and bridges, enhanced electricity access through matching funds and street lighting, construction of ICT Hubs, construction of hospitals, and drilling of boreholes.

(iii) In addition, NG-CDF has ensured effective development through timely payment of contractors, creation of employment for youth, timely completion of projects and easy accessibility of services.

(iv) The NGAAF has provided social support by paying for insurance coverage for senior citizens, greatly impacted talents and sports development through the issuance of playing kits and balls, provided food relief, such as food distributed during droughts and assisted the vulnerable through empowerment programmes in the country.

720. On the other hand, one participant expressed reservations on the Bill but did not give reasons.

Photo 224: Public Participation in Ol Jorok Constituency

4.4.225 Ol Kalou Constituency

721. The public hearing exercise was held at the Ol Kalou Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 623 members of the public participated in the exercise.

722. A total of 617 participants expressed their support for the Bill. The reasons cited in support of the Bill included:

(i) The NG-CDF and NGAAF have supported education at the constituency level by helping disadvantaged students through bursaries and constructing classrooms and sanitation facilities. The Funds have also facilitated infrastructure development, including the construction of police stations and local chiefs' offices.

(ii) The NGAAF has strengthened vulnerable groups via local initiatives within the county, such as youth empowerment through the provision of seed capital to do business, licensing *bodaboda* riders and creating employment for local residents.

(iii) The NG-CDF has constituency development.

723. Conversely, 6 participants expressed their reservations about the Bill. The main concerns raised included a lack of transparency and oversight of the Funds, which increases the risk of mismanagement; a likely conflict of interest in the management of NG-CDF; and unfair allocation of bursaries. In their view, resources should be allocated through the two levels of government only; the national and county government to avoid a duplication of roles. Entrenching the three Funds in the Constitution would create an increase in public expenditure, burdening an already strained taxpayer.

Photo 225: Public Participation in Ol Kalou Constituency

4.4.226 Othaya Constituency

724. The public hearing exercise was held at the Othaya Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 350 members of the public participated in the exercise.

725. A total of 349 participants expressed their support for the Bill. They submitted, among other reasons, that:
   (i) The NG-CDF has facilitated the improvement of education infrastructure, constructed police posts and administration blocks, which have enhanced security and developed youth ICT Hubs.
   (ii) The NG-CDF and NGAAF has enhanced access to education through the provision of bursaries to needy students. The Funds have also brought development closer to the people.

726. Conversely, one participant expressed his reservations on the Bill citing that the Members of Parliament should focus on their representation and oversight roles. Further that, the SOF was unnecessary funding for Senators and would cause a financial strain on Kenyan taxpayers.

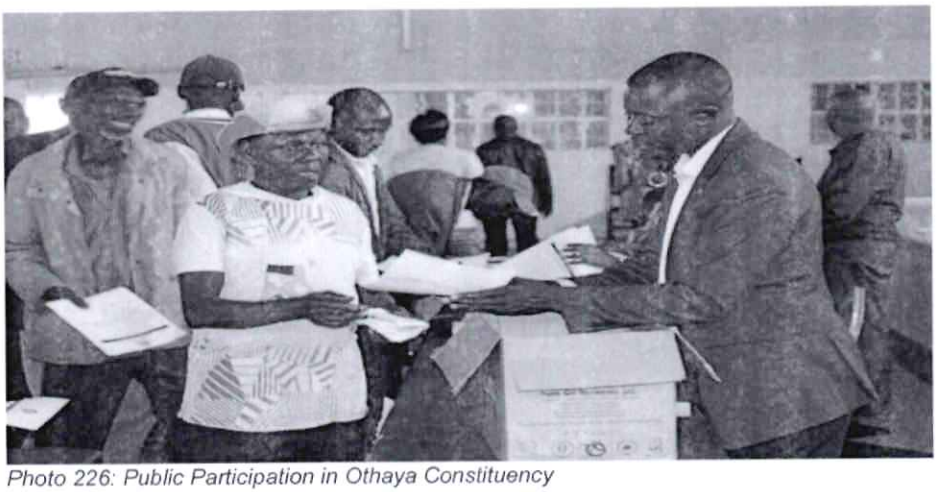

Photo 226: Public Participation in Othaya Constituency

4.4.227 Pokot South Constituency

727. The public hearing exercise was held at the Pokot South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 199 members of the public participated in the exercise.

728. A total of 191 participants expressed their support for the Bill citing, among other reasons, that:
   (i) The NG-CDF has contributed to education through provision of bursaries to needy students and facilitating the construction of schools, classrooms, libraries, laboratories and purchasing of school buses.
   (ii) The NG-CDF and NGAAF have contributed to community empowerment through the creation of employment opportunities in the local projects.
   (iii) The NG-CDF has facilitated the construction of police stations and NGAO Offices.
   (iv) The NG-CDF and NGAAF have supported the distribution of dignity kids to school-girl girls and assistive devices to persons with disabilities.
   (v) The Senate Oversight Fund would enable the Senate to effectively discharge its oversight mandate.

729. On the other hand, 8 participants expressed reservations on the Bill.

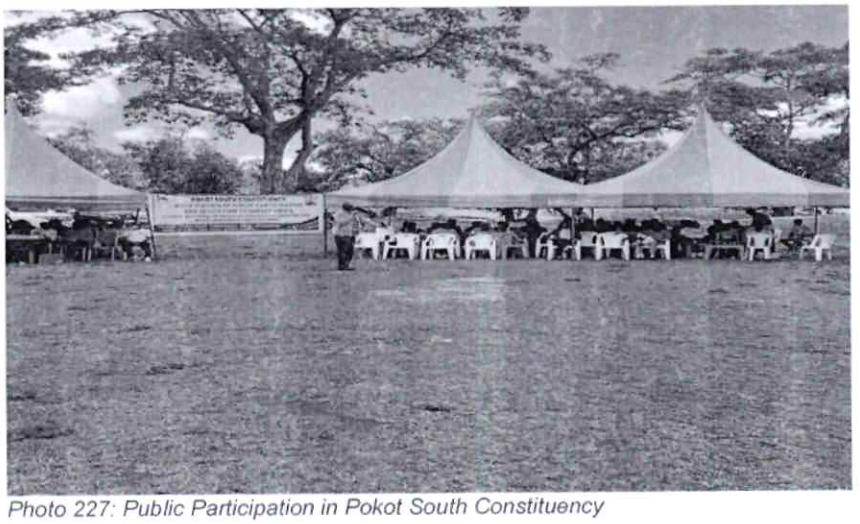

Photo 227: Public Participation in Pokot South Constituency

4.4.228 Rabai Constituency

730. The public hearing exercise was held at the Rabai Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,086 members of the public participated in the exercise.

731. A total of 1,081 participants expressed their support for the Bill and citing, among other reasons, that:
   (i) The NG-CDF has promoted education through provision of bursaries to students thus easing the burden of school fees on disadvantaged families.
   (ii) The NG-CDF has improved school infrastructure through the construction of schools and classrooms.

732. On the contrary, 5 participants expressed reservations on the Bill and stated among other concerns that there was unequal distribution of the Funds for all the constituents

Photo 228: Public Participation in Rabai Constituency

4.4.229 Rangwe Constituency

733. The public hearing exercise was held at the Rangwe Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 570 members of the public participated in the exercise.

734. A total of 563 participants expressed their support for the Bill and stated, among other reasons, that the NG-CDF has supported sectors such as education health and infrastructure.

735. On the contrary, 7 participants expressed reservations on the Bill and stated, among other concerns, that there was alleged misappropriation of the funds due to lack of clear oversight mechanisms.

Photo 229: Public Participation in Rangwe Constituency

4.4.230 Rarieda Constituency

736. The public hearing exercise was held at Rarieda Constituency Office from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 7,993 members of the public took part in the exercise.

737. Of these, 7,963 persons supported the Bill stating, among other reasons, that:
   (i) The NG-CDF has enabled local communities to take charge of their own development by financing projects that address their specific needs. The Fund has also created employment opportunities and stimulated economic growth.
   (ii) The NG-CDF has promoted equity in development by bridging the gap between urban and rural constituencies ensuring the most underserved areas receive support for critical infrastructure including health facilities.
   (iii) The NG-CDF has enhanced access to education through construction of classrooms and school infrastructure and issuance of bursaries.
   (iv) The NGAAF has supported vulnerable groups through targeted assistance to orphans, the elderly and PWDs and social inclusion programs.

738. On the other hand, 30 persons expressed their reservations on the Bill due to a fear of mismanagement of the Funds, inadequate oversight mechanisms, previous allegations of political favouritism in project allocation and a likely conflict of interest in the management and oversight of the Funds.

Photo 230: Public Participation in Rarieda Constituency

4.4.231 Rongai Constituency

739. The public hearing exercise was held at the Rongai Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 247 members of the public participated in the exercise.

740. A total of 246 members of the public supported the Bill citing among others reasons that:
   (i) The NG-CDF has enhanced access to education by providing bursaries to needy students, improving infrastructure in schools, facilitating the construction of new classrooms and purchasing of school buses.
   (ii) The NG-CDF has enhanced security through construction of police stations and NGAO offices.
   (iii) The NG-CDF and NGAAF have promoted economic empowerment to women, youths and PWDs.

741. On the other hand, 1 participant expressed reservations on the Bill stating among other concerns that there has been alleged corruption and nepotism in the allocation of bursaries and projects.

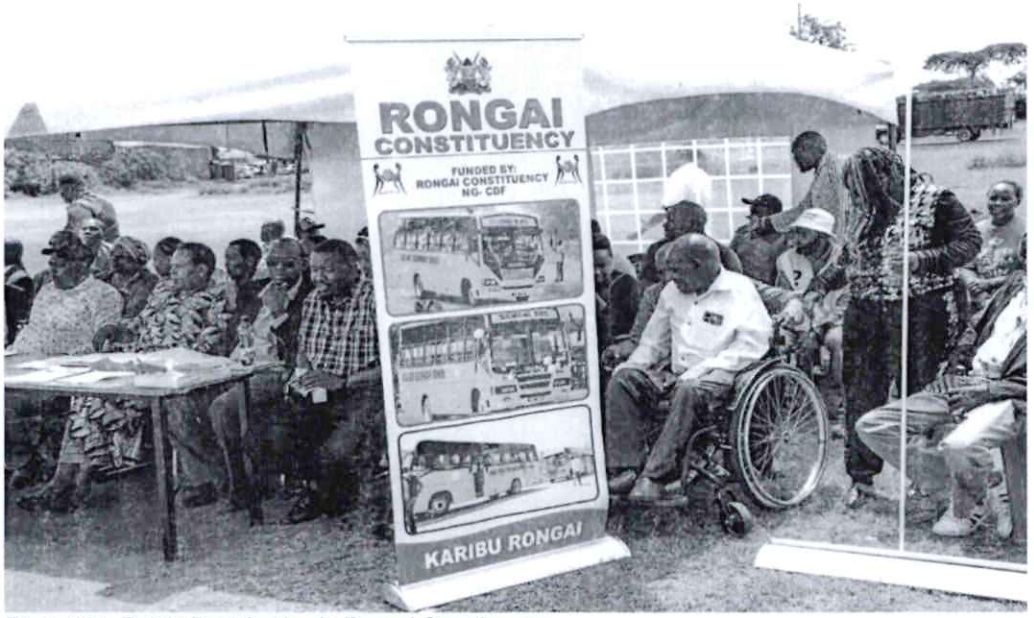

Photo 231: Public Participation in Rongai Constituency

4.4.232 Rongo Constituency

742. The public hearing exercise was held at the Rongo Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 365 members of the public participated in the exercise.

743. All the 365 participants supported the Bill citing among other reasons that:
   (i) The NG-CDF has contributed to education through provision of bursaries as well as the construction and maintenance of school infrastructure.
   (ii) The NG-CDF has supported infrastructural development through the drilling of boreholes, construction of security and NGAO offices and establishment of ICT hubs.
   (iii) The NG-CDF and NGAAF have contributed to economic empowerment through creation of employment opportunities for the women, youth and vulnerable groups.

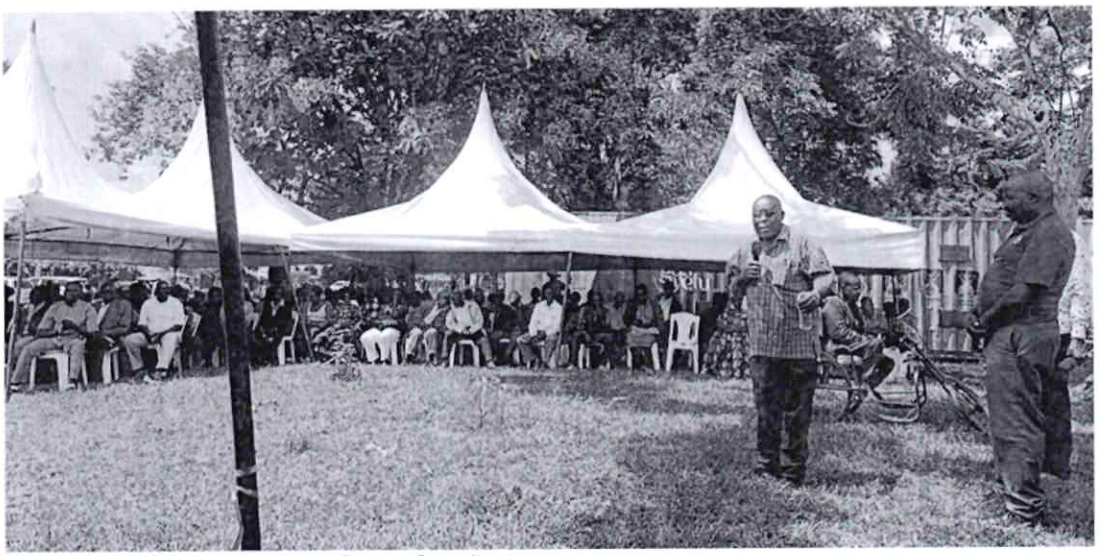

Photo 232: Public Participation in Rongo Constituency

4.4.233 Roysambu Constituency

744. The public hearing exercise was held at the Roysambu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 530 members of the public participated in the exercise.

745. A total of 528 participants expressed their support for the Bill citing, among other reasons, that:
   (i) The NG-CDF has supported the education sector through provision of bursaries to needy and vulnerable students and contributed to the construction of schools.
   (ii) The NG-CDF has contributed to infrastructural development through construction of drainage systems and facilitated the installation of security lights.
   (iii) The Senate Oversight Fund would support the Senate to effectively discharge its oversight mandate.

746. While supporting the Bill, the members of the public stated that the Funds should be allocated to the relevant Ministries.

747. On the contrary, 2 participants expressed reservations on the Bill but did not give any reasons.

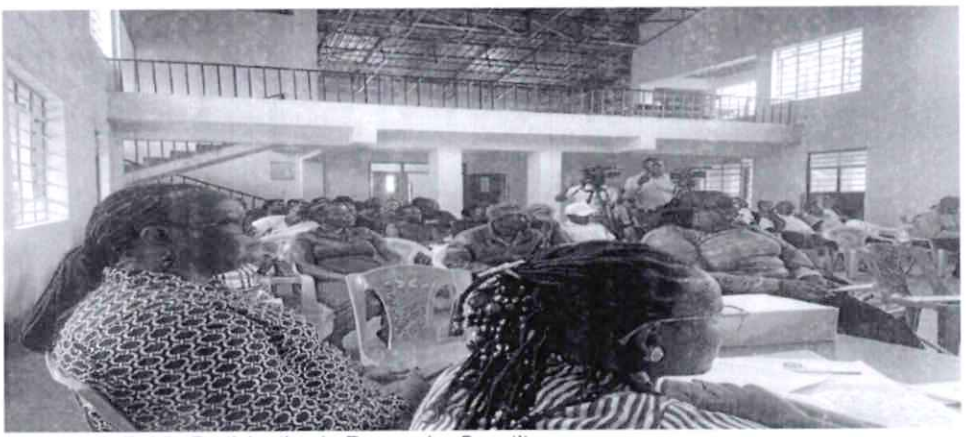

Photo 233: Public Participation in Roysambu Constituency

4.4.234 Ruaraka Constituency

748. The public hearing exercise was held at the Ruaraka Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,758 members of the public participated in the exercise.

749. A total of 1,727 participants expressed their support for the Bill citing among other reasons that:
   (i) The NG-CDF has supported education through provision of bursaries to needy students.
   (ii) The NG-CDF and NGAAF have enhanced security through the construction of police stations and NGAO offices.

750. On the contrary, 31 participants expressed reservations on the Bill stating among other concerns that:
   (i) There was unequal distribution of the NG-CDF and NGAAF thereby disadvantaging many deserving students.
   (ii) The entrenchment of the Funds in the Constitution will add to the taxpayer's financial burden.

Photo 234: Public Participation in Ruaraka Constituency

4.4.235 Ruiru Constituency

751. The public hearing exercise was held at the Ruiru Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,467 members of the public participated in the exercise.

752. A total of 1,464 participants expressed their support for the Bill citing among other reasons that:
   (i) The NG-CDF has contributed to education by providing bursaries to needy students.
   (ii) The NG-CDF has enhanced security through the construction of police stations and NGAO offices.

753. On the contrary, 3 participants expressed reservations on the Bill stating among other concerns that entrenchment of the Funds in the Constitution would undermine the principle of separation of powers.

Photo 235: Public Participation in Ruiru Constituency

4.4.236 Runyenjes Constituency

754. The public hearing exercise was held at the Runyenjes Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 518 members of the public participated in the exercise.

755. All the 518 participants supported the Bill citing among other reasons that:
   (i) The NG-CDF has contributed to the education sector by providing bursaries to needy students.
   (ii) The NG-CDF has enhanced security by facilitating the construction of police stations and NGAO offices.
   (iii) The NG-CDF and NGAAF have contributed to the economic empowerment of the youth through construction of *bodaboda* shades.

Photo 236: Public Participation in Runyenjes Constituency

4.4.237 Sabatia Constituency

756. The public hearing exercise was held at the Sabatia Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,416 members of the public participated in the exercise.

757. A total of 1,093 members of the public supported the Bill citing among others reasons that:
   (i) The NG-CDF has supported education through issuance of bursaries to needy students, sponsoring the youth to undertake short courses to improve their technical skills as well as construction of classrooms and laboratories.
   (ii) The NG-CDF has contributed to infrastructural development by constructing police stations and NGAO offices.

758. On the other hand, 53 participants expressed reservations on the Bill.

Photo 237: Public Participation in Sabatia Constituency

4.4.238 Saboti Constituency

759. The public hearing exercise was held at the Saboti Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 568 members of the public participated in the exercise.

760. A total of 567 participants expressed their support for the Bill, citing among other reasons that:
   (i) The NG-CDF has supported education by providing bursaries to needy students, contributing to the school feeding program, facilitated the construction of classrooms, administration and ablution blocks as well as purchasing school buses.
   (ii) The NG-CDF and NGAAF have supported environmental conservation initiatives through tree planting initiatives.

761. On the contrary, 1 participant expressed reservations on the Bill but did not state any reasons.

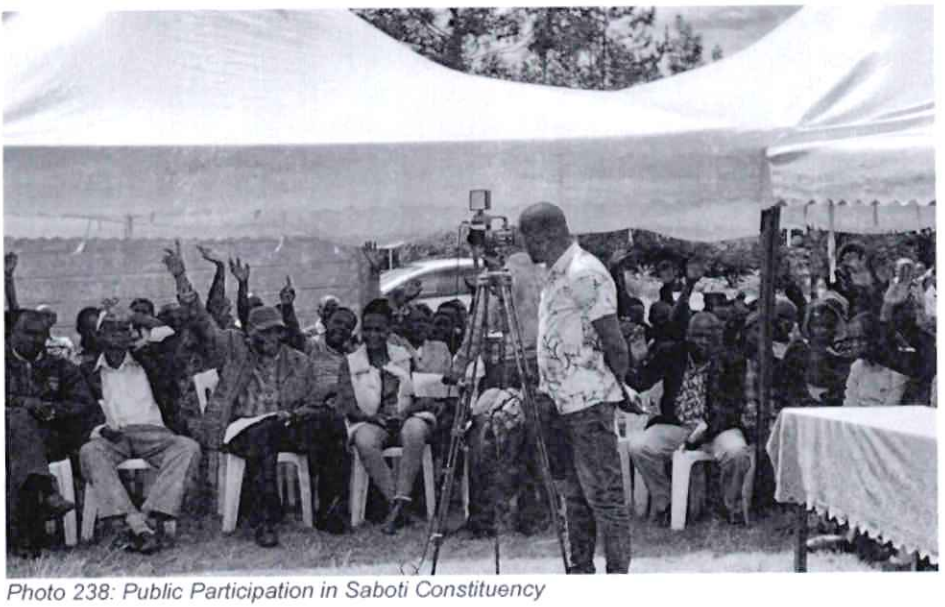

Photo 238: Public Participation in Saboti Constituency

4.4.239 Saku Constituency

762. The public hearing exercise was held at the Saku Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 429 members of the public participated in the exercise.

763. A total of 428 participants expressed their support for the Bill citing, among other reasons, that:
   (i) The NG-CDF has assisted in addressing social issues such as early marriages, drug abuse and banditry among the youth by enhancing access to education. The Funds have also supported the construction of schools, classrooms, laboratories and dormitories.
   (ii) The NG-CDF and NGAAF have provided access to full and partial scholarships to needy students.
   (iii) The NG-CDF has enhanced security by facilitating the construction of police stations and NGAO offices.

764. On the contrary, 1 participant expressed reservations on the Bill stating, among other concerns, that the Bill would result to duplication of roles between the Executive and the Legislature.

Photo 239: Public Participation in Saku Constituency

4.4.240 Samburu East Constituency

765. The public hearing exercise was held at the Samburu East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 145 members of the public participated in the exercise.

766. All the 145 participants supported the Bill citing, among other reasons, that:
   (i) The NG-CDF has supported education by providing bursaries to needy students and improving school infrastructure.
   (ii) The NG-CDF and NGAAF have facilitated school-going girls with sanitary pads and supported vulnerable groups within the constituency.
   (iii) The NGAAF has supported the establishment of rescue centres for victims of GBV.
   (iv) The Senate Oversight Funds would enhance transparency and accountability of county finances.

Photo 240: Public Participation in Samburu East Constituency

4.4.241 Samburu North Constituency

767. The public hearing exercise was held at the Samburu North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 220 members of the public participated in the exercise.

768. A total of 218 participants expressed their support for the Bill citing among other reasons that:
   (i) The NG-CDF has supported education by providing bursaries to needy students and contributing to the constructing schools.
   (ii) The NG-CDF and NGAAF have contributed to economic empowerment of vulnerable groups as well as supported school-going girls with sanitary pads.
   (iii) The Senate Oversight Funds facilitate effective oversight and monitoring of county finances.

769. On the other hand, 2 participants expressed reservations on the Bill but did not give reasons.

Photo 241: Public Participation in Samburu North Constituency

4.4.242 Samburu West Constituency

770. The public hearing exercise was held at the Samburu West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 544 members of the public participated in the exercise.

771. A total of 516 participants expressed their support for the Bill. They submitted as follows:
   (i) The provision of bursaries through the NG-CDF has been key in supporting school-going children in their communities. Additionally, the Fund has played a key role in advancing infrastructure development in the constituency, including constructing schools, laboratories, dormitories, dispensaries and police posts. The construction of such police posts has improved the area's security and boosted investment in the constituency.
   (ii) In addition, the NG-CDF has complemented county government initiatives, particularly in areas of disaster management. They expressed optimism that continued facilitation of the NG-CDF would contribute to increased employment opportunities for the youth.
   (iii) The NGAAF empowers women-led businesses and various women-structured groups. In addition, the Fund facilitates the distribution of vital resources such as water tanks to benefit local community members. It has also established and supported girl-child rescue centres and supported orphans, persons with disabilities, and other vulnerable groups in society.
   (iv) The SOF was hoped to provide a structured platform for community members to engage with and monitor the performance of their elected leaders. Additionally, facilitating the Fund would strengthen the oversight role of the Senate.

772. On the other hand, 28 participants expressed their reservations on the Bill due to alleged past misappropriation of the NG-CDF and concerns regarding transparency and accountability in the management and distribution of the NG-CDF across the county.

Photo 242: Public Participation in Samburu West Constituency

4.4.243 Seme Constituency

773. The public hearing exercise was held at the Seme Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 705 members of the public participated in the exercise.

774. A total of 695 participants supported for the Bill stating, among other reasons, that:
   (i) The NG-CDF has been key in advancing school infrastructure in the constituency and has aided in providing bursaries.
   (ii) The different funded projects have created employment opportunities for the locals.
   (iii) The entrenchment of the NG-CDF, the SOF and NGAAF in the Constitution would ensure transparency, impartiality and timeliness in the disbursement of funds.

775. On the other hand, 10 participants expressed their reservations about the Bill. The main concern raised was a likelihood of unequal distribution of the three Funds. They added that the proposed amendment to enshrine the Funds in the Constitution was unnecessary, noting that the constituents still benefit from the Fund.

Photo 243: Public Participation in Seme Constituency

4.4.244 Shinyalu Constituency

776. The public hearing exercise was held at the Shinyalu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 200 members of the public participated in the exercise.

777. A total of 187 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF and NGAAF have provided bursaries to needy and vulnerable students.
   (ii) The NGAAF has provided wheelchairs to PWDs, facilitated the establishment of businesses within the communities, and supported the girl child.
   (iii) The NG-CDF has supported infrastructural development in the community, including hospitals, schools, and rural electrification, and provided water in schools by drilling boreholes and installing water tanks.
   (iv) The NG-CDF and NGAAF have created job opportunities for the locals through various project initiatives.

778. On the other hand, 13 participants expressed their reservations about the Bill due to a lack of improvement in the area's transport infrastructure despite the existence of the NG-CDF.

Photo 244: Public Participation in Shinyalu Constituency

4.4.245 Sigor Constituency

779. The public hearing exercise was held at the Sigor Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 241 members of the public participated in the exercise.

780. All the 241 participants expressed their support for the Bill and stated as follows:
   (i) The NG-CDF has provided bursaries to needy and vulnerable students to relieve the financial burden on parents; purchased school buses to improve school transport; constructed and maintained roads and bridges for better access and mobility;

developed chiefs' offices, police posts, and boreholes to improve public services; and has generally enhanced public infrastructure within constituencies.

(ii) The SOF would strengthen oversight over national and county government projects effectively and promote transparency and accountability in public resource utilisation.

(iii) The NG-CDF and NGAAF have created employment opportunities through local project implementation, promoted sports and talent development among youth, and supported equality in access to services and community welfare programs.

(iv) The NGAAF was widely praised for its inclusive approach to addressing the needs of marginalised groups, especially women, youth, PWDs and the vulnerable in society. Key areas of support cited included distribution of dignity kits, including sanitary pads to school-going girls thus enhancing school retention and dignity; provision of assistive devices such as wheelchairs for PWDs; supplying community tents used during public functions, funerals, and women/youth events; provision of support for economic empowerment programmes, including start-up grants and training for women and youth groups; and promoting gender equality, affirmative action and social inclusion at the grassroots level.

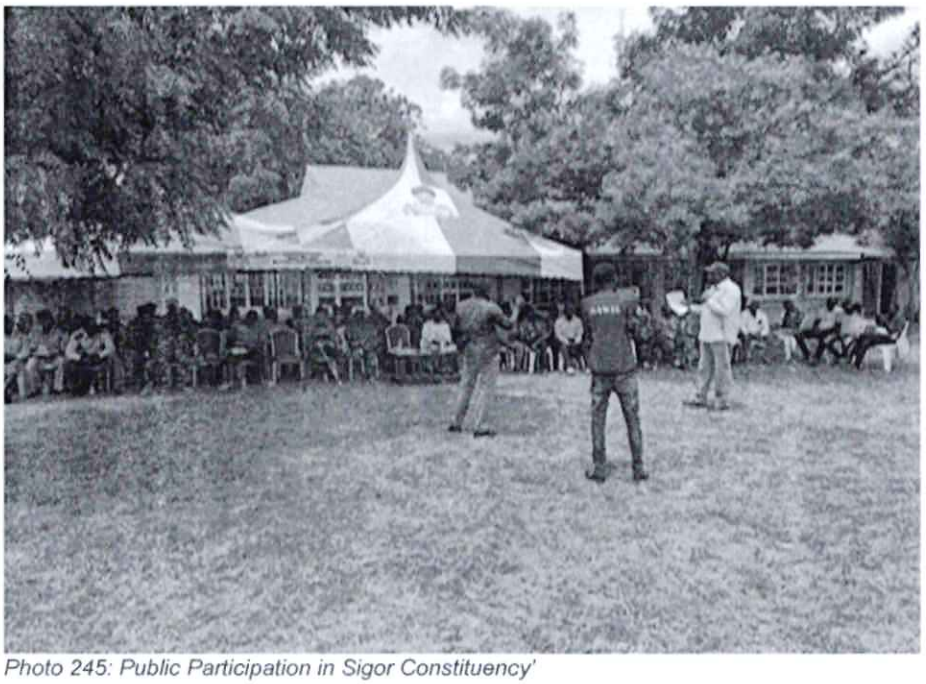

Photo 245: Public Participation in Sigor Constituency'

4.4.246 Sigowet Soin Constituency

781. The public hearing exercise was held at Sigowet Soin Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 601 members of the public participated in the exercise.

782. A total of 582 participants supported the Bill for the following reasons:

(i) The NG-CDF has provided bursaries to needy students and facilitated the construction of Sigowet KMTC which has led to the community's economic empowerment.

(ii) The NGAAF provided sanitary towels to the school-going girls and assisted the marginalised groups in the community.

783. While supporting the Bill, some participants proposed an increase of budgetary allocation of the NG-CDF and NGAAF and implementation of a clear legal framework for managing the Funds to ensure equity and equality.

784. On the other hand, 19 participants expressed their reservations on the Bill for the following reasons:
   (i) Previous allegations of mismanagement of the Funds and a lack of accountability and transparency in the utilization of the Funds.
   (ii) The Funds should be allocated to the ministries concerned. For example, bursaries should be channelled to the Ministry of Education to reduce corruption and ensure equity. This will provide free primary, secondary, college, and university education.
   (iii) The Funds would cause an increase in government expenditure.

Photo 246: Public Participation in Sigowet Soin Constituency

4.4.247 Sirisia Constituency

785. The public hearing exercise was held at the Sirisia Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 972 members of the public participated in the exercise.

786. A total of 969 participants expressed their support for the Bill by submitting as follows:
   (i) The NG-CDF and NGAAF have enhanced access to education education by issuing bursaries, furthering literacy within the constituency.
   (ii) Entrenching the funds in the Constitution would enable all parts of the country to realise accelerated development and enable continuous infrastructural upgrades of local institutions within the constituency, including primary, secondary, and tertiary institutions.

787. On the other hand, 3 participants expressed their reservations about the Bill, mainly regarding nepotism in the disbursement of Funds.

Photo 247: Public Participation in Sirisia Constituency

4.4.248 Sotik Constituency

788. The public hearing exercise was held at the Sotik Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 634 members of the public participated in the exercise.

789. A total of 633 participants supported the Bill for the following reasons:
   (i) The NG-CDF provides financial assistance through bursaries to needy and deserving students, helping them pursue their educational goals.
   (ii) The fund has significantly contributed to developing essential infrastructure in the education sector. This includes constructing new schools, classrooms, libraries, and other vital facilities, ultimately improving access to education and other essential services.
   (iii) The SOF would enable the Senate to fulfil its constitutional responsibility to oversee the County Government. This oversight is crucial for maintaining checks and balances within the government.
   (iv) The NGAAF aims to ensure that women, youth, persons with disabilities, and other vulnerable populations receive targeted support. The fund also boosts socio-cultural development and nurtures talent for affirmative action groups, including promoting art, music, and sports.

790. On the other hand, 1 participant expressed reservations on the Bill but did not give reasons.

Photo 248: Public Participation in Sotik Constituency

4.4.249 South Imenti Constituency

791. The public hearing exercise was held at the South Imenti Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,510 members of the public took part in the exercise.

792. Of these, 1,503 persons supported the Bill for the following reasons:
   (i) The Bill is a critical amendment that will directly impact the lives of Kenyans and there may be a need for an increased budgetary allocation to the Funds. Further that, there is a need to formally address the legal challenges hindering the progress of NG-CDF.
   (ii) Devolution of power and resources is enshrined in the Constitution hence the SOF would empower the Senate to carry out its oversight function.
   (iii) The NGAAF has empowered women and youth groups through the provision of seed capital to do business thereby contributing to reduced poverty levels.
   (iv) The NG-CDF has contributed to the construction and renovation of classrooms and other school infrastructure in primary and secondary learning institutions.
   (v) The NG-CDF and NGAAF have promoted equal access to education through the provision of bursaries for needy students.

793. On the other hand, 7 persons expressed their reservations on the Bill stating that the SOF was not necessary and resources should not be allocated to the three Funds due to a potential of embezzlement of the Funds.

Photo 249: Public Participation in South Imenti Constituency

4.4.250 South Mugirango Constituency

794. The public hearing exercise was held at the South Mugirango Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 468 members of the public participated in the exercise.

795. A total of 456 participants supported the Bill for the following reasons:
   (i) The NG-CDF has supported education at the constituency level by providing bursaries to students and promoted ICT literacy by supporting digital hub initiatives in the area.
   (ii) The NG-CDF has also contributed to the construction of NGAO offices.

796. On the other hand, 12 participants expressed their reservations on the Bill for the following reasons:
   (i) The Funds ought to be administered at the national level.
   (ii) The entrenchment of the three Funds will lead to a duplication of roles.

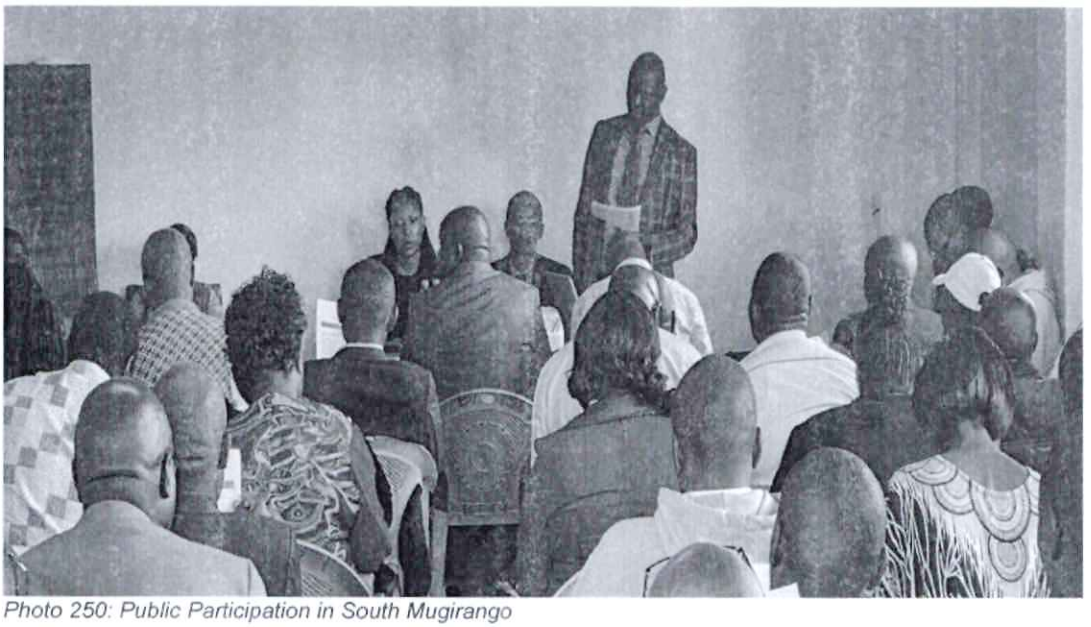

Photo 250: Public Participation in South Mugirango

4.4.251 Soy Constituency

797. The public hearing exercise was held at the Soy Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 613 members of the public participated in the exercise.

798. A total of 605 participants expressed their support for the Bill and submitted, among other reasons, that:
   (i) The NG-CDF has provided bursaries for needy students thus relieving the financial burden on parents. The Fund has also improved school infrastructure, thereby supporting education in the constituency.
   (ii) The NG-CDF has also enhanced security by supporting the construction of security infrastructure, including police posts and chiefs' offices.

799. On the other hand, 8 participants expressed reservations on the Bill but did not give reasons.

Photo 251: Public Participation in Soy Constituency

4.4.252 Starehe Constituency

800. The public hearing exercise was held at the Starehe Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,457 members of the public participated in the exercise.

801. A total of 1,410 participants supported the Bill for the following reasons:
   (i) The NG-CDF has supported infrastructure projects in schools. The Fund has also contributed to the construction of NGAO offices such as county commissioner offices and chiefs' offices.
   (ii) The NG-CDF has facilitated community development projects which have created employment opportunities for the constituents.

802. On the other hand, 47 participants expressed their reservations on the Bill. They submitted that entrenchment of the three Funds in the Constitution would burden an already strained taxpayer. In their view, bursaries issued by NG-CDF and NGAAF should be channelled through the Ministry of Education.

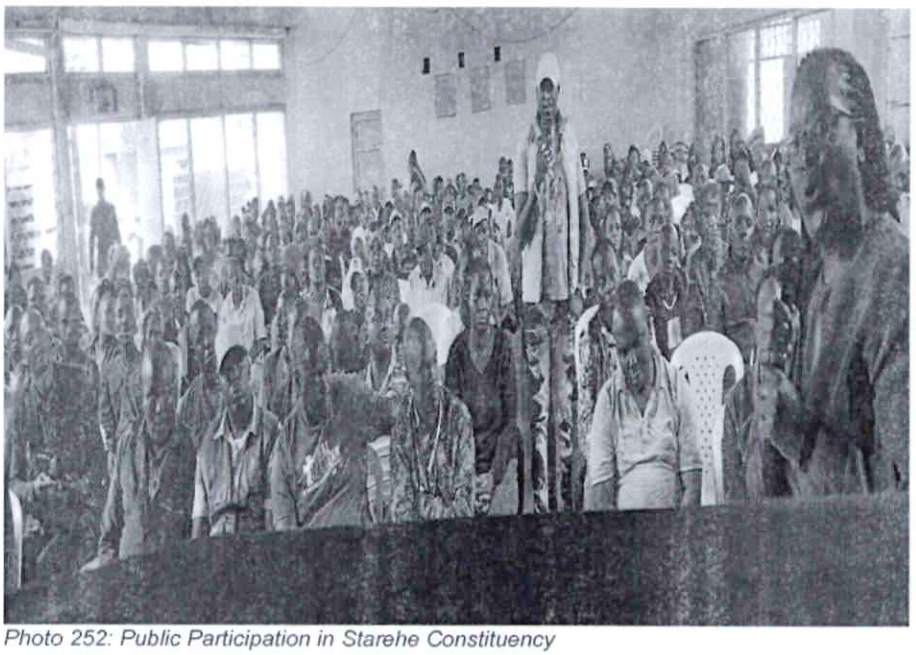

Photo 252: Public Participation in Starehe Constituency

4.4.253 Suba North Constituency

803. The public hearing exercise was held at the Suba North Constituency Office from 5th to 8th May 2025 between 8.00 am to 5.00 pm A total of 1,250 members of the public participated in the exercise.

804. A total of 1,239 participants supported the Bill for the following reasons:
   (i) The NG-CDF provides bursaries to needy students, constructs and maintains schools and transport infrastructure for better access and mobility, hence promoting access to education.

805. In contrast, 11 participants opposed the Bill without providing reasons.

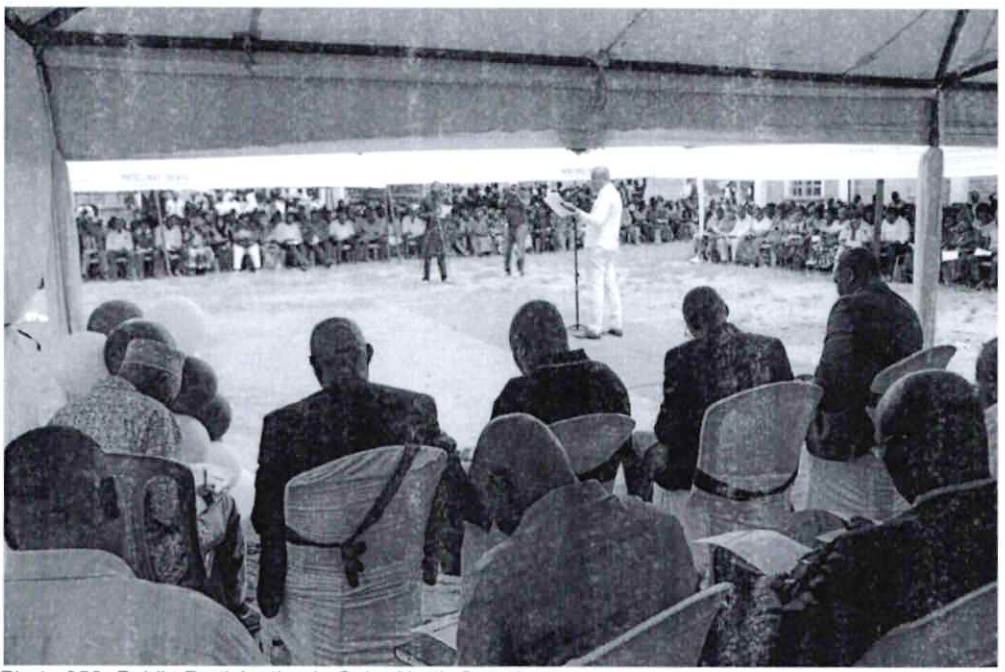

Photo 253: Public Participation in Suba North Constituency

4.4.254 Suba South Constituency

806. The public hearing exercise was held at the Suba South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 88 members of the public participated in the exercise.

807. A total of 77 participants supported the Bill for the following reasons:
   (i) The NG-CDF has enabled the construction and rehabilitation of infrastructure in the constituency, including schools and roads.
   (ii) The NG-CDF and NGAAF have also provided bursaries for needy and vulnerable students.
   (iii) The NGAAF has uplifted the lives of marginalised groups, including persons with disabilities, women, and youth.

808. On the other hand, 11 participants expressed their reservations on the Bill.

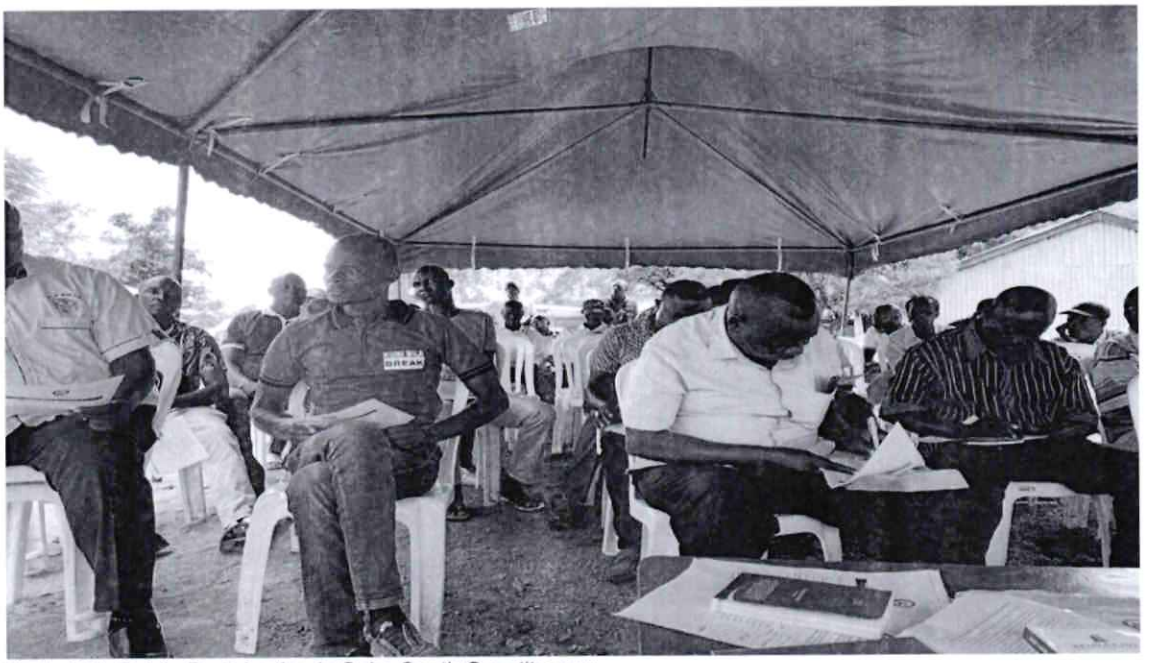

Photo 254: Public Participation in Suba South Constituency

4.4.255 Subukia Constituency

809. The public hearing exercise was held at the Subukia Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 273 members of the public participated in the exercise.

810. All the 273 participants supported the Bill and stated, among other reasons, that:
   (i) The NG-CDF has improved the community through the provision of bursaries for needy students, constructing new schools and the rehabilitation of existing schools in the constituency. The Fund has also facilitated the construction of police stations thereby enhancing security in the region. Furthermore, the Fund has provided government services to the grassroots through the construction and rehabilitation of NGAO offices.
   (ii) The NGAAF has been instrumental in helping the residents by providing bursaries to needy students and economic empowerment to women, youth, and persons with disabilities in the constituency.

Photo 255: Public Participation in Subukia Constituency

4.4.256 Suna East Constituency

811. The public hearing exercise was held at the Suna East Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 363 members of the public participated in the exercise.

812. A total of 356 participants supported the Bill for the following reasons:
    (i) The NG-CDF has provided school facilities, including laboratories, classrooms, and ablution blocks. In addition, the NG-CDF has contributed to constructing security offices, hospitals and roads within the constituency.
    (ii) The NGAAF supports society's needy and vulnerable, including widows and persons with disabilities. The Funds have also empowered women and the youth by providing seed capital for businesses.
    (iii) The NG-CDF funded projects have created employment opportunities for constituents.
    (iv) The Funds have assisted the community in providing support for emergency response.
    (v) The SOF would enhance the Senate's oversight role as required by Article 96 of the Constitution.

813. On the other hand, 7 participants expressed reservations on the Bill but did not give reasons.

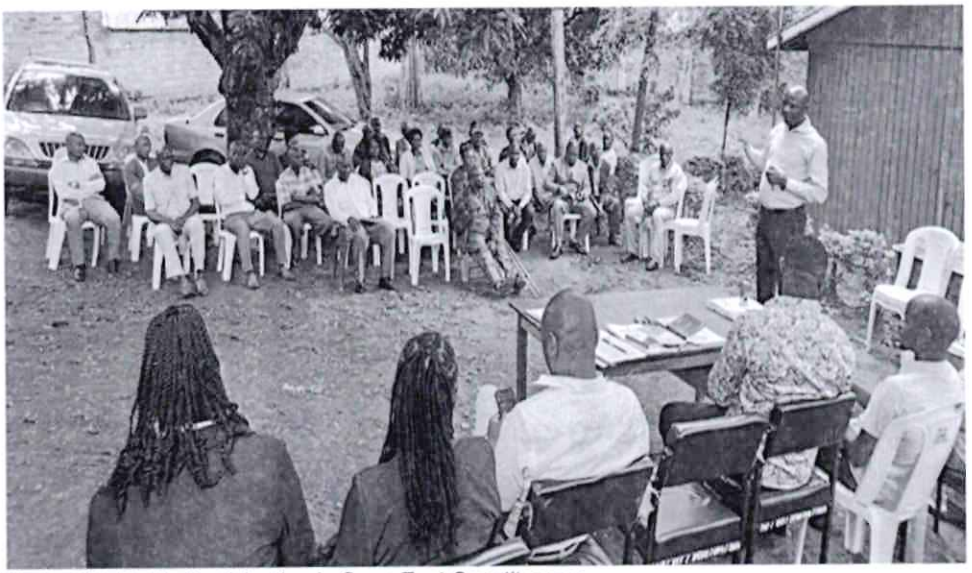

Photo 256: Public Participation in Suna East Constituency

4.4.257 Suna West Constituency

814. The public hearing exercise was held at the Suna West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 484 members of the public participated in the exercise.

815. A total of 482 participants expressed their support for the Bill. They submitted as follows:
   (i) The NG-CDF has improved school infrastructure through the construction of classroom laboratories. Additionally, the Fund has supported needy students by providing bursaries and funding the construction and maintenance of road infrastructure.
   (ii) The NGAAF has supported CBOs, the marginalised, women and youth with seed capital to conduct business. The Fund has also empowered PWDs with the necessary mobility equipment.

816. On the other hand, 2 participants expressed reservations on the Bill but did not give reasons.

Photo 257: Public Participation in Suna West Constituency

4.4.258 Tarbaj Constituency

817. The public hearing exercise was held at the Tarbaj Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 241 members of the public participated in the exercise.

818. A total of 240 participants supported the Bill for the following reasons:
   (i) The NG-CDF has enhanced access to quality education in Tarbaj Constituency by providing bursaries to needy students. In addition, the Funds have supported the community by constructing school infrastructure such classrooms for both day and boarding schools in the constituency.
   (ii) The education sector has improved significantly since the establishment of the NG-CDF and is currently the only constituency in Wajir County that hosts a Teachers' Training College.
   (iii) The NG-CDF has further enhanced security in the constituency by constructing all divisional headquarters and chiefs' offices.

819. Conversely, one participant disagreed with the Bill but did not give reasons.

Photo 258: Public Participation in Tarbaj Constituency

4.4.259 Taveta Constituency

820. The public hearing exercise was held at the Taveta Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 866 members of the public participated in the exercise.

821. A total of 833 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) The NG-CDF has been providing bursaries to needy students, constructed school infrastructure, including classrooms, security infrastructure, procured school buses, and provided for health facilities, including community dispensaries, that have increased access to basic medical services;

(ii) The NGAAF had facilitated the construction of rescue centres for victims of GBV.

822. On the other hand, 33 participants expressed their reservations on the Bill for the following reasons:
   (a) The Funds would provide an avenue for corruption and misuse of public resources. Further that there was a potential of delay in the disbursement of Funds by the respective offices.
   (b) There is need to consolidated all resources for bursaries into one Bursaries are duplicated; hence, there is a need to harmonise the funds. Implementing the programmes supported by the three Funds was more expensive than administering the monies by a central fund.
   (c) The three Funds need not be entrenched in the Constitution but may be established through Acts of Parliament.

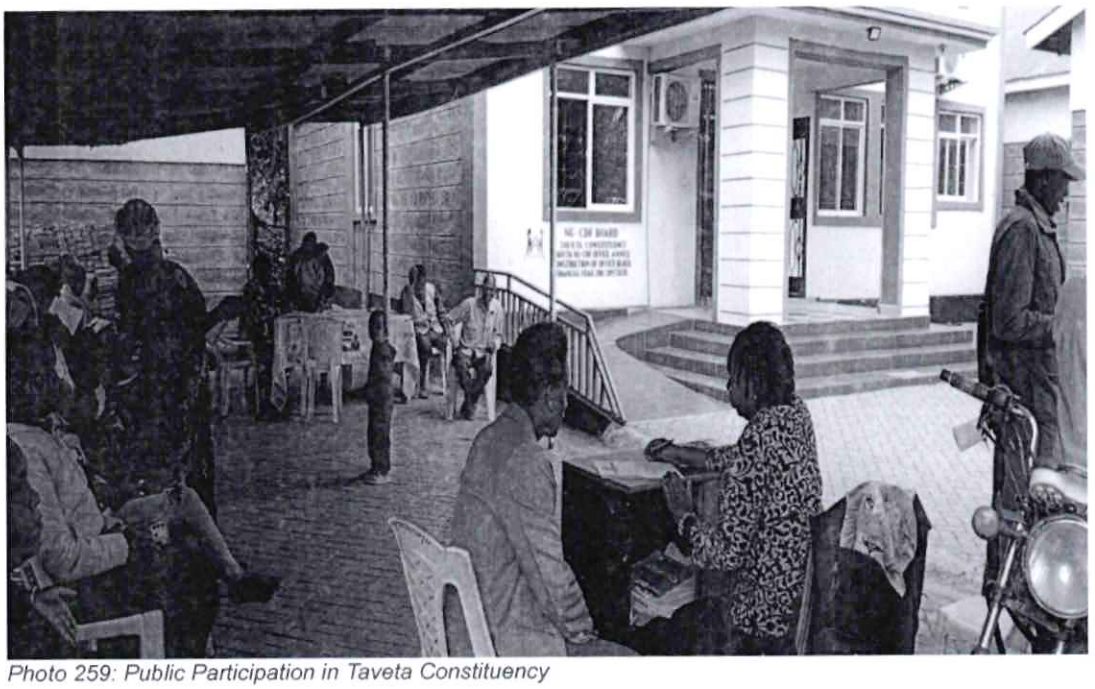

Photo 259: Public Participation in Taveta Constituency

4.4.260 Teso North Constituency

823. The public hearing exercise was held at the Teso North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 252 members of the public participated in the exercise.

824. All the 252 participants expressed their support for the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF have a broader outreach to the areas of the constituency for development. The Funds have allowed the vulnerable to be identified and supported, bursaries for school-going children to be provided, and police posts and chiefs' camps to be built.
   (ii) The NG-CDF would guarantee equal distribution of resources at the constituency level.

Photo 260: Public Participation in Teso North Constituency

4.4.261 Teso South Constituency

825. The public hearing exercise was held at the Teso South Constituency office from 5th to 8th May 2025 from 8.00 am to 5.00 pm. A total of 312 members of the public participated in the exercise.

826. A total of 311 participants expressed their support for the Bill. The reasons cited in support of the Bill include the following:
   (i) NG-CDF and NGAAF provide bursaries and enhance school infrastructure, supporting education at the constituency level.
   (ii) The Senate Oversight Fund will empower Senators to perform their constitutional roles.

827. Conversely, one participant expressed reservations about the Bill but did not specify his reasons.

Photo 261: Public Participation in Teso South Constituency

4.4.262 Tetu Constituency

828. The public hearing exercise was held at the Tetu Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 555 members of the public participated in the exercise.

829. A total of 553 participants expressed their support for the Bill. The reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF has played a key role in enhancing the education sector by providing bursaries to school-going children, supporting school feeding programmes and enhancing educational infrastructure.
   (ii) The NG-CDF has further contributed to enhanced security through electrification programmes within the constituency and construction of NGAO offices and police stations.
   (iii) The NGAAF has facilitated the construction of rehabilitation centres and youth ICT hubs that have been beneficial in the combating the alcohol menace in Nyeri County.
   (iv) The Bill would promote economic and social empowerment, especially women, youth and PWDs.

830. On the other hand, 2 participants expressed their reservations on the Bill. They were concerned that there was insufficient reason to warrant to entrenchment of the SOF in the Constitution. In their view, there was a need to have the NGAAF audited before entrenching it in the Constitution. In addition, the Bill would occasion additional expenditure, imposing a high financial burden on an already strained taxpayer.

Photo 262: Public Participation in Tetu Constituency

4.4.263 Tharaka Constituency

831. The public hearing exercise was held at the Tharaka Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,742 members of the public participated in the exercise.

832. A total of 1,644 participants were in support of the Bill. They stated as follows:
   (i) Many underprivileged children had received educational support through the NG-CDF bursaries. In addition, the Fund had contributed to development projects such as building schools, a *Huduma* Centre and the KMTC at Marimanti.
   (ii) The NG-CDF-funded projects have generated employment opportunities for the local community.
   (iii) The NGAAF has improved the lives of women, PWDs and other vulnerable groups.

833. On the other hand, 98 participants expressed their reservations on the Bill noting a potential of mismanagement of the Funds. In addition, they indicated that there were previous allegations of discrimination in the utilization of the Funds. Some participants submitted that only the NG-CDF should be entrenched in the Constitution.

Photo 263: Public Participation in Tharaka Constituency

4.4.264 Thika Town Constituency

834. The public hearing exercise was held at the Thika Town Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 720 members of the public participated in the exercise.

835. A total of 697 participants supported the Bill by stating as follows:
   (i) The NG-CDF has improved school infrastructure and provided bursaries to children, enhanced accessibility to the area through the construction of roads. The Fund has also improved infrastructural developments such as police stations, enhancing security in the constituency.
   (ii) The NGAAF has uplifted the lives of the marginalised in the community by providing funds to groups, including women, youth, and persons with disabilities.

836. Conversely, 23 participants expressed their reservations about the Bill claiming that not enough civic education was conducted for the residents regarding the Bill.

Photo 264: Public Participation in Thika Town Constituency

4.4.265 Tiaty Constituency

837. The public hearing exercise was held at the Tiaty Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 291 members of the public participated in the exercise.

838. All the 291 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has contributed to the improvement of education standards by providing bursaries to deserving and needy students and infrastructural development in the region.
   (ii) The allocation to NG-CDF and NGAAF should be increased to enhance their capacity to effectively support grassroots development initiatives and address the needs of the vulnerable.

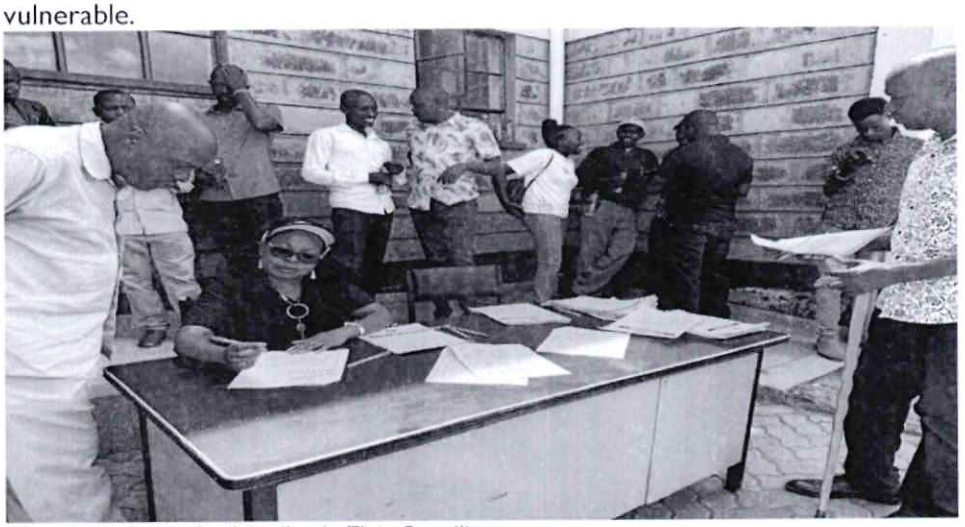
Photo 265: Public Participation in Tiaty Constituency

4.4.266 Tigania East Contituency

839. The public hearing exercise was held at the Tigania East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,295 members of the public took part in the exercise.

840. Of these, 1,294 persons supported the Bill for the following reasons:
   (i) The NG-CDF and NGAAF have enhanced access to education through issuance of bursaries to needy students and improved infrastructure in learning institutions through construction of classes and modern toilets.
   (ii) The NG-CDF has promoted security through establishment of police camps and NGAO offices.
   (iii) The SOF would improve the oversight of county governments, addressing misuse of the alleged rampant misuse of public funds at the county level.
   (iv) The Funds have promoted equitable sharing of resources at the local level.

841. On the other hand, one person expressed his reservations on the Bill due to allegations of bias in issuance of bursaries.

Photo 266: Public Participation in Tigania East Constituency

4.4.267 Tigania West Constituency

842. The public hearing exercise was held at the Tigania West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,042 members of the public took part in the exercise.

843. Of these, 1,041 persons supported the Bill for the following reasons:
   (i) The NG-CDF and NGAAF have alleviated the financial burden on vulnerable members of the society through issuance of bursaries, improving access to education. The Funds have also provided a conducive environment for learners through the construction of classrooms and modern ablution blocks.
   (ii) The NG-CDF has promoted community development through the construction of bridges.
   (iii) The NGAAF has boosted economic empowerment of women and the youth through provision of seed capital to conduct business.
   (iv) The SOF would enhance oversight of county governments thereby ensuring accountability.

844. On the other hand, one person expressed reservations on the Bill because of a fear of mismanagement of the Funds.

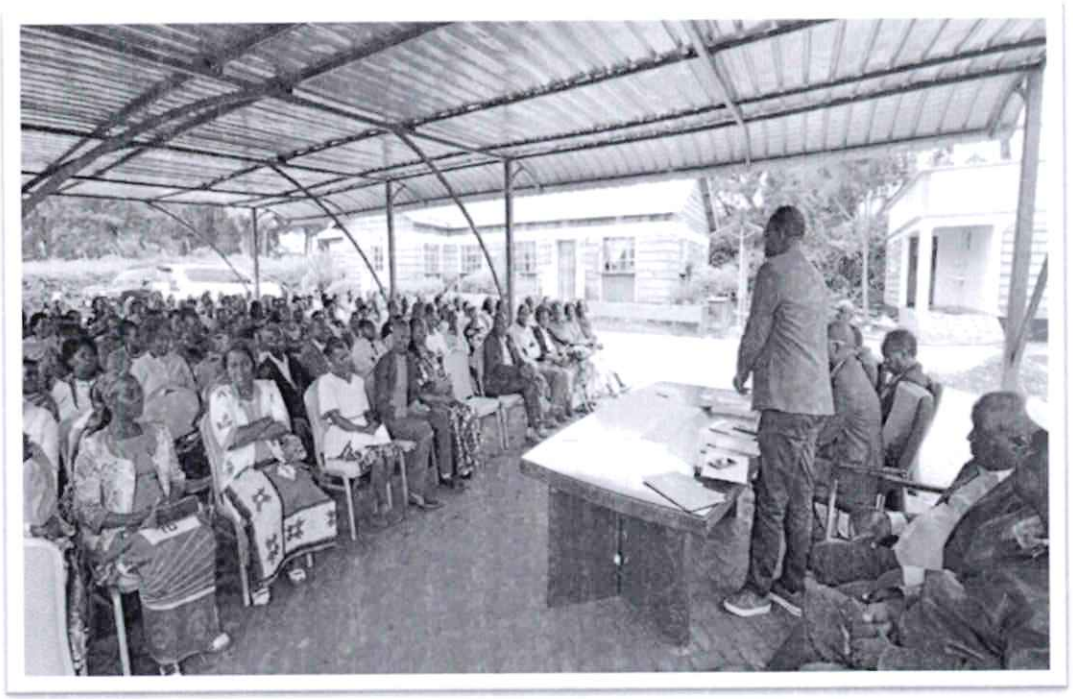

Photo 267: Public Participation in Tigania West Constituency

4.4.268 Tinderet Constituency

845. The public hearing exercise was held at the Tinderet Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 230 members of the public participated in the exercise.

846. A total of 227 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has created employment opportunities through various construction projects. Many youths, local contractors and artisans have been engaged in the construction of schools, roads, and community facilities funded by NG-CDF.
   (ii) The NG-CDF has supported the drilling of boreholes, installation of water piping systems, and construction of sanitation facilities in schools and marketplaces. Access to clean water has supported agriculture, school feeding programs, and community health, making it a cornerstone of rural development.
   (iii) Bursary programs have enabled students from vulnerable backgrounds to continue with their education. The NG-CDF bursaries cover tuition fees, school uniforms, and boarding expenses. The support has improved academic performance and reduced school dropout rates within the constituency.
   (iv) The SOF would strengthen the Senate's oversight role and ensure efficient resource utilization. Enhanced senate oversight will restore public trust and ensure prudent use of public resources.

847. On the other hand, 3 participants expressed their reservations on the Bill concerned that the Funds should be allocated for environmental conservation activities like tree planting, protection of water catchment areas, and promotion of clean energy, to enhance climate resilience, preserve ecosystems, and support sustainable agriculture.

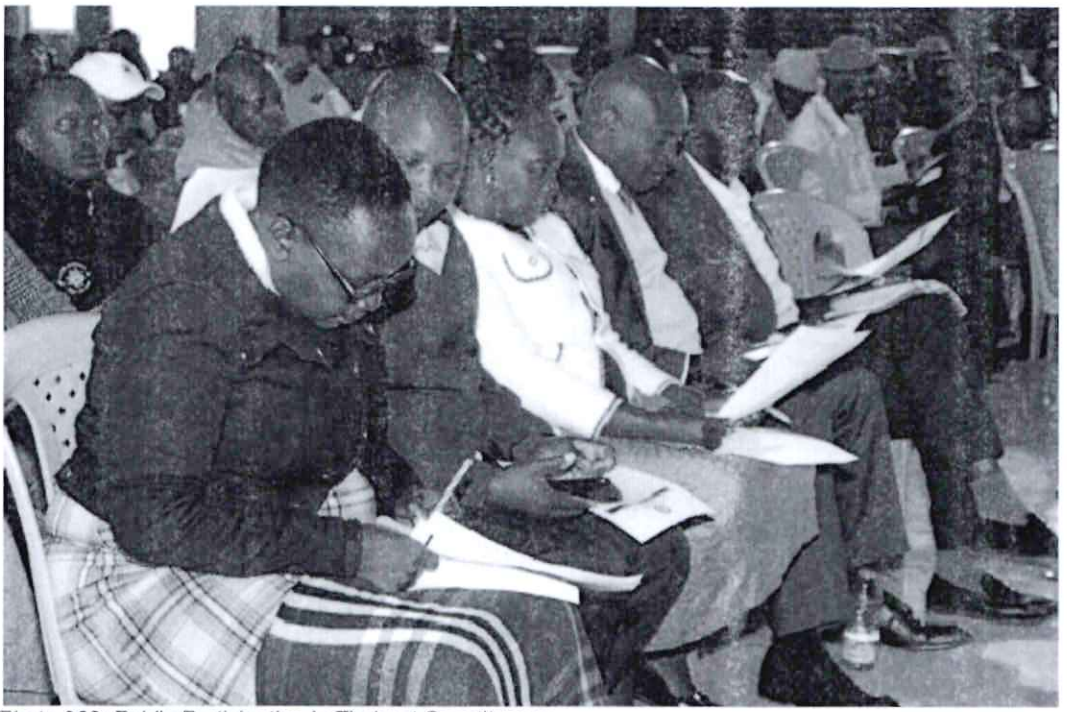

Photo 268: Public Participation in Tinderet Constituency

4.4.269 Tongaren Constituency

848. The public hearing exercise was held at the Tongaren Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 293 members of the public participated in the exercise.

849. A total of 291 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF have expanded access to education and improved learning environment through the provision of bursaries to learners from disadvantaged backgrounds, the purchase of school buses, bursary awards, and the construction of classrooms.
   (ii) The NG-CDF and NGAAF should be entrenched in the Constitution and allocation to the funds increased to safeguard their sustainability and empower them to reach a greater number of people.

850. While supporting the Bill, some participants noted the to address existing loopholes and challenges relating to misuse of the funds by strengthening accountability frameworks, enhancing oversight, and community involvement.

851. On the other hand, 2 participants expressed their reservations on the Bill.

Photo 269: Public Participation in Tongaren Constituency

4.4.270 Turbo Constituency

852. The public hearing exercise was held at Turbo Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,031 members of the public participated in the exercise.

853. A total of 999 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF supported access and retention by providing bursaries and scholarships to needy students at the primary, secondary, and tertiary levels. The Fund has also facilitated the construction of classrooms, dormitories, libraries, and other key facilities, thereby enhanced the quality of education and learning environments.
   (ii) The NG-CDF has been used in the construction of police stations and offices for chiefs, contributing to enhanced law enforcement and administrative efficiency.
   (iii) The NG-CDF has backed initiatives such as the National Agricultural Value Chain Development Project, aligning with national goals for food security and economic empowerment.
   (iv) The NG-CDF has supported disaster preparedness by allocating emergency resources to address urgent needs and unforeseen events promptly.
   (v) The NGAAF has played a complementary role, particularly in empowering women and supporting grassroots development. It has contributed to education by facilitating access to bursaries and scholarships for learners from vulnerable backgrounds.
   (vi) The SOF would strengthen the Senate's ability to perform its oversight functions through audits, field inspections, and reporting, ensuring accountability in the implementation of government projects.

854. On the other hand, 32 participants expressed their reservations on the Bill concerned that the lack of transparency in the administration of NG-CDF resulting in corruption and misappropriation undermines the effectiveness of the Fund.

Photo 270: Public Participation in Turbo Constituency

4.4.271 Turkana Central Constituency

855. The public hearing exercise was held at Turkana Central Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 360 members of the public participated in the exercise.

856. A total of 346 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF have supported education, infrastructure, and social welfare initiatives. It is important to ensure equitable distribution of these Funds across all regions to address disparities and promote inclusive development.
   (ii) It is essential to entrench the NG-CDF and NGAAF in the Constitution to safeguard the Funds from arbitrary policy reversals, and to provide legal certainty, protect their continuity, and reinforce their developmental mandate.
   (iii) The establishment of a SOF would equip the Senate to effectively conduct oversight and enhance the prudent and accountable use of devolved resources.

857. While supporting the Bill, some participants expressed additional views and opinions including:
   (i) There is need to apply the poverty index more prominently in the distribution formula. Prioritizing resource allocation based on levels of need would ensure that the most disadvantaged regions receive adequate support.
   (ii) It is important to increase the budgetary allocation to the NG-CDF and NGAAF to achieve meaningful socioeconomic transformation. Enhanced resourcing would allow for the expansion of projects in education, health, infrastructure, and social welfare.
   (iii) Persistent delays in disbursement of the Funds have derailed project timelines and undermined the achievement of intended development goals.

858. On the other hand, 14 participants expressed their reservations on the Bill concerned that:

(i) There have been allegations of favouritism in the allocation of funds, where certain groups or regions within constituencies receive preferential treatment, undermining the principle of equitable development.
(ii) The operational demands of NG-CDF have in some cases infringement of the principle of separation of powers. Parliament should focus on their core legislative, oversight and representation responsibilities.
(iii) Instances of duplication in program funding, particularly in areas such as bursaries, have led to inefficiencies and overlapping mandates between the funds and other government agencies.
(iv) There is potential misuse of the Funds for political gain, including campaigning for re-election or advancing personal ambitions for higher office, thereby compromising the intended purpose of the funds.

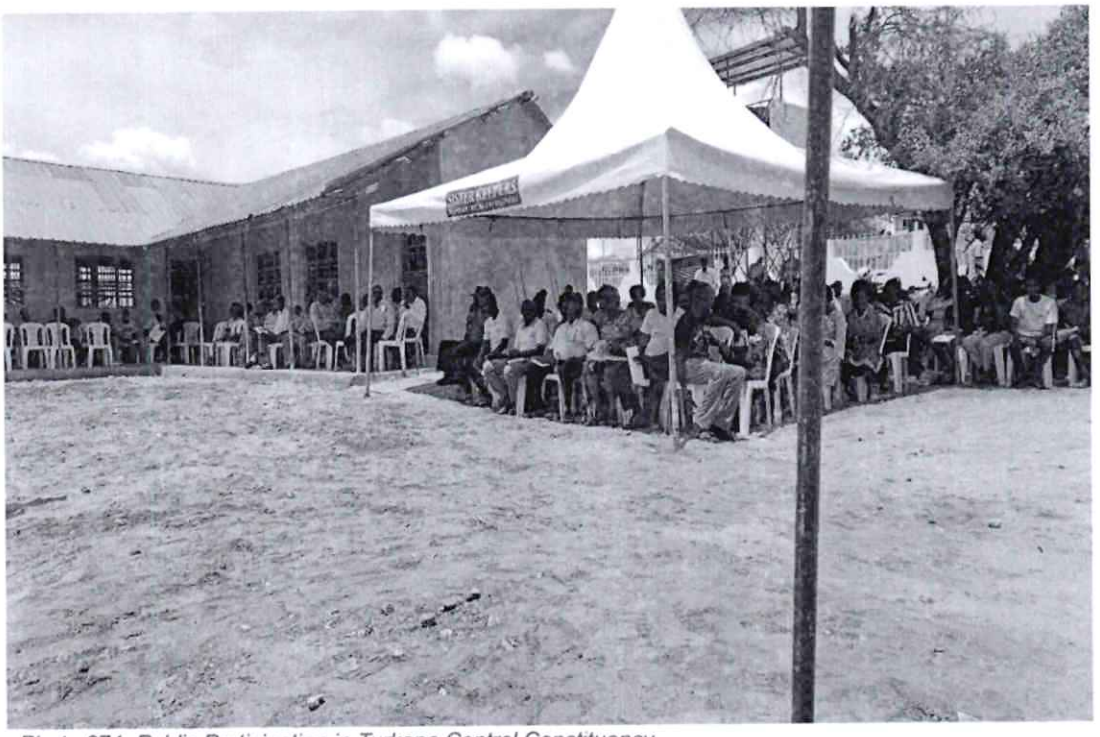

Photo 271: Public Participation in Turkana Central Constituency

4.4.272 Turkana East Constituency

859. The public hearing exercise was held at Turkana East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 125 members of the public participated in the exercise.

860. All the 125 participants supported the Bill. They submitted as follows:
(i) The NG-CDF and NGAAF have enabled historically marginalized areas like Turkana to access critical infrastructure and services, ensuring equitable development and inclusive growth.
(ii) The representation of all regions in the management of the funds has enhanced public participation in the identification and prioritization of projects.
(iii) The decentralized funds allow for faster project implementation, as they are free from the complex bureaucratic procedures that often delay projects under national government programs.

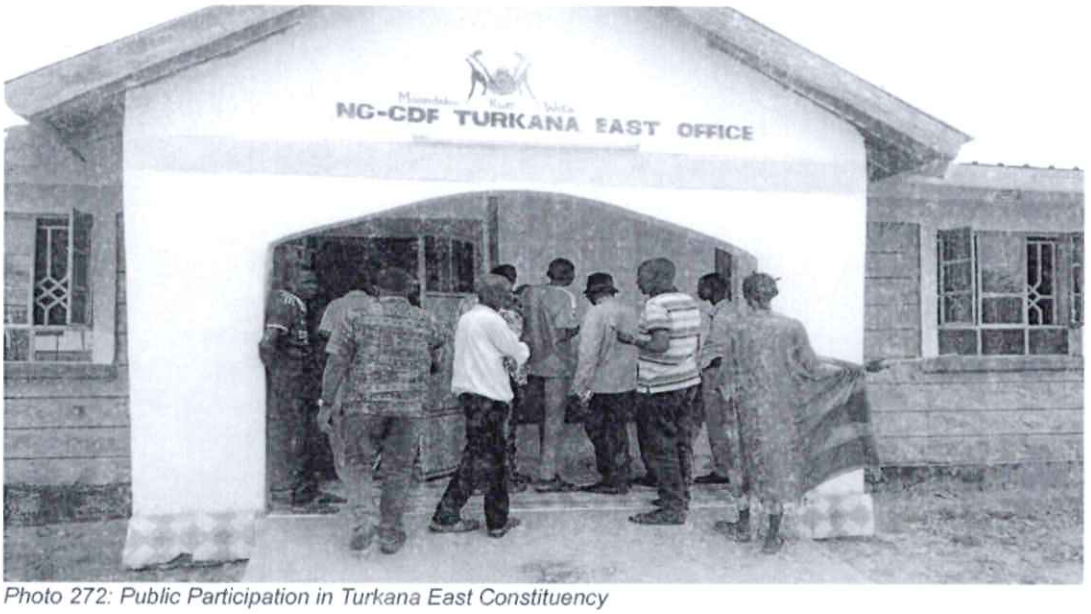

Photo 272: Public Participation in Turkana East Constituency

4.4.273 Turkana North Constituency

861. The public hearing exercise was held at Turkana North Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 385 members of the public participated in the exercise.

862. A total of 382 participants supported the Bill. They submitted as follows:
   (i) The projects and programs funded by the NG-CDF and NGAAF have contributed to local development in education, infrastructure, and social welfare.
   (ii) The establishment of the SOF would enable effective monitoring and enforcement of financial prudence across all devolved funding mechanisms.
   (iii) The grassroots-based management structure of the Ng-CDF and NGAAF have enhanced equity and accountability by allowing communities to participate directly in the identification and implementation of development priorities.
   (iv) Recent judicial decisions on the constitutionality of the NG-CDF highlight the urgent need to anchor the NG-CDF in the Constitution to protect their existence.

863. While supporting the Bill, some participants expressed additional views and opinions including:
   (i) The need to review the allocation criteria of the NG-CDF and NGAAF to ensure equity, as the current distribution formula does not adequately account for the needs of marginalized and historically disadvantaged regions.
   (ii) The need to enhance the budgetary allocations to NG-CDF and NGAAF to expand their reach and impact, particularly in education, infrastructure, and social welfare.
   (iii) To safeguard the integrity of the funds, there is need for sanctions against misuse of the Funds to advance personal or electoral interests.

864. On the other hand, 3 participants expressed reservations on the Bill concerned that:
   (i) There was a potential of misuse of the Funds for personal or political interests, diverting resources away from intended public beneficiaries. Weak regulatory oversight creates opportunities for mismanagement by Fund administrators, undermining transparency and public trust.
   (ii) The limited budgetary allocations to the Funds have led to perceptions of bias or discrimination among constituents who miss out on critical support, particularly in bursary programs.

(iii) Duplication in the funding of certain programs and projects has led to inefficiencies and suboptimal use of public resources.

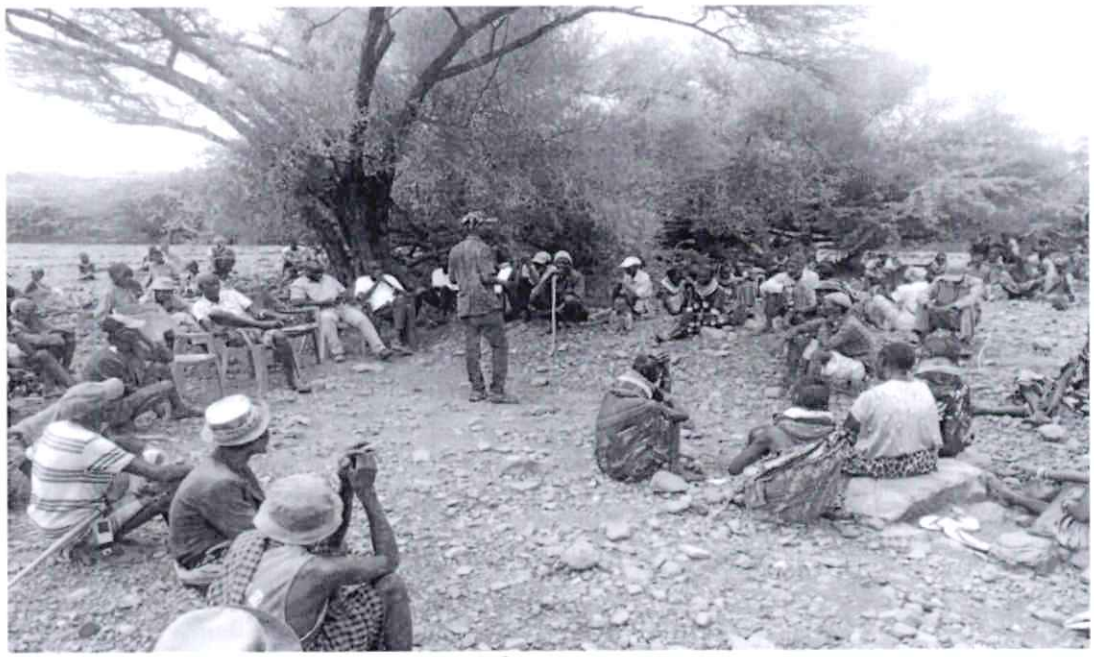

Photo 273; Public Participation in Turkana North Constituency

4.4.274 Turkana South Constituency

865. The public hearing exercise was held at Turkana South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 200 members of the public participated in the exercise.

866. All the 200 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has served as a precursor and foundation to devolution, delivering development directly to the grassroots even before the formal establishment of devolved units.
   (ii) The effectiveness and reach of the NG-CDF underscores the need for enhanced funding and structural support to further its functions.
   (iii) Positive testimonies from beneficiaries of the NG-CDF and NGAAF reflected tangible improvements in education, infrastructure, and livelihoods of the vulnerable and special interest groups.
   (iv) The NG-CDF employs proximity-driven oversight to foster transparency, enhance public trust, and reinforce the role of community participations in development governance making it easier for citizens to monitor and participate in decision-making of projects.

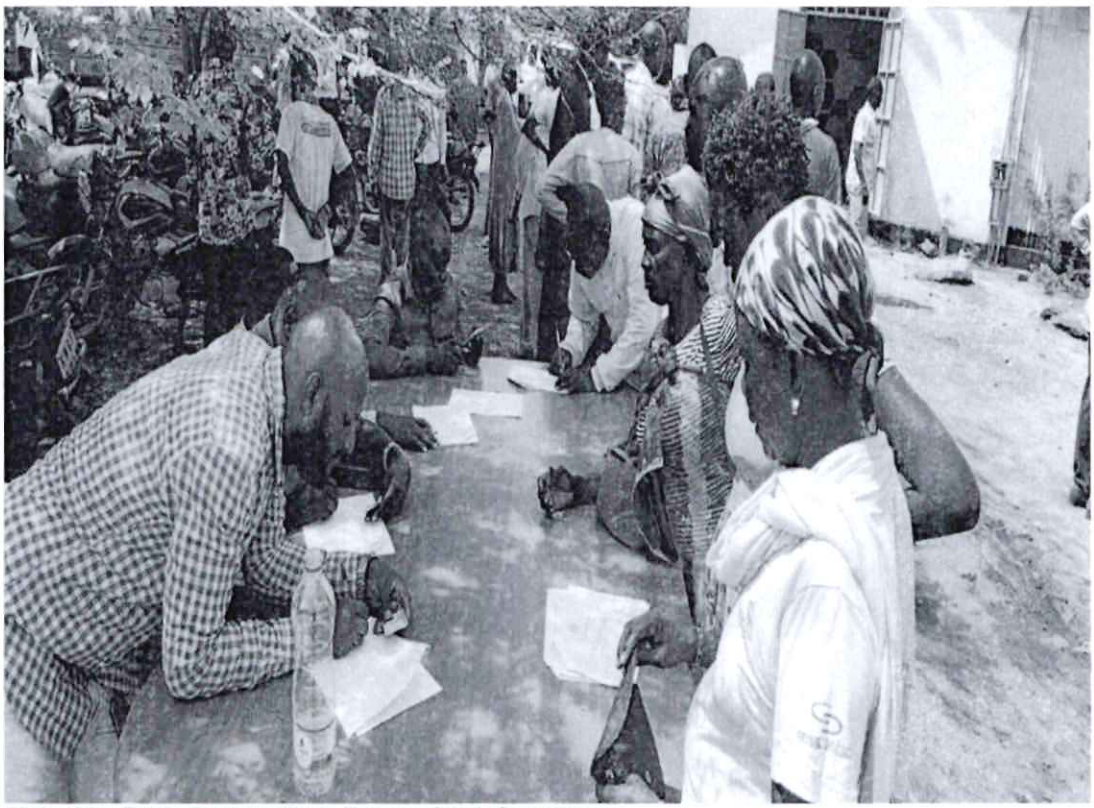

Photo 274: Public Participation in Turkana South Constituency

4.4.275 Turkana West Constituency

867. The public hearing exercise was held at Turkana West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 319 members of the public participated in the exercise.

868. A total of 313 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF have directly benefited a wide cross-section of citizens through impactful projects and programs, and extending development to the grassroots and complementing devolution.
   (ii) The constitutionality of NG-CDF has been challenged in court, posing a threat to its continuity, hence the urgent need for its constitutional entrenchment to provide legal protection.
   (iii) The SOF would enhance Senate's oversight and ensure accountability, transparency and prudent use of county government public resources.
   (iv) The NG-CDF and NGAAF play an important role in devolving resources, empowering local development, and devolving national development goals to the constituency level.

869. On the other hand, 6 participants expressed their reservations on the Bill concerned that:
   (i) The allocations to the NG-CDF and NGAAF remain insufficient, and the per capita benefits are often too minimal to achieve meaningful or sustained impact at the constituency level.
   (ii) Fairness in the distribution of resources, with political considerations sometimes influencing fund allocation and project prioritization have eroded equity and diminished public confidence in the funds.
   (iii) Weak accounting systems persist in certain areas, compromising financial integrity and opening avenues for mismanagement.
   (iv) There is a potential of misuse of the Funds for political mileage, diverting attention from development objectives to electoral interests.

Photo 275: Public Participation in Turkana West Constituency

4.4.276 Ugenya Constituency

870. The public hearing exercise was held at Ugenya Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 332 members of the public participated in the exercise.

871. A total of 328 participants supported the Bill. The main reasons cited in support of the Bill were, among others, that:
   (i) The NG-CDF and NGAAF have provided bursaries enabling students from vulnerable backgrounds to access education. The Funds have also supported the construction of critical infrastructure, including schools, roads and administrative offices, thereby improving service delivery to the people.
   (ii) The NGAAF have played an important role in assisting vulnerable groups within the constituency through targeted social support initiatives.

872. On the other hand, 4 participants expressed reservations on the Bill concerned about a likely conflict of interest in the administration and oversight of the Funds and a fear of mismanagement of Funds due to inadequate oversight mechanisms. Additionally, they were of the view that the Funds should not have been lumped together in one Bill.

Photo 276: Public Participation in Ugenya Constituency

4.4.277 Ugunja Constituency

873. The public hearing exercise was held at Ugunja Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,158 members of the public participated in the exercise.

874. A total of 14 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has been used to construct classrooms, thereby improving learning environments and addressing congestion in schools.
   (ii) The provision of bursaries through the NG-CDF and NGAAF has enabled many needy students to pursue and complete their education.
   (iii) The NG-CDF projects have been directly beneficial to the constituents and as such demonstrated effective use of resources.
   (iv) The Funds would collectively serve as catalysts for roader socio-economic development by improving education, equity and service delivery.

875. On the other hand, 1,172 participants expressed their reservations on the Bill concerned that the NG-CDF and NGAAF have faced governance challenges including corruption in the utilization of funds and discriminatory practices in project selection and beneficiary targeting.

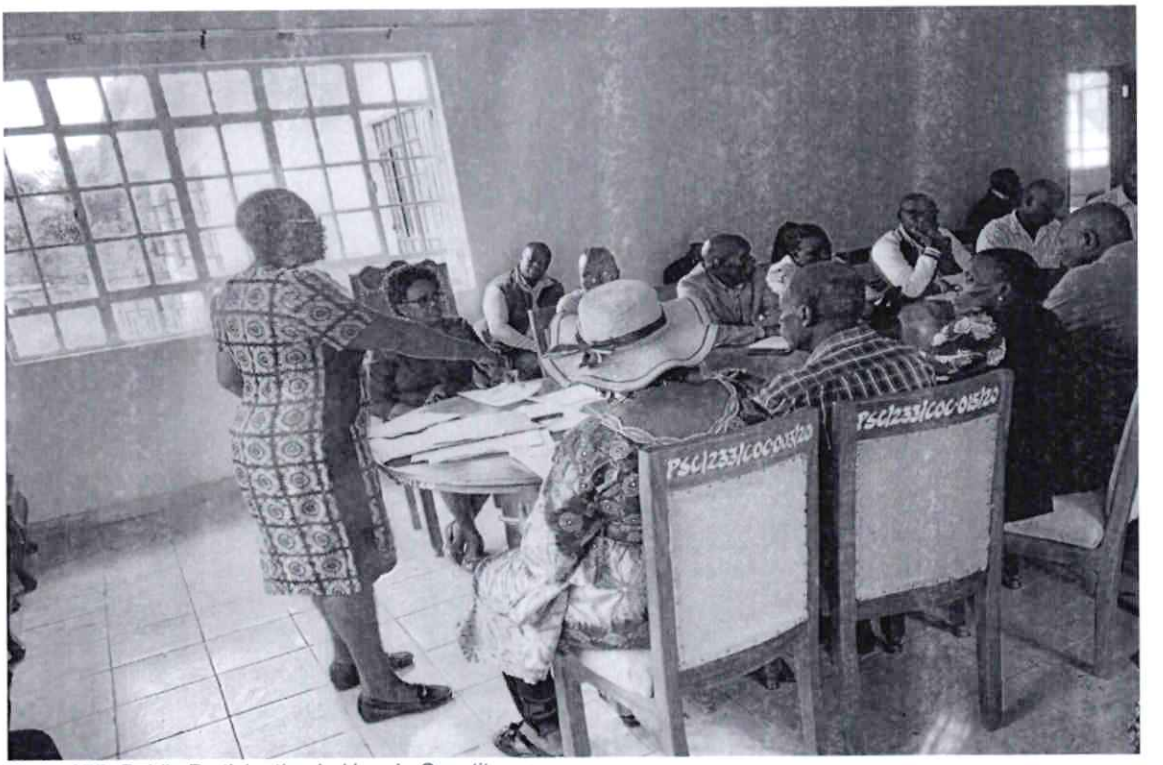

Photo 277: Public Participation in Ugunja Constituency

4.4.278 Uriri Constituency

876. The public hearing exercise was held at the Uriri Constituency Office between 5th to 8th May 2025 from 8.00am to 5.00pm. A total of 598 members of the public participated in the exercise.

877. A total of 596 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF have played an important role in infrastructure development, including the construction of school laboratories, classrooms, toilets, police stations, and NGAO offices.
   (ii) The provision of bursaries to needy students by the NG-CDF and NGAAF has enabled many learners to remain in school. The Funds have also supported vulnerable groups, including widows, orphans and PWDs thereby improving social welfare and inclusivity. The Funds have also contributed to employment creation, particularly through construction projects and local enterprise support.
   (iii) Through NGAAF, women and youth have been empowered through funding of small businesses and economic initiatives that promote self-reliance.
   (iv) The constituency level of representation is more responsive to grassroots needs compared to the broader county level, allowing for targeted development and better engagement with citizens.
   (v) The impact of NG-CDF is widely visible and its beneficiaries clearly identifiable, reinforcing the importance of the Fund in driving equitable, community-based development.

878. On the other hand, 2 participants expressed reservations on the Bill but did not give reasons.

Photo 278: Public Participation in Uriri Constituency

4.4.279 Vihiga Constituency

879. The public hearing exercise was held at Vihiga Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 358 members of the public participated in the exercise.

880. A total of 353 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF is recognized for its inclusive nature, particularly in its support for needy students to access and pursue education through the provision of bursaries.
   (ii) The NG-CDF stands out as one of the most effectively implemented, with visible and measurable results in various sectors, including education, infrastructure, and community welfare.
   (iii) The NG-CDF operates within the confines of national government responsibilities and does not conflict with the functions of county governments. Instead, it complements devolution by extending national development functions to the grassroots level.

881. While in support of the Bill, some participants expressed additional views and opinions including a proposal for total amendment to have 85% of the national revenue allocated to the counties and 15% to the national government.

882. On the other hand, 5 participants expressed their reservations on the Bill concerned that:
   (i) The resources dedicated to the NG-CDF should be channelled through county governments to align with the broader objectives of devolved governance, to enhance coordination, eliminate overlap, and ensure that development initiatives are integrated into county planning and budgeting systems.

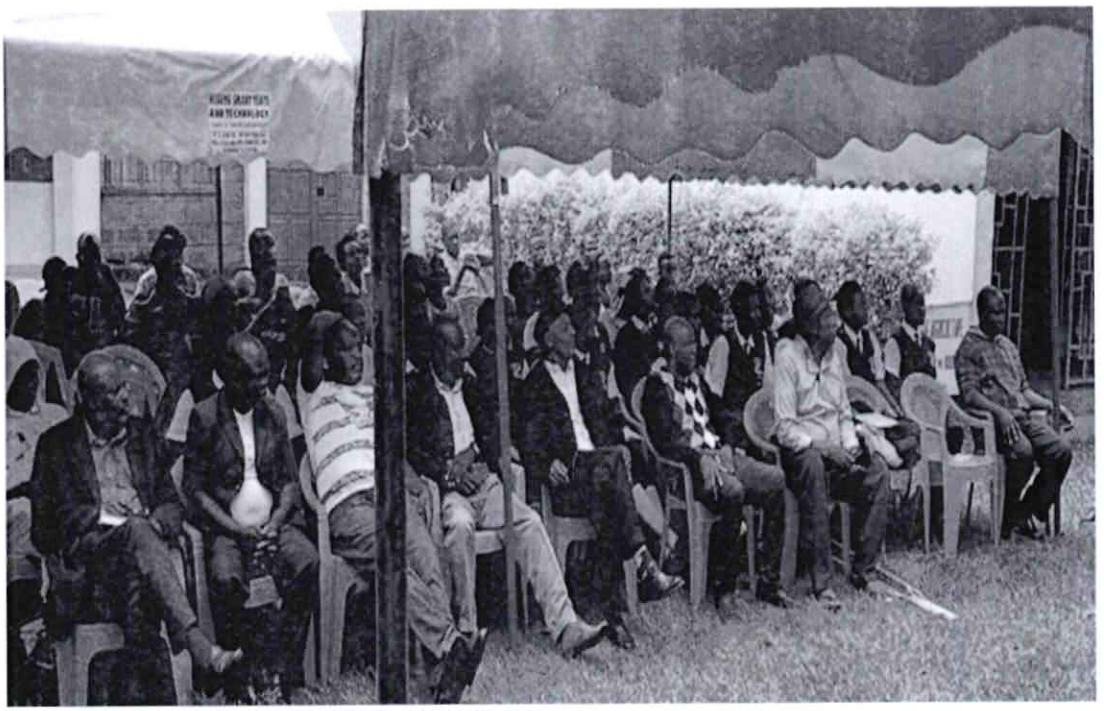

Photo 279: Public Participation in Vihiga Constituency

4.4.280 Voi Constituency

883. The public hearing exercise was held at Voi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,570 members of the public participated in the exercise.

884. A total of 1,536 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has improved access to education through the provision of bursaries, the construction of classrooms, and the purchase of school buses. These interventions have ensured smooth learning for students from vulnerable backgrounds, and improved retention and enrolment rates across schools.
   (ii) The funds have created direct opportunities at the NG-CDF and NGAAF offices and through the award of construction tenders for various development projects.
   (iii) The construction of police stations and NGAO offices have improved law enforcement presence and administrative efficiency in rural and urban areas.
   (iv) The proposed SOF would enhance the capacity of the Senate to effectively execute their oversight mandate over county governments. The Fund would also facilitate audits, field inspections, and evaluation of devolved programs to ensure transparency and accountability in the use of public resources.

885. While supporting the Bill, some participants noted as follows:
   (i) There is a need to provide structured civic education to inform citizens about their rights, eligibility, and procedures for accessing the Funds to promote transparency and encourage participation.
   (ii) A follow-up and monitoring mechanism should be established within the legal framework governing the NGAAF to ensure that resources are utilized strictly for their intended purposes and enhance accountability.
   (iii) Each Fund should set aside a fixed percentage for youth empowerment initiatives to promote inclusivity and address unemployment and economic marginalization among the youth.

886. On the other hand, 34 participants expressed their reservations on the Bill concerned that:

(i) All devolved functions should be fully assigned to county governments, in accordance with the principles of devolution as outlined in the Constitution. The continued involvement of national-level funds such as the NG-CDF in devolved sectors risks undermining the integrity and effectiveness of county governance.

(ii) The County Government Act, Cap 265 established County Development Boards, chaired by Senators, to provide oversight on development at the county level. The proposal to establish the SOF as outlined in the current Bill, raises concerns of duplicity of roles and institutional overlap, which may result in confusion and inefficiencies in governance.

(iii) The NG-CDF lacks a comprehensive legal framework to prevent discrimination and favouritism in the allocation of bursaries. Therefore, the resources allocated for education support should be retained under the national government to promote equity in access to education and advance the goal of free education for all citizens.

(iv) The construction of school infrastructure and police stations falls within the mandates of the Ministry of Education and the National Police Service, respectively. It was their view that such responsibilities to NG-CDF risks creating duplication of functions and violates the principle of separation of powers, blurring lines between development implementation and policymaking.

(v) The three Funds should be issued as a lump sum, rather than in fragmented tranches to enhance planning, enable timely implementation of projects, and ensure maximum impact.

Photo 280: Public Participation in Voi Constituency

4.4.281 Wajir East Constituency

887. The public hearing exercise was held at Wajir East Constituency Office from 5th to 8th May 2025 between 8.00am and 5.00pm. A total of 800 members of the public participated in the exercise.

888. A total of 799 participants supported the Bill. They submitted as follows:

(i) The NG-CDF is readily accessible to the people, with its impact in education and security clearly visible across constituencies. The Fund also plays an important role in addressing socio-economic challenges at the constituency level., contributing to poverty reduction and advancement of social equity, thereby stimulating sustainable economic development.

(ii) The NG-CDF and NGAAF has promoted meaningful community participation, as local residents are actively involved in identifying and prioritizing projects. This participatory approach enhances social cohesion, ensures that development aligns with actual community needs, and promotes inclusivity.

889. On the other hand, one participant expressed reservations on the Bill but did not give reasons.

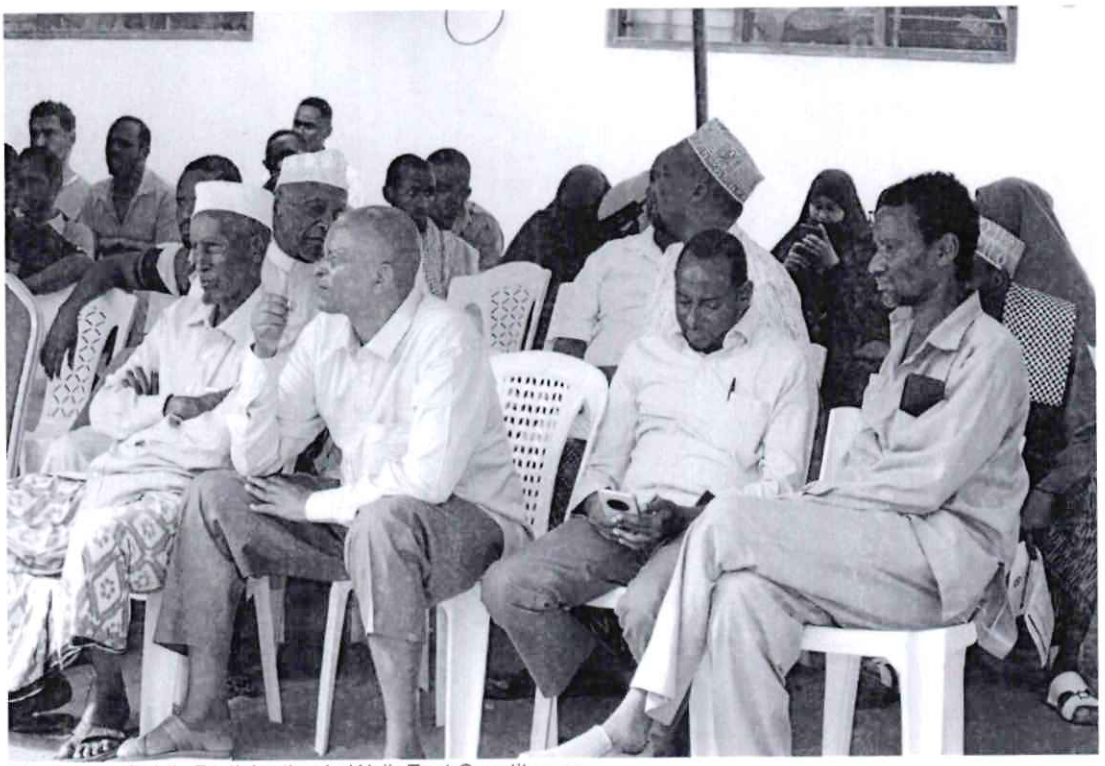

Photo 281: Public Participation in Wajir East Constituency

4.4.282 Wajir North Constituency

890. The public hearing exercise was held at the Wajir North Constituency Office at Bute from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 326 members of the public took part in the exercise.

891. All the 326 members of the public supported the Bill for the following reasons:

(i) The NG-CDF has played a significant role in enhancing development within Wajir North Constituency. Notably, it has facilitated the improvement of educational standards through the construction and equipping of learning institutions. The Fund has also contributed to improved security by supporting the construction of police posts across the constituency; and

(ii) Due to the constituency's geographical remoteness from the county headquarters, residents rely heavily on the NG-CDF as their primary source of development support. They contended that the county government has largely neglected the area, with minimal development initiatives undertaken. As a result, the little progress

observed in the constituency is predominantly attributed to the NG-CDF interventions.

892. While supporting the Bill, some participants noted as follows:
   (i) In the event that the proposed amendments to the NG-CDF are opposed and the Fund is eventually dissolved, the government allocations previously directed to constituencies should not be reallocated to county governments. Instead, it would be more appropriate for such funds to revert to the national government.
   (ii) Nonetheless, constituents expressed support for any development fund that benefits the constituency, regardless of its origin.

Photo 282: Public Participation in Wajir North Constituency

4.4.283 Wajir South Constituency

893. The public hearing exercise was held at Wajir South Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 442 members of the public participated in the exercise.

894. All the 442 participants supported the Bill. They submitted, among others, that:
   (i) Through the NG-CDF, the number of secondary schools has increased from three (3) to nineteen (19), with classroom infrastructure ranging from 1 to 3 streams per school, significantly expanding access to secondary education. Free secondary education is currently accessible within the constituency, reducing financial barriers for learners.
   (ii) The NG-CDF has supported the training of 300 diploma teachers at Wajir Teachers Training College and 40 graduates have already received employment letters to teach within Wajir South Constituency thus addressing the acute shortage of qualified teachers.
   (iii) An additional 200 Bachelor's degree students are being funded through the NG-CDF and are expected to be absorbed into the local education system by 2026, ensuring long-term sustainability in teaching capacity.
   (iv) The Fund also sponsors students in health, agriculture, and water-related courses, aligning educational investment with local development priorities and critical service sectors.

(v) The NG-CDF has facilitated the construction of eight (8) police stations, significantly strengthening law enforcement and community safety in the region. Four (4) sub-county administrative offices have also been built, improving the delivery of public services and enhancing coordination within local government structures.

895. While supporting the Bill, some participants proposed an increase in the budgetary allocation of NG-CDF for larger constituencies, particularly in Wajir South Constituency which is significantly larger in size and population compared to other constituencies within Wajir County.

Photo 283: Public Participation in Wajir South Constituency

4.4.284 Wajir West Constituency

896. The public hearing exercise was held at Wajir West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 77 members of the public participated in the exercise.

897. A total of 72 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF has provided education bursaries to vulnerable students, enabling increased access to learning opportunities for students from low-income households and reducing school dropout rates. The Fund has also supported the construction of key infrastructure, particularly in the education sector, including the building of new schools and renovation of existing facilities, thereby improving the learning environment.
   (ii) The NG-CDF has also contributed to enhancing security in the sub-county through the construction of police stations and administrative offices, improving law enforcement presence and public safety.

898. On the other hand, 5 participants expressed their reservations on the Bill due to a potential for corruption in the management of the Fund. They also expressed concerns regarding the visibility and effectiveness of the NGAAF. It was their submission that there were no visible projects undertaken by NGAAF and the locals were unaware of the existence of the Fund and its target beneficiaries. In their view, therefore, the NGAAF should be integrated into the NG-CDF framework.

Photo 284: Public Participation in Wajir West Constituency

4.4.285 Webuye East Constituency

899. The public hearing exercise was held at Webuye East Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 291 members of the public participated in the exercise.

900. A total of 289 participants supported the Bill. They submitted as follows:
    (i) The NG-CDF has supported the purchase of school buses, the issuance of bursaries to needy students, and the construction of classrooms, thereby improving access to learning and educational infrastructure. The Fund had also facilitated the construction of police posts and chiefs' offices, strengthening local law enforcement and administrative presence at the grassroots level.
    (ii) The NGAAF has promoted equity, empowerment, and greater participation of vulnerable groups in local development.

901. On the other hand, 2 participants expressed reservations on the Bill but did not give reasons.

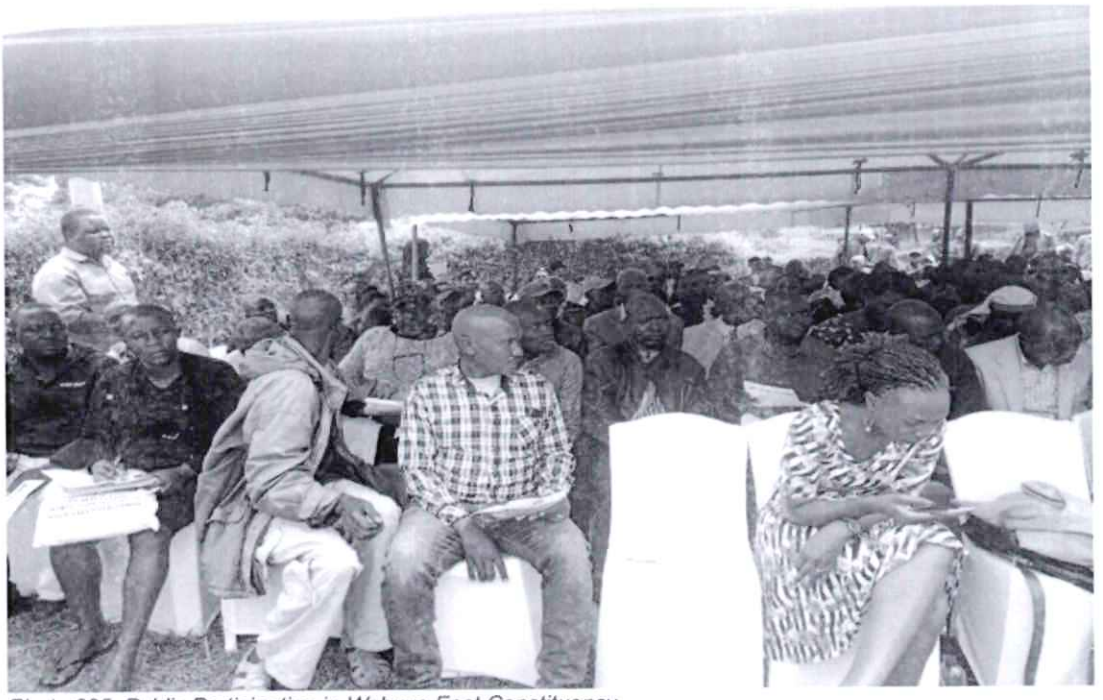

Photo 285: Public Participation in Webuye East Constituency

4.4.286 Webuye West Constituency

902. The public hearing exercise was held at Webuye West Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 561 members of the public participated in the exercise.

903. A total of 559 participants supported the Bill. They submitted as follows:
    (i) The NG-CDF has facilitated the purchase of school buses, the award of bursaries to needy students, and the construction of classrooms, thereby improving access, mobility, and the overall learning environment. The Fund has also supported the construction of police posts and chiefs' offices, enhancing local law enforcement capacity and administrative service delivery.

904. On the other hand, 2 participants expressed reservations on the Bill but did not give reasons.

Photo 286: Public Participation in Webuye West Constituency

4.4.287 West Mugirango Constituency

905. The public hearing exercise was held at the West Mugirango Constituency Building from 5th to 8th May 2025 between 8.00 and 5.00 pm. A total of 325 members of the public participated in the exercise.

906. Of these, 318 persons supported the Bill for the following reasons:
    (i) Since its establishment, the NG-CDF has empowered communities to identify and prioritize projects aligned with their specific needs. The Fund has had a direct impact on communities through bursaries, education and infrastructure hence ensuring equitable infrastructure. Therefore, entrenching NGCF in the Constitution would ensure continuity of the Fund in addressing critical issues at the grassroots level.
    (ii) The NG-CDF has facilitated the establishment of infrastructure such as new primary and secondary schools, dormitories, national administration blocks, libraries, dining halls and laboratories in schools. Thus, the need to increase the Fund's budgetary allocation to align with the growing needs and priorities of local communities.
    (iii) The SOF would ensure that the Senate is adequately empowered and resourced to perform its oversight functions.
    (iv) The NGAAF would ensure that vulnerable Kenyans participate in development matters in the country thereby ensuring diversity, equity and inclusion.

907. On the other hand, 7 persons expressed their reservations on the Bill for the following reasons:
    (i) Previous mismanagement of the NG-CDF has made the members of the public skeptical about the suitability of entrenching the Fund in the Constitution.
    (ii) Uneven distribution of the NG-CDF, in the past, due to a lack of oversight mechanisms and transparent criteria to ensure fairness and equitable benefits of the Fund across the constituency.

Photo 287: Public Participation in West Mugirango Constituency

4.4.288 Westlands Constituency

908. The public hearing exercise was held at Westlands Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 1,092 members of the public participated in the exercise.

909. A total of 1,089 participants supported the Bill by submitting that:
   (i) The NG-CDF has promoted access to education through the provision of bursaries to needy students and the construction of new schools, particularly in marginalized and informal settlements. The Fund has also transformed local infrastructure through the construction of classrooms, police houses, chief's offices, and social halls, therefore, enhancing public service delivery, strengthened local security, and provided platforms for civic engagement and community dialogue.
   (ii) Through NG-CDF support, the youth have gained access to vocational training opportunities such as driving school sponsorships, equipping them with employable skills.
   (iii) The NGAAF has supported women, PWDs, and other vulnerable groups through the provision of business start-up grants, assistive devices, sanitary pads, and adult diapers.
   (iv) Entrenching the Funds in the Constitution would shield it from legal challenges, court injunctions, and political sabotage that have previously disrupted service delivery.

910. On the other hand, 3 participants expressed reservations on the Bill but did not give reasons.

Photo 288: Public Participation in Westlands Constituency

4.4.289 Wundanyi Constituency

911. The public hearing exercise was held at the Wundanyi Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 351 members of the public participated in the exercise.

912. A total of 348 participants supported the Bill. They submitted as follows:
   (i) The NG-CDF and NGAAF have funded education through bursaries, including targeted initiatives which support needy students. The Fund has also contributed to the upgrading of school infrastructure, through the construction of new schools, refurbishment of classrooms, and renovation of sanitation facilities, thereby creating better learning environments and raising the standard of education.
   (ii) The NG-CDF has also improved community safety and public safety through the construction of police posts, central police offices, and NGAO offices.
   (iii) The NG-CDF has improved access to social amenities by funding the construction of social halls, which serve as important community engagement and development centres.
   (iv) The NGAAF has empowered women's groups and other marginalized populations by providing targeted financial support for economic activities, capacity-building, and welfare projects, thus advancing gender equality and inclusive development at the county level.

913. While in support of the Bill, some participants were of the view that:
   (i) There was need to establish an oversight fund for the Members of County Assemblies (MCAs) to enhance accountability and monitoring at the grassroots level over the county-level development projects and ensure the prudent use of devolved resources.
   (ii) Budgetary allocations to the NGAAF and NG-CDF should be enhanced to expand the reach and impact of their programs, particularly in marginalized and underserved regions.

(iii) To maximize the return on investment in education, students who have benefited from the NG-CDF bursaries should be considered for employment opportunities where applicable.

(iv) There was need to reallocate the Ward Development Fund declared illegal courts by to the NG-CDF and NGAAF to ensure optimal resource utilization and address the needs of the people.

914. On the other hand, 3 participants expressed their reservations on the Bill noting a potential for mismanagement and embezzlement of the Funds resulting in wastage of public resources.

Photo 289: Public Participation in Wundanyi Constituency

4.4.290 Yatta Constituency

915. The public hearing exercise was held at Yatta Constituency Office from 5th to 8th May 2025 between 8.00 am and 5.00 pm. A total of 780 members of the public participated in the exercise.

916. A total of 779 participants supported the Bill. They submitted as follows:

(i) The NG-CDF has been instrumental in providing bursaries to needy and deserving students, thereby enhancing access to education and supporting the retention of learners from vulnerable backgrounds. The Fund has also contributed to the reduction of regional disparities by allocating resources based on need, ensuring that all constituencies benefit equitably from development initiatives.

917. On the other hand, 1 participant expressed reservations on the Bill but did not give reasons.

Photo 290: Public Participation in Yatta Constituency

918. A quantitative summary of the public views during the public hearings exercise is contained in Table 2.

Table 2: Analysis of Views of the Public on the Bill at the Constituency Level

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
1	Ainabkoi	549	6	555	98.9	1.1
2	Ainamoi	119	-	119	100.0	-
3	Aldai	1,550	17	1,567	98.9	1.1
4	Alego Usonga	585	24	609	96.1	3.9
5	Awendo	355	7	362	98.1	1.9
6	Bahati	219	5	224	97.8	2.2
7	Balambala	175	-	175	100.0	-
8	Banissa	539	-	539	100.0	-
9	Baringo Central	516	4	520	99.2	0.8
10	Baringo North	330	1	331	99.7	0.3

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
11	Baringo South	373	3	376	99.2	0.8
12	Belgut	205	2	207	99.0	1.0
13	Bobasi	409	3	412	99.3	0.7
14	Bomachoge Borabu	259	1	260	99.6	0.4
15	Bomachoge Chache	190	17	207	91.8	8.2
16	Bomet Central	685	5	690	99.3	0.7
17	Bomet East	801	3	804	99.6	0.4
18	Bonchari	218	-	218	100.0	-
19	Bondo	1,238	8	1,246	99.4	0.6
20	Borabu	585	2	587	99.7	0.3
21	Budalangi	592	1	593	99.8	0.2
22	Bumula	289	1	290	99.7	0.3
23	Bura	416	71	487	85.4	14.6
24	Bureti	136	1	137	99.3	0.7
25	Butere	238	-	238	100.0	-
26	Butula	1,053	7	1,060	99.3	0.7
27	Buuri	1,595	1	1,596	99.9	0.1
28	Central Imenti	1,840	19	1,859	99.0	1.0
29	Changamwe	1,536	4	1,540	99.7	0.3
30	Chepalungu	637	7	644	98.9	1.1
31	Cherangany	682	-	682	100.0	-
32	Chesumei	757	4	761	99.5	0.5
33	Chuka/Igambang'ombe	1,188	6	1,194	99.5	0.5

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
34	Dadaab	396	-	396	100.0	-
35	Dagoretti North	1,223	10	1,233	99.2	0.8
36	Dagoretti South	1,662	30	1,692	98.2	1.8
37	Eldama Ravine	444	18	462	96.1	3.9
38	Eldas	353	-	353	100.0	-
39	Embakasi Central	1,080	6	1,086	99.4	0.6
40	Embakasi East	1,727	18	1,745	99.0	1.0
41	Embakasi North	1,075	4	1,079	99.6	0.4
42	Embakasi South	4,759	6	4,765	99.9	0.1
43	Embakasi West	1,625	58	1,683	96.6	3.4
44	Emgwen	284	7	291	97.6	2.4
45	Emuhaya	211	4	215	98.1	1.9
46	Emurua Dikirr	680	-	680	100.0	-
47	Endebess	429	-	429	100.0	-
48	Fafi	210	-	210	100.0	-
49	Funyula	523	12	535	97.8	2.2
50	Galole	552	5	557	99.1	0.9
51	Ganze	287	5	292	98.3	1.7
52	Garissa Township	128	4	132	97.0	3.0
53	Garsen	495	-	495	100.0	-
54	Gatanga	729	-	729	100.0	-
55	Gatundu North	309	5	314	98.4	1.6
56	Gatundu South	284	4	288	98.6	1.4

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
57	Gem	534	8	542	98.5	1.5
58	Gichugu	207	3	210	98.6	1.4
59	Gilgil	430	3	433	99.3	0.7
60	Githunguri	859	4	863	99.5	0.5
61	Hamisi	608	21	629	96.7	3.3
62	Homa Bay Town	463	18	481	96.3	3.7
63	Igembe Central	1,010	1	1,011	99.9	0.1
64	Igembe North	484	-	484	100.0	-
65	Igembe South	2,307	11	2,318	99.5	0.5
66	Ijara	72	-	72	100.0	-
67	Ikolomani	958	12	970	98.8	1.2
68	Isiolo North	761	18	779	97.7	2.3
69	Isiolo South	343	3	346	99.1	0.9
70	Jomvu	2,044	111	2,155	94.8	5.2
71	Juja	1,938	7	1,945	99.6	0.4
72	Kabete	976	5	981	99.5	0.5
73	Kabondo Kasipul	543	4	547	99.3	0.7
74	Kabuchai	707	17	724	97.7	2.3
75	Kacheliba	162	3	165	98.2	1.8
76	Kaiti	621	1	622	99.8	0.2
77	Kajiado Central	363	17	380	95.5	4.5
78	Kajiado East	649	15	664	97.7	2.3
79	Kajiado North	1,075	43	1,118	96.2	3.8

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
80	Kajiado South	658	9	667	98.7	1.3
81	Kajiado West	1,019	3	1,022	99.7	0.3
82	Kaloleni	981	5	986	99.5	0.5
83	Kamukunji	1,610	-	1,610	100.0	-
84	Kandara	367	-	367	100.0	-
85	Kanduyi	345	19	364	94.8	5.2
86	Kangema	1,536	3	1,539	99.8	0.2
87	Kangundo	290	4	294	98.6	1.4
88	Kapenguria	440	4	444	99.1	0.9
89	Kapseret	267	39	306	87.3	12.7
90	Karachuonyo	1,547	53	1,600	96.7	3.3
91	Kasarani	1,038	30	1,068	97.2	2.8
92	Kasipul	774	5	779	99.4	0.6
93	Kathiani	1,941	12	1,953	99.4	0.6
94	Keiyo North	1,645	3	1,648	99.8	0.2
95	Keiyo South	1,416	1	1,417	99.9	0.1
96	Kesses	417	25	442	94.3	5.7
97	Khwisero	288	-	288	100.0	-
98	Kiambaa	560	6	566	98.9	1.1
99	Kiambu Town	900	10	910	98.9	1.1
100	Kibra	1,843	24	1,867	98.7	1.3
101	Kibwezi East	2,295	9	2,304	99.6	0.4
102	Kibwezi West	3,058	26	3,084	99.2	0.8

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
103	Kieni	832	12	844	98.6	1.4
104	Kigumo	734	-	734	100.0	-
105	Kiharu	1,412	7	1,419	99.5	0.5
106	Kikuyu	1,428	215	1,643	86.9	13.1
107	Kilgoris	615	1	616	99.8	0.2
108	Kilifi North	729	4	733	99.5	0.5
109	Kilifi South	816	20	836	97.6	2.4
110	Kilome	880	-	880	100.0	-
111	Kimilili	1,225	20	1,245	98.4	1.6
112	Kiminini	1,200	-	1,200	100.0	-
113	Kinango	379	1	380	99.7	0.3
114	Kinangop	818	7	825	99.2	0.8
115	Kipipiri	213	-	213	100.0	-
116	Kipkelion East	339	12	351	96.6	3.4
117	Kipkelion West	221	16	237	93.2	6.8
118	Kirinyaga Central	740	13	753	98.3	1.7
119	Kisauni	892	4	896	99.6	0.4
120	Kisumu Central	2,154	24	2,178	98.9	1.1
121	Kisumu East	3,363	131	3,494	96.3	3.7
122	Kisumu West	950	17	967	98.2	1.8
123	Kitui Central	2,011	10	2,021	99.5	0.5
124	Kitui East	938	16	954	98.3	1.7
125	Kitui Rural	582	-	582	100.0	-

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
126	Kitui South	1,431	5	1,436	99.7	0.3
127	Kitui West	836	4	840	99.5	0.5
128	Kitutu Chache North	337	5	342	98.5	1.5
129	Kitutu Chache South	183	26	209	87.6	12.4
130	Kitutu Masaba	366	5	371	98.7	1.3
131	Konoin	909	4	913	99.6	0.4
132	Kuresoi North	346	2	348	99.4	0.6
133	Kuresoi South	514	12	526	97.7	2.3
134	Kuria East	392	47	439	89.3	10.7
135	Kuria West	235	9	244	96.3	3.7
136	Kwanza	745	-	745	100.0	-
137	Lafey	488	-	488	100.0	-
138	Lagdera	170	1	171	99.4	0.6
139	Laikipia East	246	3	249	98.8	1.2
140	Laikipia North	332	1	333	99.7	0.3
141	Laikipia West	2,099	137	2,236	93.9	6.1
142	Laisamis	207	4	211	98.1	1.9
143	Lamu East	273	2	275	99.3	0.7
144	Lamu West	475	6	481	98.8	1.2
145	Langata	143	16	159	89.9	10.1
146	Lari	613	-	613	100.0	-
147	Likoni	2,234	2	2,236	99.9	0.1
148	Likuyani	304	41	345	88.1	11.9

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
149	Limuru	2,661	26	2,687	99.0	1.0
150	Loima	189	2	191	99.0	1.0
151	Luanda	659	36	695	94.8	5.2
152	Lugari	432	3	435	99.3	0.7
153	Lungalunga	581	-	581	100.0	-
154	Lurambi	370	3	373	99.2	0.8
155	Maara	360	6	366	98.4	1.6
156	Machakos Town	174	1	175	99.4	0.6
157	Magarini	606	10	616	98.4	1.6
158	Makadara	1,978	73	2,051	96.4	3.6
159	Makueni	1,456	2	1,458	99.9	0.1
160	Malava	2,667	28	2,695	99.0	1.0
161	Malindi	169	-	169	100.0	-
162	Mandera North	928	2	930	99.8	0.2
163	Mandera East	582	2	584	99.7	0.3
164	Mandera South	452	4	456	99.1	0.9
165	Mandera West	537	4	541	99.3	0.7
166	Manyatta	1,042	30	1,072	97.2	2.8
167	Maragwa	811	3	814	99.6	0.4
168	Marakwet East	441	-	441	100.0	-
169	Marakwet West	70	-	70	100.0	-
170	Masinga	855	4	859	99.5	0.5
171	Matayos	596	43	639	93.3	6.7

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
172	Mathare	2,079	-	2,079	100.0	-
173	Mathioya	313	2	315	99.4	0.6
174	Mathira	147	3	150	98.0	2.0
175	Matuga	569	3	572	99.5	0.5
176	Matungu	271	9	280	96.8	3.2
177	Matungulu	1,296	7	1,303	99.5	0.5
178	Mavoko	139	2	141	98.6	1.4
179	Mbeere North	521	22	543	95.9	4.1
180	Mbeere South	481	14	495	97.2	2.8
181	Mbooni	1,352	-	1,352	100.0	-
182	Mogotio	937	13	950	98.6	1.4
183	Moiben	462	12	474	97.5	2.5
184	Molo	356	8	364	97.8	2.2
185	Mosop	180	10	190	94.7	5.3
186	Moyale	126	15	141	89.4	10.6
187	Msambweni	294	-	294	100.0	-
188	Mt. Elgon	1,126	-	1,126	100.0	-
189	Muhoroni	322	6	328	98.2	1.8
190	Mukurweini	331	5	336	98.5	1.5
191	Mumias East	265	4	269	98.5	1.5
192	Mumias West	468	-	468	100.0	-
193	Mvita	793	1	794	99.9	0.1
194	Mwala	253	1	254	99.6	0.4

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
195	Mwatate	1,250	78	1,328	94.1	5.9
196	Mwea	735	30	765	96.1	3.9
197	Mwingi Central	1,215	-	1,215	100.0	-
198	Mwingi North	770	1	771	99.9	0.1
199	Mwingi West	737	-	737	100.0	-
200	Naivasha	1,439	-	1,439	100.0	-
201	Nakuru Town East	280	5	285	98.2	1.8
202	Nakuru Town West	434	7	441	98.4	1.6
203	Nambale	338	7	345	98.0	2.0
204	Nandi Hills	216	6	222	97.3	2.7
205	Narok East	526	40	566	92.9	7.1
206	Narok North	343	-	343	100.0	-
207	Narok South	279	-	279	100.0	-
208	Narok West	366	101	467	78.4	21.6
209	Navakholo	750	4	754	99.5	0.5
210	Ndaragwa	1,196	3	1,199	99.7	0.3
211	Ndhiwa	175	3	178	98.3	1.7
212	Ndia	1,067	6	1,073	99.4	0.6
213	Njoro	893	63	956	93.4	6.6
214	North Horr	237	3	240	98.8	1.3
215	North Imenti	1,868	3	1,871	99.8	0.2
216	North Mugirango	458	2	460	99.6	0.4
217	Nyakach	1,527	8	1,535	99.5	0.5

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
218	Nyali	828	-	828	100.0	-
219	Nyando	870	-	870	100.0	-
220	Nyaribari Chache	570	4	574	99.3	0.7
221	Nyaribari Masaba	310	3	313	99.0	1.0
222	Nyatike	351	1	352	99.7	0.3
223	Nyeri Town	367	15	382	96.1	3.9
224	Ol Jorok	701	1	702	99.9	0.1
225	Ol Kalou	617	6	623	99.0	1.0
226	Othaya	349	1	350	99.7	0.3
227	Pokot South	191	8	199	96.0	4.0
228	Rabai	1,081	5	1,086	99.5	0.5
229	Rangwe	563	7	570	98.8	1.2
230	Rarieda	7,963	30	7,993	99.6	0.4
231	Rongai	246	1	247	99.6	0.4
232	Rongo	365	-	365	100.0	-
233	Roysambu	528	2	530	99.6	0.4
234	Ruaraka	1,727	31	1,758	98.2	1.8
235	Ruiru	1,464	3	1,467	99.8	0.2
236	Runyenjes	518	-	518	100.0	-
237	Sabatia	1,093	53	1,146	95.4	4.6
238	Saboti	567	1	568	99.8	0.2
239	Saku	428	1	429	99.8	0.2
240	Samburu East	145	-	145	100.0	-

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
241	Samburu North	218	2	220	99.1	0.9
242	Samburu West	516	28	544	94.9	5.1
243	Seme	695	10	705	98.6	1.4
244	Shinyalu	187	13	200	93.5	6.5
245	Sigor	241	-	241	100.0	-
246	Sigowet/Soin	582	19	601	96.8	3.2
247	Sirisia	969	3	972	99.7	0.3
248	Sotik	633	1	634	99.8	0.2
249	South Imenti	1,503	7	1,510	99.5	0.5
250	South Mugirango	456	12	468	97.4	2.6
251	Soy	605	8	613	98.7	1.3
252	Starehe	1,410	47	1,457	96.8	3.2
253	Suba North	1,239	11	1,250	99.1	0.9
254	Suba South	77	11	88	87.5	12.5
255	Subukia	273	-	273	100.0	-
256	Suna East	356	7	363	98.1	1.9
257	Suna West	482	2	484	99.6	0.4
258	Tarbaj	240	1	241	99.6	0.4
259	Taveta	833	33	866	96.2	3.8
260	Teso North	252	-	252	100.0	-
261	Teso South	311	1	312	99.7	0.3
262	Tetu	553	2	555	99.6	0.4
263	Tharaka	1,644	98	1,742	94.4	5.6

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
264	Thika Town	697	23	720	96.8	3.2
265	Tiaty	291	-	291	100.0	-
266	Tigania East	1,294	1	1,295	99.9	0.1
267	Tigania West	1,041	1	1,042	99.9	0.1
268	Tinderet	227	3	230	98.7	1.3
269	Tongaren	291	2	293	99.3	0.7
270	Turbo	999	32	1,031	96.9	3.1
271	Turkana Central	346	14	360	96.1	3.9
272	Turkana East	125	-	125	100.0	-
273	Turkana North	382	3	385	99.2	0.8
274	Turkana South	200	-	200	100.0	-
275	Turkana West	313	6	319	98.1	1.9
276	Ugenya	328	4	332	98.8	1.2
277	Ugunja	1,158	14	1,172	98.8	1.2
278	Uriri	596	2	598	99.7	0.3
279	Vihiga	353	5	358	98.6	1.4
280	Voi	1,536	34	1,570	97.8	2.2
281	Wajir East	799	1	800	99.9	0.1
282	Wajir North	326	-	326	100.0	-
283	Wajir South	442	-	442	100.0	-
284	Wajir West	72	5	77	93.5	6.5
285	Webuye East	289	2	291	99.3	0.7
286	Webuye West	559	2	561	99.6	0.4

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
287	West Mugirango	318	7	325	97.8	2.2
288	Westlands	1,089	3	1,092	99.7	0.3
289	Wundanyi	348	3	351	99.1	0.9
290	Yatta	779	1	780	99.9	0.1
	Total	**221,133**	**3,349**	**224,482**	**98.5**	**1.5**

4.5 Analysis of the Public Hearing Exercise

919. In the conduct of the public participation, the National Assembly received a total of **two hundred and twenty-four thousand nine hundred and nineteen (224,919)** submissions comprising submissions received through hand-delivery, emails and views from the public who attended the public hearings exercise.

920. A collated summary of all the views received via e-mail, hand delivery and during the public hearings exercise is contained in Table 3.

Table 3: Combined Tally of Constituencies

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
1	Ainabkoi	549	6	555	98.9	1.1
2	Ainamoi	119	-	119	100.0	-
3	Aldai	1,550	17	1,567	98.9	1.1
4	Alego Usonga	585	24	609	96.1	3.9
5	Awendo	355	7	362	98.1	1.9
6	Bahati	219	5	224	97.8	2.2
7	Balambala	175	-	175	100.0	-
8	Banissa	539	-	539	100.0	-
9	Baringo Central	516	4	520	99.2	0.8
10	Baringo North	330	1	331	99.7	0.3

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
11	Baringo South	373	3	376	99.2	0.8
12	Belgut	205	2	207	99.0	1.0
13	Bobasi	410	3	413	99.3	0.7
14	Bomachoge Borabu	259	1	260	99.6	0.4
15	Bomachoge Chache	192	17	209	91.9	8.1
16	Bomet Central	685	5	690	99.3	0.7
17	Bomet East	801	3	804	99.6	0.4
18	Bonchari	218	-	218	100.0	-
19	Bondo	1,238	9	1,247	99.3	0.7
20	Borabu	585	2	587	99.7	0.3
21	Budalangi	592	1	593	99.8	0.2
22	Bumula	289	1	290	99.7	0.3
23	Bura	417	71	488	85.5	14.5
24	Bureti	136	1	137	99.3	0.7
25	Butere	238	-	238	100.0	-
26	Butula	1,053	7	1,060	99.3	0.7
27	Buuri	1,595	1	1,596	99.9	0.1
28	Central Imenti	1,840	19	1,859	99.0	1.0
29	Changamwe	1,536	4	1,540	99.7	0.3
30	Chepalungu	637	7	644	98.9	1.1
31	Cherangany	682	-	682	100.0	-
32	Chesumei	757	4	761	99.5	0.5
33	Chuka/Igambang'ombe	1,188	6	1,194	99.5	0.5

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
34	Dadaab	396	-	396	100.0	-
35	Dagoretti North	1,238	13	1,251	99.0	1.0
36	Dagoretti South	1,662	31	1,693	98.2	1.8
37	Eldama Ravine	444	18	462	96.1	3.9
38	Eldas	353	-	353	100.0	-
39	Embakasi Central	1,153	6	1,159	99.5	0.5
40	Embakasi East	1,741	19	1,760	98.9	1.1
41	Embakasi North	1,077	4	1,081	99.6	0.4
42	Embakasi South	4,773	6	4,779	99.9	0.1
43	Embakasi West	1,695	60	1,755	96.6	3.4
44	Emgwen	285	7	292	97.6	2.4
45	Emuhaya	212	5	217	97.7	2.3
46	Emurua Dikirr	680	-	680	100.0	-
47	Endebess	429	-	429	100.0	-
48	Fafi	210	-	210	100.0	-
49	Funyula	523	13	536	97.6	2.4
50	Galole	552	5	557	99.1	0.9
51	Ganze	287	5	292	98.3	1.7
52	Garissa Township	128	4	132	97.0	3.0
53	Garsen	495	-	495	100.0	-
54	Gatanga	729	-	729	100.0	-
55	Gatundu North	309	5	314	98.4	1.6
56	Gatundu South	284	4	288	98.6	1.4

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
57	Gem	534	8	542	98.5	1.5
58	Gichugu	207	3	210	98.6	1.4
59	Gilgil	430	4	434	99.1	0.9
60	Githunguri	859	4	863	99.5	0.5
61	Hamisi	608	21	629	96.7	3.3
62	Homa Bay Town	463	18	481	96.3	3.7
63	Igembe Central	1,010	1	1,011	99.9	0.1
64	Igembe North	485	-	485	100.0	-
65	Igembe South	2,307	11	2,318	99.5	0.5
66	Ijara	72	-	72	100.0	-
67	Ikolomani	958	13	971	98.7	1.3
68	Isiolo North	761	18	779	97.7	2.3
69	Isiolo South	343	3	346	99.1	0.9
70	Jomvu	2,044	111	2,155	94.8	5.2
71	Juja	1,938	7	1,945	99.6	0.4
72	Kabete	976	5	981	99.5	0.5
73	Kabondo Kasipul	544	6	550	98.9	1.1
74	Kabuchai	707	17	724	97.7	2.3
75	Kacheliba	162	3	165	98.2	1.8
76	Kaiti	621	1	622	99.8	0.2
77	Kajiado Central	363	17	380	95.5	4.5
78	Kajiado East	649	15	664	97.7	2.3
79	Kajiado North	1,075	44	1,119	96.1	3.9

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
80	Kajiado South	658	9	667	98.7	1.3
81	Kajiado West	1,019	3	1,022	99.7	0.3
82	Kaloleni	981	5	986	99.5	0.5
83	Kamukunji	1,628	-	1,628	100.0	-
84	Kandara	367	-	367	100.0	-
85	Kanduyi	345	19	364	94.8	5.2
86	Kangema	1,536	3	1,539	99.8	0.2
87	Kangundo	290	4	294	98.6	1.4
88	Kapenguria	440	4	444	99.1	0.9
89	Kapseret	267	39	306	87.3	12.7
90	Karachuonyo	1,548	53	1,601	96.7	3.3
91	Kasarani	1,048	32	1,080	97.0	3.0
92	Kasipul	777	6	783	99.2	0.8
93	Kathiani	1,941	13	1,954	99.3	0.7
94	Keiyo North	1,645	3	1,648	99.8	0.2
95	Keiyo South	1,416	1	1,417	99.9	0.1
96	Kesses	417	25	442	94.3	5.7
97	Khwisero	288	-	288	100.0	-
98	Kiambaa	560	8	568	98.6	1.4
99	Kiambu Town	900	11	911	98.8	1.2
100	Kibra	1,875	26	1,901	98.6	1.4
101	Kibwezi East	2,295	9	2,304	99.6	0.4
102	Kibwezi West	3,058	26	3,084	99.2	0.8

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
103	Kieni	832	12	844	98.6	1.4
104	Kigumo	734	-	734	100.0	-
105	Kiharu	1,412	7	1,419	99.5	0.5
106	Kikuyu	1,428	216	1,644	86.9	13.1
107	Kilgoris	615	2	617	99.7	0.3
108	Kilifi North	729	5	734	99.3	0.7
109	Kilifi South	816	20	836	97.6	2.4
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112	Kiminini	1,200	-	1,200	100.0	-
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114	Kinangop	818	7	825	99.2	0.8
115	Kipipiri	213	-	213	100.0	-
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118	Kirinyaga Central	740	13	753	98.3	1.7
119	Kisauni	892	4	896	99.6	0.4
120	Kisumu Central	2,154	25	2,179	98.9	1.1
121	Kisumu East	3,364	131	3,495	96.3	3.7
122	Kisumu West	950	17	967	98.2	1.8
123	Kitui Central	2,011	10	2,021	99.5	0.5
124	Kitui East	938	17	955	98.2	1.8
125	Kitui Rural	582	-	582	100.0	-

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
126	Kitui South	1,431	5	1,436	99.7	0.3
127	Kitui West	836	4	840	99.5	0.5
128	Kitutu Chache North	337	5	342	98.5	1.5
129	Kitutu Chache South	183	26	209	87.6	12.4
130	Kitutu Masaba	366	5	371	98.7	1.3
131	Konoin	909	4	913	99.6	0.4
132	Kuresoi North	346	2	348	99.4	0.6
133	Kuresoi South	514	12	526	97.7	2.3
134	Kuria East	392	47	439	89.3	10.7
135	Kuria West	235	9	244	96.3	3.7
136	Kwanza	745	-	745	100.0	-
137	Lafey	488	-	488	100.0	-
138	Lagdera	170	1	171	99.4	0.6
139	Laikipia East	246	3	249	98.8	1.2
140	Laikipia North	332	1	333	99.7	0.3
141	Laikipia West	2,099	137	2,236	93.9	6.1
142	Laisamis	207	4	211	98.1	1.9
143	Lamu East	273	2	275	99.3	0.7
144	Lamu West	475	6	481	98.8	1.2
145	Langata	147	20	167	88.0	12.0
146	Lari	613	-	613	100.0	-
147	Likoni	2,234	2	2,236	99.9	0.1
148	Likuyani	304	41	345	88.1	11.9

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149	Limuru	2,661	26	2,687	99.0	1.0
150	Loima	189	2	191	99.0	1.0
151	Luanda	659	36	695	94.8	5.2
152	Lugari	432	3	435	99.3	0.7
153	Lungalunga	581	-	581	100.0	-
154	Lurambi	370	3	373	99.2	0.8
155	Maara	360	6	366	98.4	1.6
156	Machakos Town	174	2	176	98.9	1.1
157	Magarini	606	10	616	98.4	1.6
158	Makadara	1,981	73	2,054	96.4	3.6
159	Makueni	1,456	3	1,459	99.8	0.2
160	Malava	2,667	28	2,695	99.0	1.0
161	Malindi	169	-	169	100.0	-
162	Mandera North	928	2	930	99.8	0.2
163	Mandera East	582	2	584	99.7	0.3
164	Mandera South	452	4	456	99.1	0.9
165	Mandera West	537	4	541	99.3	0.7
166	Manyatta	1,042	31	1,073	97.1	2.9
167	Maragwa	811	3	814	99.6	0.4
168	Marakwet East	441	-	441	100.0	-
169	Marakwet West	70	-	70	100.0	-
170	Masinga	855	4	859	99.5	0.5
171	Matayos	596	43	639	93.3	6.7

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
172	Mathare	2,090	-	2,090	100.0	-
173	Mathioya	313	2	315	99.4	0.6
174	Mathira	147	3	150	98.0	2.0
175	Matuga	569	3	572	99.5	0.5
176	Matungu	271	9	280	96.8	3.2
177	Matungulu	1,296	7	1,303	99.5	0.5
178	Mavoko	139	2	141	98.6	1.4
179	Mbeere North	521	22	543	95.9	4.1
180	Mbeere South	481	14	495	97.2	2.8
181	Mbooni	1,352	-	1,352	100.0	-
182	Mogotio	937	13	950	98.6	1.4
183	Moiben	462	12	474	97.5	2.5
184	Molo	356	8	364	97.8	2.2
185	Mosop	180	10	190	94.7	5.3
186	Moyale	126	15	141	89.4	10.6
187	Msambweni	295	-	295	100.0	-
188	Mt. Elgon	1,126	-	1,126	100.0	-
189	Muhoroni	322	6	328	98.2	1.8
190	Mukurweini	332	5	337	98.5	1.5
191	Mumias East	265	4	269	98.5	1.5
192	Mumias West	468	1	469	99.8	0.2
193	Mvita	793	1	794	99.9	0.1
194	Mwala	253	1	254	99.6	0.4

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
195	Mwatate	1,250	78	1,328	94.1	5.9
196	Mwea	735	30	765	96.1	3.9
197	Mwingi Central	1,215	-	1,215	100.0	-
198	Mwingi North	770	1	771	99.9	0.1
199	Mwingi West	737	-	737	100.0	-
200	Naivasha	1,439	-	1,439	100.0	-
201	Nakuru Town East	280	5	285	98.2	1.8
202	Nakuru Town West	434	7	441	98.4	1.6
203	Nambale	338	7	345	98.0	2.0
204	Nandi Hills	216	6	222	97.3	2.7
205	Narok East	526	40	566	92.9	7.1
206	Narok North	344	-	344	100.0	-
207	Narok South	280	-	280	100.0	-
208	Narok West	366	101	467	78.4	21.6
209	Navakholo	750	4	754	99.5	0.5
210	Ndaragwa	1,196	3	1,199	99.7	0.3
211	Ndhiwa	175	3	178	98.3	1.7
212	Ndia	1,067	6	1,073	99.4	0.6
213	Njoro	893	63	956	93.4	6.6
214	North Horr	237	3	240	98.8	1.3
215	North Imenti	1,868	3	1,871	99.8	0.2
216	North Mugirango	458	2	460	99.6	0.4
217	Nyakach	1,527	9	1,536	99.4	0.6

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
218	Nyali	828	1	829	99.9	0.1
219	Nyando	870	-	870	100.0	-
220	Nyaribari Chache	570	4	574	99.3	0.7
221	Nyaribari Masaba	310	3	313	99.0	1.0
222	Nyatike	351	1	352	99.7	0.3
223	Nyeri Town	367	15	382	96.1	3.9
224	Ol Jorok	701	1	702	99.9	0.1
225	Ol Kalou	617	6	623	99.0	1.0
226	Othaya	349	1	350	99.7	0.3
227	Pokot South	191	8	199	96.0	4.0
228	Rabai	1,081	5	1,086	99.5	0.5
229	Rangwe	563	7	570	98.8	1.2
230	Rarieda	7,965	31	7,996	99.6	0.4
231	Rongai	246	1	247	99.6	0.4
232	Rongo	365	-	365	100.0	-
233	Roysambu	531	6	537	98.9	1.1
234	Ruaraka	1,734	31	1,765	98.2	1.8
235	Ruiru	1,464	3	1,467	99.8	0.2
236	Runyenjes	518	-	518	100.0	-
237	Sabatia	1,093	53	1,146	95.4	4.6
238	Saboti	567	2	569	99.6	0.4
239	Saku	428	1	429	99.8	0.2
240	Samburu East	145	-	145	100.0	-

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
241	Samburu North	218	2	220	99.1	0.9
242	Samburu West	516	28	544	94.9	5.1
243	Seme	696	10	706	98.6	1.4
244	Shinyalu	187	13	200	93.5	6.5
245	Sigor	241	-	241	100.0	-
246	Sigowet/Soin	582	19	601	96.8	3.2
247	Sirisia	969	3	972	99.7	0.3
248	Sotik	633	2	635	99.7	0.3
249	South Imenti	1,504	9	1,513	99.4	0.6
250	South Mugirango	456	12	468	97.4	2.6
251	Soy	605	8	613	98.7	1.3
252	Starehe	1,421	48	1,469	96.7	3.3
253	Suba North	1,239	11	1,250	99.1	0.9
254	Suba South	77	11	88	87.5	12.5
255	Subukia	273	-	273	100.0	-
256	Suna East	356	7	363	98.1	1.9
257	Suna West	482	2	484	99.6	0.4
258	Tarbaj	240	1	241	99.6	0.4
259	Taveta	833	34	867	96.1	3.9
260	Teso North	252	-	252	100.0	-
261	Teso South	311	1	312	99.7	0.3
262	Tetu	553	2	555	99.6	0.4
263	Tharaka	1,644	98	1,742	94.4	5.6

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
264	Thika Town	697	24	721	96.7	3.3
265	Tiaty	291	-	291	100.0	-
266	Tigania East	1,294	1	1,295	99.9	0.1
267	Tigania West	1,041	1	1,042	99.9	0.1
268	Tinderet	228	3	231	98.7	1.3
269	Tongaren	292	2	294	99.3	0.7
270	Turbo	999	32	1,031	96.9	3.1
271	Turkana Central	346	14	360	96.1	3.9
272	Turkana East	125	-	125	100.0	-
273	Turkana North	382	3	385	99.2	0.8
274	Turkana South	200	-	200	100.0	-
275	Turkana West	313	6	319	98.1	1.9
276	Ugenya	328	4	332	98.8	1.2
277	Ugunja	1,158	14	1,172	98.8	1.2
278	Uriri	596	2	598	99.7	0.3
279	Vihiga	353	5	358	98.6	1.4
280	Voi	1,536	34	1,570	97.8	2.2
281	Wajir East	799	1	800	99.9	0.1
282	Wajir North	327	-	327	100.0	-
283	Wajir South	443	-	443	100.0	-
284	Wajir West	72	5	77	93.5	6.5
285	Webuye East	289	3	292	99.0	1.0
286	Webuye West	559	2	561	99.6	0.4

No	Constituency	I support	I do not Support	Total Responses	% support	% Do not Support
287	West Mugirango	318	7	325	97.8	2.2
288	Westlands	1,093	6	1,099	99.5	0.5
289	Wundanyi	349	3	352	99.1	0.9
290	Yatta	779	1	780	99.9	0.1
291	Not Indicated Constituency	9	56	65	13.8	86.2
		221,459	**3,460**	**224,919**	**98.5**	**1.5**

CHAPTER FIVE

5 MEMORANDA SUBMITTED ON THE BILL

5.1 Memoranda received on the Bill

921. Pursuant to Article 118 of the Constitution and Standing Order 127(3) and 3(A) of the National Assembly Standing Orders, the Clerk of the National Assembly placed advertisements in the print media on 15th March, 21st and 22nd April, and 5th May 2025 inviting the public to submit memoranda by way of written statements on the Bill on or before 10th June 2025 at 5.00 pm (East African Time).

922. By the close of the submission deadline, the Committee received twenty six (26) memoranda from the Makueni People's Assembly, Prof. PLO-Lumumba, Ukweli Party, the Architects Alliance (TAA), AC Knights and Advocates, Mizani 254, Transparency International (TI), Coast Civil Society Network for Human Rights (CCSNHR), Council of Governors (COG), Law Society of Kenya (LSK) Nairobi Branch, Echo Network Africa Foundation (ENAF) and Democracy Trust Fund (DTF), Torch Africa, Kenya Conference of Catholic Bishops-Catholic Justice and Peace Department (KCCB-CJPD), Stephen Rugumi, Simon Mwangi Mbugua, Anthony Maiyuku, Victor Nundu, Justus Kipkoech Kurgat, Peter Kiplangat Ngetich, Titus Kimala, Mark Maina, Osman Abdi, Victor Kamau, Nderitu Nduba, Sydney Sid and Jeremy Ng'ang'a. The memoranda are annexed to this report as *Annexure 14*.

Makueni People's Assembly

923. Makueni People's Assembly proposed the abolition of the NG-CDF and replacement with a development financing mechanism constitutionally embedded within the Executive arm under county governments to be renamed County Constituency Development Support Fund and administered under the County Executive through a framework of intergovernmental cooperation subject to oversight by the County Assembly and Auditor-General.

924. Makueni People's Assembly further submitted that the development funds under NG-CDF, NGAAF and SOF should be consolidated into a single-county based development envelope to prevent duplication of roles, preserve separation of powers, enhance transparency and end political patronage.

Committee Observation

925. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall be governed by the relevant provisions of the Constitution and the law on transparency and accountability.

Prof. PLO-Lumumba

926. Prof. PLO-Lumumba was of the view that the Constitution is not a vehicle for entrenching interests of specific institutions or officeholders but a charter for democratic governance. He added that entrenching funds that have already been declared unconstitutional by the Judiciary would not only undermine the integrity of the Constitution but also erode public trust in constitutional institutions and the doctrine of the rule of law. He added that Parliament must respect judicial independence and authority especially binding decisions emanating from the High Court and Supreme Court as provided in Article 167(3) of the Constitution.

927. Additionally, Prof. PLO-Lumumba was of the view that devolution ought to be reinforced by channelling all national government support to local areas through county governments via conditional or unconditional grants in accordance with Articles 190 and 202 of the Constitution. In his view, this would ensure consistency with devolved development priorities, coordination across government levels and equitable distribution of resources.

928. In the alternative, Prof. PLO-Lumumba proposed establishing an Executive-managed National Development Support Program to address the development needs currently targeted by NG-CDF to be housed within the Ministry of Planning or relevant line ministries. It was his opinion that this would allow MPs to engage in identifying local priorities through structured and consultative processes.

Committee Observations

929. The Committee noted that court decisions on the existing NG-CDF have not barred Parliament from amending the Constitution in the exercise of the legislative powers conferred under Article 256 of the Constitution. Consideration of the proposed amendment in exercise of legislative powers does not in any way offend judicial independence and authority.

930. The Committee further noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

Ukweli Party

931. Ukweli Party was of the view that the Bill is retrogressive, violates the doctrine of separation of powers, subverts devolution, and entrenches corruption and governance malpractice.

Committee Observation

932. The Committee noted that the Bill only proposes the establishment of the NGCF, SOF and NGAAF. The Bill does not contain any other provisions that allude to or may be taken to allude to a violation of the Constitution or its progressive principles. The operationalization of the Funds is left to legislation to be passed by Parliament.

The Architects Alliance

933. Relating to the NGCF, TAA was of the view that the Bill undermines the doctrine of separation of powers as reiterated in ***Institute for Social Accountability and Another v National Assembly and 5 Others [2022] KESC 39 (KLR)*** where the Court declared the Constituencies Development Act, 2013 unconstitutional for violating the constitutional principles of separation of powers.

934. Additionally, the Bill contravenes the objects and principles of devolution under Chapter Eleven of the Constitution as in the case of ***Gikonyo and Another v National Assembly of Kenya and 4 Others; Council of Governors and 3 Others (Interested Parties) [2024] KEHC 10886 (KLR)*** where the High Court held that the NG-CDF Act, 2015 as amended in 2022 and 2023 was unconstitutional as it undermined devolution by intruding into county functions and creating inefficiency through a duplication of roles.

935. Furthermore, TAA stated that the Bill would set a precedent for fragmented constitutional amendments and clutter the Constitution with operational details better addressed

through legislation and policy. In its view, the proposed amendments undermine coherence, simplicity and stability of the Constitution.

936. TAA added that entrenching constituency-based funds like the NGCF in the Constitution could perpetuate inequities as resource allocation may be influenced more by political considerations than by objective measures of poverty or developmental needs thereby violating principles of public finance under Article 201 of the Constitution.

937. Regarding the SOF, TAA was of the view that it implies that the Senate requires a special ring-fenced fund beyond its normal operational budget to perform its constitutional mandate which undermines standard public finance management principles.

938. TAA was of the view that entrenching NGAAF in the Constitution would undermine the principle of separation of powers and devolution, result in a duplication and overlap of roles with existing development structures, contravene constitutional principles on public finance management and result in likely constitutional rigidity and weakening of legislative oversight. Further, TAA added that the Fund could better be addressed through ordinary legislation not through a constitutional amendment which could hinder future adaptation and reform.

Committee Observations

939. The Committee noted that court decisions on the existing NG-CDF have not barred Parliament from amending the Constitution in the exercise of the legislative powers conferred under Article 256 of the Constitution. Consideration of the proposed amendment in exercise of legislative powers does not in any way offend judicial independence and authority.

940. The Committee further noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

941. Additionally, the Committee noted that the Bill only proposes the establishment of the NGCF, SOF and NGAAF. The Bill does not contain any other provisions that allude to or may be taken to allude to a violation of the doctrine of separation of power or the coherence, simplicity and stability of the Constitution. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

AC Knights and Advocates

942. AC Knights and Advocates submitted that the NGCDF and NGAAF are already operational under existing legal framework or can be implemented through existing laws rendering their entrenchment in the Constitution unnecessary.

943. With respect to the SOF, they submitted that the establishment of the SOF should comply with the judgment of the court in ***Mwinzagu & 5 others v. Parliamentary Service Commission*** which declared that the exclusion of the nominated Senators from the Senate Oversight Function Fund was unconstitutional as it violated the principle of inclusivity under Article 10(2)(b) and public finance accountability under Article 201(a) of the Constitution.

944. In addition, they submitted that the Bill, particularly the entrenchment of NGCDF, disrupts the constitutional delineation of roles undermining the principle of separation of powers and the creation of the SOF results in unnecessary duplication of funding leading to wastage and undermines the constitutional principle of independently financing of Parliament.

945. Lastly, they submitted the failure by Parliament to enact a law on referendum creates a procedural gap that will undermine the legitimacy of the amendment process.

Committee Observations

946. The Committee noted that the existence of a statutory framework on part of the objects of the Bill does not preclude Parliament from proposing amendments to include the Funds in the Constitution in the exercise of its legislative mandate. Additionally, the courts have not barred Parliament from amending the Constitution pursuant to its mandate under Article 256 of the Constitution.

947. Additionally, the Committee noted that the Bill only proposes the establishment of the NGCF, SOF and NGAAF. The Bill does not contain any other provisions that allude to or may be taken to allude to the disruption of the constitutional delineation of roles, disregard of the doctrine of separation of powers or wastage and misuse of public funds. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

Coast Civil Society Network for Human Rights (CCSNHR)

948. CCSNHR stated that the entrenchment of the NGCF on the grounds that Constitution and other laws such as the County Governments Act and the National Government Coordination Act have addressed all the concerns relating to inequality in distribution of resources and local development through establishment of county governments and other units of decentralization.

949. They also submitted that the Funds will carry administrative costs which will distort the principle of prudence in utilization of public funds as enshrined under Article 201(d) of the Constitution.

950. They further submitted that the Funds will negatively impact the current constitutional structure and that the roles intended to be played by the SOF and NGAAF are already entrenched in law.

Committee Observations

951. The Committee noted that the existence of a statutory framework on part of the objects of the Bill does not preclude Parliament from proposing amendments to include the Funds in the Constitution in the exercise of its legislative mandate.

952. The Committee further noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments. The Bill does not contain any other provisions that allude to or may be taken to allude to unequal distribution of resources, prohibitive administrative costs, imprudent spending, or the distortion of the existing constitutional structure. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

Kenya Devolution Civil Society Organizations' Working Group (KDCSOWG)

953. KDCSOWG stated that the Constitution and other laws such as the County Governments Act and the National Government Coordination Act have addressed all the concerns relating to inequality in distribution of resources and local development through establishment of county governments and other units of decentralization.

954. They also submitted that the Funds will carry administrative costs which will distort the principle of prudence in utilization of public funds as enshrined under Article 201(d) of the Constitution.

955. They further submitted that the Funds will negatively impact the current constitutional structure and that the roles intended to be played by the SOF and NGAAF are already entrenched in law.

Committee Observations

956. The Committee noted that the existence of a statutory framework on part of the objects of the Bill does not preclude Parliament from proposing amendments to include the Funds in the Constitution in the exercise of its legislative mandate.

957. The Committee further noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments. The Bill does not contain any other provisions that allude to or may be taken to allude to unequal distribution of resources, prohibitive administrative costs, imprudent spending, or the distortion of the existing constitutional structure. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

Mizani254

958. They submitted that the High Court declared the NG-CDF Act as unconstitutional on several grounds such as the failure to involve the Senate in the legislative process and that the NG-CDF Act breached the doctrine of separation of powers as MPs continue to exercise significant influence of the Fund's management including appointment of committee members and directing the operation of the Funds.

Committee Observations

959. The Committee noted that court decisions on the existing NG-CDF have not barred Parliament from amending the Constitution in the exercise of the legislative powers conferred under Article 256 of the Constitution. Consideration of the proposed amendment in exercise of legislative powers does not in any way offend judicial independence and authority.

960. The Committee further noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The Bill does not contain any other provisions that allude to or may be taken to allude to management of the Funds or appointment of persons responsible for the Funds. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

Transparency International

961. They submitted that the Funds being proposed by the Bill will operate parallel to county government budgets and plans hence undermining coherent planning and resource utilization.

962. Further, they stated that the entrenchment of the Funds must be accompanied by robust governance, oversight and transparency mechanisms due to the historical misuse and lack of accountability in NG-CDF and NGAAF undermining development impact and citizen trust.

963. In addition, they submitted that the Funds will bypass county structures leading to an overlap in duties and responsibilities.

964. Lastly, they submitted that the Bill requires an approval through a referendum as it touches on the entrenched provisions under Chapter Sixteen of the Constitution including the functions of Parliament and the structure of devolved government.

Committee Observations

965. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

966. Additionally, the Committee noted that the Bill only proposes the establishment of the NGCF, SOF and NGAAF. The Bill does not contain any other provisions that allude to or may be taken to allude to undermining coherent planning and resource utilization, lack of accountability or overlap in duties and responsibilities. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

967. The Committee was of the view that a purposive interpretation of the provisions of the Constitution lends itself to the conclusion that the enactment of the Bill does not require approval through a referendum as it does not relate to the specific matters listed under Article 255(1) of the Constitution.

Council of County Governors (COG)

968. COG stated that the NGCF which currently is known as NG-CDF and NGAAF upsets the principles of separation of powers between the three arms of the national government and division of functions between the national government and county governments.

969. They also submitted that the SOF will occasion duplication of financial allocation to the Senate in the face of public resources.

970. In addition, COG submitted that the proposed Articles 204A and 204C are amendments that require a referendum to be conducted as they relate to the functions of Parliament to implementation which is a function of the national and county executives.

Committee Observations

971. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

972. Additionally, the Committee noted that the Bill only proposes the establishment of the NGCF, SOF and NGAAF. The Bill does not contain any other provisions that allude to or may be taken to allude to duplication allocation of finances. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

973. The Committee was of the view that a purposive interpretation of the provisions of the Constitution lends itself to the conclusion that the enactment of the Bill does not require approval through a referendum as it does not relate to the specific matters listed under Article 255(1) of the Constitution.

Law Society of Kenya (LSK) Nairobi Branch

974. LSK Nairobi Branch submitted that the provisions of the Bill will undermine the doctrine of separation of powers and rule of law by contradicting various courts judgments on CDF and NG-CDF.

975. It also submitted that the Funds duplicates county governments functions which will lead to inefficiencies and potential conflict of interest in service delivery.

976. In addition, it submitted that the creation of new funds and offices increases administrative costs and contradicts the principles of efficient and responsible use of public resources under Articles 201 and 232.

Committee Observations

977. The Committee noted that court decisions on the existing NG-CDF have not barred Parliament from amending the Constitution in the exercise of the legislative powers conferred under Article 256 of the Constitution.

978. The Committee further noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

979. Additionally, the Committee noted that the Bill does not contain any other provisions that allude to or may be taken to allude to inefficiency and potential conflict of interest in service delivery, increase in administrative costs, or inefficient use of public resources. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

Echo Network Africa Foundation (ENAF) and Democracy Trust Fund (DTF)

980. ENAF expressed reservations on the Bill. In its view, the Bill is inconsistent with the spirit and letter of the Constitution, would offend the doctrine of separation of powers and systems of checks and balances and violate the principles of public finance.

981. ENAF submitted that the courts had on several instances declared the NG-CDF to be unconstitutional.

982. Relating to NGAAF, he noted that the Fund is already established under the Public Finance Management Act (National Government Affirmative Action Fund) Regulations, 2016 and, therefore, does not require a constitutional amendment.

983. Regarding the SOF, ENAF noted that the purpose and objective of the Fund is already implemented through budgetary provisions relating to Parliament as provided in the Constitution.

Committee Observations

984. The Committee noted that court decisions on the existing NG-CDF have not barred Parliament from amending the Constitution in the exercise of the legislative powers conferred under Article 256 of the Constitution. Consideration of the proposed amendment in exercise of legislative powers does not in any way offend judicial independence and authority.

985. The Committee further noted that the existence of a statutory framework on part of the objects of the Bill does not preclude Parliament from proposing amendments to include the Funds in the Constitution.

986. Additionally, the Committee noted that the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. It does not contain any other provisions that allude to or may be taken to allude to violation of the principles of public finance. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

Torch Africa

987. Torch Africa submitted that the Bill undermines devolution and will cause conflicts between national and county governments and between MPs and Governors. In their view, the Funds intrude on the functions of national and county governments and in turn will cause wastage of resources.

988. They submitted that NGAAF undermines and offend the principle of separation of powers, prudent use of public resources, transparency and accountability as stipulated in the Constitution.

Committee Observations

989. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

990. Additionally, the Committee noted that the Bill does not contain any other provisions that allude to or may be taken to allude to undermining devolution, wastage of resources or lack of transparency and accountability. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

Kenya Conference of Catholic Bishops-Catholic Justice and Peace Department (KCCB-CJPD)

991. KCCB-CJPD submitted that entrenching the Funds in the Constitution is unnecessary and not advisable. They stated that NG-CDF and NGAAF already exists in law and that the Senate oversight function is already funded through PSC budgetary allocations.

Committee Observation

992. The Committee noted that the existence of a statutory framework on part of the objects of the Bill does not preclude Parliament from proposing amendments to include the Funds in the Constitution in the exercise of its legislative mandate.

Jeremy Ng'ang'a

993. Jeremy Ng'ang'a expressed reservations on the Bill. In his view, the entrenchment of the NGCF in the Constitution would offend the doctrine of separation of powers and as such proposed retaining the NG-CDF but renaming it to National Government Sub-County Infrastructure and Facility Development Fund to be administered by the national government by NGAO officers at the sub-county level.

994. In addition, Jeremy Ng'ang'a submitted that the SOF would be instrumental in enhancing oversight, however, establishment of the Fund does not require a constitutional amendment.

995. Regarding the NGAAF, Jeremy Ng'ang'a was of the view that most of the Fund's roles are already performed by county governments and thus the Fund should be phased out. If retained, he proposed restructuring and renaming the Fund to National Government Affirmative Action Support Fund to be administered at the county level by the County Commissioner

Committee Observations

996. The Committee noted that the existence of a statutory framework on part of the objects of the Bill does not preclude Parliament from proposing amendments to include the Funds in the Constitution in the exercise of its legislative mandate.

997. The Committee further noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

998. Additionally, the Committee noted that the Bill does not contain any other provisions that allude to or may be taken to allude to violation of the doctrine of separation of powers. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

999. **Victor Kamau** noted that the NG-CDF was declared unconstitutional by the High Court in September 2024. He was of the view that entrenching the NG-CDF in the Constitution would weaken devolution and make the Fund susceptible to misuse.

Committee Observations

1000. The Committee noted that court decisions on the existing NG-CDF have not barred Parliament from amending the Constitution in the exercise of the legislative powers conferred under Article 256 of the Constitution.

1001. Additionally, the Committee noted that the Bill does not contain any other provisions that allude to or may be taken to allude to the weakening of devolution or potential misuse of funds. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

1002. **Nderitu Nduba** submitted that the Bill is unnecessary as the proposed amendments could be realized without necessarily amending the Constitution. For instance, the

NGAAF can be implemented through the Public Finance Management Act (National Government Affirmative Action Fund) Regulations, 2016 in accordance with Article 206(1)(a) of the Constitution; the NGCF within the confines of the Constitution as held by various court decisions including the Supreme Court; and the SOF through budgetary provisions to Parliament as provided for in the Constitution.

Committee Observations

1003. The Committee noted that the option of passing ordinary legislation or resolutions on part of the objects of the Bill does not preclude Parliament from proposing amendments to include the Funds in the Constitution in the exercise of its legislative mandate. Court decisions on the existing NG-CDF have not barred Parliament from amending the Constitution in the exercise of the legislative powers conferred under Article 256 of the Constitution.

1004. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

1005. Additionally, the Committee noted that the Bill does not contain any other provisions that allude to or may be taken to allude to violation of the doctrine of separation of powers. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

1006. **Sydney Sid** was of the view that entrenching the Funds in the Constitution would result in a conflict of roles between county governments and the national government.

Committee Observations

1007. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

1008. Additionally, the Committee noted that the Bill does not contain any other provisions that allude to or may be taken to allude to a conflict of roles between county governments and the national government.

1009. **Stephen Rugumi** submitted that the work of Parliament is representation, legislation and oversight.

Committee Observation

1010. The Committee agreed with this view and noted that consideration of the Bill constates the exercise of Parliament's legislative mandate.

1011. **Simon Mwangi Mbugua** submitted that the proposals do not align with the pressing priorities of the Kenyan public and risk diverting attention and resources for more urgent national needs.

Committee Observation

1012. The Committee was of the view that the objects of the Bill are fully aligned with the priorities of the public with respect to the further decentralization of the national government share of revenue through funds that directly impact development across the

country, take int account affirmative action programmes and the optimal financing of the operations of the Senate.

1013. **Antony Maiyuku** submitted that the NG-CDF is illegal because it goes against the mandate of MPs which are enshrined in the Constitution.

Committee Observation

1014. The Committee was of the view that consideration of the Bill accords with the legislative, oversight and representative mandate of Parliament.

1015. **Victor Nundu** submitted that NG-CDF has had significant impact to common citizens through developments. He also submitted that the purpose of SOF will be done best by MCAs. Finally, he submitted that the NGAAF has not brought any impactful changes.

Committee Observation

1016. The Committee noted that the proposals in the Bill were limited to the establishment of the three Funds and that the Bill does not contain provisions on the administration and management of the Funds. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

1017. **Justus Kipkoech Kurgat** submitted that the entrenchment of the Funds raises significant concerns and may contravene several principles and provisions of the Constitution. He submitted that the Funds blurs the lines of separation of powers, undermines the principle of public finance, and infringes on the division of functions between the national government and county governments.

Committee Observations

1018. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operation of the Funds shall not affect or diminish the equitable share of national revenue that is allocated to county governments.

1019. Additionally, the Committee noted that the Bill does not contain any other provisions that allude to or may be taken to allude to violation of the doctrine of separation of powers, contravention of the principles of public finance or infringement of the division of functions between the national government and county governments. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

1020. **Peter Ngetich** supported the entrenchment of CDF and proposed an increase in budgetary allocation to the Fund because he has been a beneficiary of the Fund through educational bursaries.

Committee Observation

1021. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The operationalization and exact budgetary allocation to the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

1022. **Titus Kimala** submitted that the Bill violates the principle of separation of powers whereby MPs should not implement the law and oversight at the same time. He also stated that public participation by Parliament should be inclusive.

Committee Observations

1023. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The Bill does not contain any other provisions that allude to or may be taken to allude to MPs playing any implementation role. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

1024. The Committee further noted that the National Assembly had publicised the Bill and facilitated public discussion and participation in its consideration of the Bill across all the 290 Constituencies in the country over a three-day period, in addition to receiving written representations on the Bill in compliance with the provisions of Article 256(2) of the Constitution.

1025. **Mark Maina** submitted that the entrenchment of the Funds would occasion an increase in the misuse of public funds and that Parliament should prioritize the establishment of stronger and independent oversight mechanism to protect public funds.

Committee Observation

1026. The Committee noted that the proposal in the Bill specifically relates to the establishment of Funds that are to be derived from the National Government share of Revenue. The Bill does not contain any other provisions that allude to or may be taken to allude to misuse of public funds. The operationalization of the Funds is left to legislation to be passed by Parliament that shall accord with established governance and public finance management principles.

CHAPTER SIX

6 COMMITTEE OBSERVATIONS

1028. Upon reviewing the Bill and the submissions received, the Committee made the following observations:

(1) There was huge public support of the Bill during the public hearings on the Bill. During the exercise, a total of 224,482 members of the public participated and 221,133 members of the public were in support of the Bill representing 98.5% of the participants. Some of the reasons the public gave in expressing their support for the Bill were that the NGCF would continue facilitating access to education by providing bursaries to needy students, the NGAAF would promote access to financial facilities to special interest groups and the SOF would promote accountability in county governments in how the county governments utilize the money allocated to counties.

(2) The Bill requires Parliament to enact consequential legislation on the administration and operations of the Funds. The consequential legislation should adhere to the doctrine of separation of powers, and the constitutional principles of devolution, transparency, accountability, and division of functions between the national government and county governments.

(3) The NGCF and NGAAF are means of further decentralizing resources to the local level. The Funds are intended for specific purposes and that the sources of funds consist of money appropriated from the national's government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution.

(4) On whether the Bill may be amended by the House to take into account some of the recommendations proposed, the Committee took cognizance of the Communication from the Chair dated 20th August, 2015 where the Speaker directed that a Bill to amend the Constitution may not be amended by the House. The Speaker was of the opinion that a plain reading of Article 256 of the Constitution reveals that while the Constitution does not expressly disallow amendments to a Bill to amend the Constitution, it deliberately discouraged such amendments unless there is anything extraordinary in the Bill that would require application of extraordinary measures.

(5) The Committee was of the view that a purposive interpretation of the provisions of the Constitution lends itself to the conclusion that the enactment of the Bill does not require approval through a referendum as it does not relate to the specific matters listed under Article 255(1) of the Constitution.

CHAPTER SEVEN

7 COMMITTEE RECOMMENDATION

1029. The Committee, having considered the Constitution of Kenya (Amendment) Bill *(National Assembly Bill No. 4 of 2025)* and the submissions from members of the public, recommends that the House **approves the Bill**.

SIGNED..... DATE 17. 6. 025

HON. GEORGE GITONGA MURUGARA, CBS, MP
CHAIRMAN
DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 17 JUN 2025 DAY. TUESDAY

TABLED BY:	HON GITONGA MURUGARA (CHAIRPERSON)
CLERK-AT THE-TABLE:	WILLIS OBIERO

Annexure **1**

Adoption Schedule

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT – 4TH SESSION-2025

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ADOPTION OF THE COMMITTEE REPORT ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Report of the Committee on the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025) and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson .....
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chair .....
3. Hon. Gladys Boss, MGH, MP .....
4. Hon. Farah Maalim, EGH, MP .....
5. Hon. Silvanus Osoro Onyiego, CBS, MP .....
6. Hon. Tom Joseph Francis Kajwang', CBS, MP .....
7. Hon. Muchangi Karemba, CBS, MP .....
8. Hon. Timothy Wanyonyi Wetangula, CBS, MP .....
9. Hon. (Dr.) Otiende Amollo, SC, MP .....
10. Hon. Michael Mwangi Muchira, MP .....
11. Hon. Aden Daud, EBS, MP .....
12. Hon. John Okwisia Makali, MP .....
13. Hon. Stephen M. Mogaka, MP .....
14. Hon. Amina Udgoon Siyad, MP .....
15. Hon. CPA Suleka Hulbale Harun, MP .....

Annexure 2

Minutes

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FOURTH SESSION-2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 48TH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD IN COMMITTEE ROOM 21 ON 5TH FLOOR, BUNGE TOWER, ON TUESDAY 10TH JUNE 2025 AT 10:00 AM

PRESENT

1. Hon. Murugara George Gitonga, MP - *Chairperson*
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - *Vice Chairperson*
3. Hon. Maalim Farah, EGH, MP
4. Hon. Francis Kajwang' Tom Joseph, MP
5. Hon. Muchangi Karemba, CBS, MP
6. Hon. Muchira Michael Mwangi, MP
7. Hon. Aden Daud, EBS, MP
8. Hon. Makali John Okwisia, MP
9. Hon. Mogaka Stephen M, MP
10. Hon. Siyad Amina Udgoon, MP
11. Hon. CPA. Sulekha Hulbale Harun, MP

ABSENT WITH APOLOGIES

1. Hon. Gladys Boss, MGH, MP
2. Hon. Onyiengo Silvanus Osoro, CBS, MP
3. Hon. Wetangula Timothy Wanyonyi, CBS, MP
4. Hon. (Dr.) Otiende Amollo, SC, MP

SECRETARIAT

1.	Mr. Ahmed Salim	-	Clerk Assistant I
2.	Mr. Walala Ronald	-	Senior Legal Counsel
3.	Mr. Isaac Nabiswa	-	Legal Counsel II
4.	Mr. Omar Abdirahim	-	Fiscal Analyst I
5.	Mr. Meldrick Sakani	-	Audio Officer
6.	Mr. Shawn Ngoyo	-	Attache, JLAC

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes of previous sittings
4. Consideration and Adoption of the Report on the Consideration of the Constitution of Kenya (Amendment) Bill, 2025 (National Assembly Bill No. 4 of 2025)
5. Any Other Business
6. Adjournment / Date of the Next Meeting

MIN. NO. DDC/JLAC/224/2025: PRELIMINARIES

The meeting was called to order at twenty minutes past ten o'clock by the Chairperson followed by a word of prayer from the Chairperson and thereafter Members of the

Committee introduced themselves. The agenda was adopted having been proposed by Hon. Muchangi Karemba, MP and seconded by Hon. Maalim Farah, EGH, MP.

MIN. NO. DDC/JLAC/225/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The agenda was deferred.

MIN. NO. DDC/JLAC/226/2025: CONSIDERATION AND ADOPTION OF THE REPORT ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025 (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

The Committee considered the draft Report on the Constitution of Kenya (Amendment) Bill, 2025 (National Assembly Bill No. 4 of 2025)

Committee Observations

Upon reviewing the Bill, the submissions received, and taking into account views submitted by members of the public during the countrywide public participation forums held between 5th and 8th May 2025, the Committee made the following observations:

(1) There was huge public support of the Bill during the public hearings on the Bill. During the exercise, a total of 224,482 members of the public participated and 221,133 members of the public were in support of the Bill representing 98.5% of the participants. Some of the reasons the public gave in expressing their support for the Bill were that the NGCF would continue facilitating access to education by providing bursaries to needy student, the NGAAF would promote access to financial facilities to special interest groups and the SOF would promote accountability in county governments in how the county governments utilize the money allocated to counties.

(2) The Bill requires Parliament to enact legislation on the administration and operations of the Funds. The Acts should adhere to constitutional principles such as doctrine of separation of powers, devolution, transparency, accountability and division of functions between the national government and county governments.

(3) The NGCF and NGAAF are means of further decentralizing resources to the local level. The Funds are intended for specific purposes and that the sources of funds consist of money appropriated from the national's government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution.

(4) On whether the Bill may be amended by the House to take into account some of the recommendations proposed, the Committee took cognizance of the Communication from the Chair dated 20th August, 2015 where the Speaker directed that a Bill to amend the Constitution may not be amended by the House. The Speaker was of the opinion that a plain reading of Article 256 of the Constitution reveals that while the Constitution does not expressly disallow amendments to a Bill to amend the Constitution, it deliberately discouraged such amendments unless there is anything extraordinary in the Bill that would require application of extraordinary measures.

Committee Recommendation

Having considered the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025) and the submissions from members of the public, the Committee resolved to recommend to the House to approve the Bill.

Adoption of the Report

The Committee adopted its report, having been proposed by Hon. Aden Daud, MP and seconded by Hon. Muchangi Karemba, MP.

MIN. NO. DDC/JLAC/227/2025: ADJOURNMENT

There being no other business, the meeting was adjourned at fifteen minutes past eleven o'clock. The next meeting will be held on notice.

SIGNED: ..... **DATE:** 17.6.025'

(CHAIRPERSON HON. MURUGARA GEORGE GITONGA, CBS, MP)

Annexure **3**

Advertisement dated 15th March 2025 inviting the public and stakeholders to submit views on the Bill

REPUBLIC OF KENYA

13TH PARLIAMENT – FOURTH SESSION – 2025

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT- FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLES 118(1) (b) AND 256(2) OF THE CONSTITUTION

AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Articles 118(1) (b) and 256(2) of the Constitution require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and to publicise any Bill to amend the Constitution and facilitate public discussion about the Bill;

AND WHEREAS, Constitution of Kenya (Amendment) Bill, 2025 (National Assembly Bill No. 4 of 2025) was read for the First Time on **Wednesday, 12th March 2025**, and referred to the Departmental Committee on Justice and Legal Affairs for consideration and reporting to the House;

IT IS NOTIFIED that the **Constitution of Kenya (Amendment) Bill, 2025 (National Assembly Bill No. 4 of 2025)** is a Bill co-sponsored by the **Hon. Samuel Chepkong'a, MP** and the **Hon. Otiende Amollo, MP** that seeks to amend the Constitution to entrench the following Funds in the Constitution—

(1) The **National Government Constituencies Fund** for purposes of ensuring reasonable access to exclusive national government functions in all constituencies as envisaged in Article 6(3) of the Constitution and ensure the participation of the people in the identification and implementation of priority national government programmes;

(2) The **Senate Oversight Fund** to ensure that the Senate is adequately empowered and resourced to effectively perform its oversight functions under Article 96(3) of the Constitution; and

(3) The **National Government Affirmative Action Fund** to enhance the measures of the national government on affirmative action.

NOW THEREFORE, in compliance with Articles 118(1) (b) and 256(2) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bill to the **Departmental Committee on Justice and Legal Affairs.**

A copy of the Bill is available at the National Assembly Table Office, Main Parliament Buildings, and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi;** hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi;** or emailed to cna@parliament.go.ke to be received on or before **Tuesday, 10th June 2025** at **5.00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
15th March 2025

"For the Welfare of Society and the Just Government of the People"

Annexure **4**

Communication from the Chair No. 20 of 2025

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATIONS FROM THE CHAIR

(No. 020 of 2025)

PUBLIC PARTICIPATION EXERCISE ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

Honourable Members,

1. As you may recall, the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025) was read a First Time on Wednesday, 12th March 2025 and referred to the Departmental Committee on Justice and Legal Affairs for consideration. The Bill seeks to amend the Constitution of Kenya to entrench the National Government Constituencies Fund, the Senate Oversight Fund, and the National Government Affirmative Action Fund in the Constitution.

2. Consequently, on 15th March 2025, in compliance with Articles 118(1)(b) and 256(2) of the Constitution and Standing Order 127(3), the Clerk placed advertisements in the local dailies inviting the public and stakeholders to submit memoranda on the Bill.

3. **Honourable Members,** as observed by our courts, *amending of a country's constitution, more so our Constitution, should be a sacrosanct public undertaking and its processes must be undertaken very transparently and in strict compliance with the country's supreme law.*

4. Article 256(2) of the Constitution provides that *'Parliament shall publicise any Bill to amend the Constitution, and facilitate public discussion about the Bill.'* it is for this reason that we must therefore conduct a granular public participation exercise on this Constitution of Kenya (Amendment) Bill, 2025.

5. In this regard, **Honourable Members,** the House Business Committee and the National Assembly General Legislative Caucus resolved that, in addition to receiving written memoranda and consulting relevant stakeholders, the public participation exercise be extended to all the counties and constituencies so as to accord majority of Kenyans an opportunity to express themselves on the Bill.

6. **Honourable Members,** with regard to the administrative arrangements to facilitate public participation, the House Business Committee and the National Assembly General Legislative Caucus also resolved that the country-wide public participation be undertaken from **Monday, 5th May 2025** to **Wednesday, 7th May 2025.** Consequently, I now direct the Clerk to communicate the full details of the programme for the information of the public, through print and electronic media advertisements, **on Monday, 21st April 2025.**

7. **Honourable Members,** I implore all of you to avail yourselves to spearhead and participate in this very noble activity. I also direct the Clerk to organize a *Kamukunji* on **Tuesday, 29th April 2025,** where Members will be apprised on the modalities of the public participation exercise to be conducted in all the counties and constituencies.

8. The House is accordingly guided.

I thank you.

Wetangula

THE HON. (DR.) MOSES F.M. WETANG'ULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, 17th April 2025

Annexure **5**

Advertisement dated 21st April 2025 inviting the public to submit views on the Bill and attend public hearings in the 290 Constituencies

THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)

THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLES 118(1)(b) AND 256(2) OF THE CONSTITUTION

AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

NOTIFICATION OF PUBLIC HEARINGS AND INVITATION TO SUBMIT VIEWS

WHEREAS, Articles 118(1)(b) and 256(2) of the Constitution require Parliament to facilitate public participation and involvement in its legislative and other business and to publicise any Bill to amend the Constitution and facilitate public discussion about the Bill;

AND WHEREAS, the **Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025)** was read a First Time on **Wednesday, 12th March 2025**, and referred to the Departmental Committee on Justice and Legal Affairs for consideration and reporting to the House;

IT IS NOTIFIED that the **Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025)** is a Bill co-sponsored by the **Hon. Samuel Chepkong'a, MP** and the **Hon. Otiende Amollo, MP** that seeks to amend the Constitution to entrench the following Funds in the Constitution—

(1) The **National Government Constituencies Fund** for purposes of ensuring reasonable access to exclusive national government functions in all constituencies as envisaged in Article 6(3) and ensure the participation of the people in the identification and implementation of priority national government programmes;

(2) The **Senate Oversight Fund** to ensure that the Senate is adequately empowered and resourced to perform its oversight functions; and

(3) The **National Government Affirmative Action Fund** to enhance the measures of the national government on affirmative action.

NOW THEREFORE, in compliance with Articles 118(1) (b) and 256(2) of the Constitution and National Assembly Standing Order 127(3), the Departmental Committee on Justice and Legal Affairs has, in addition to receiving written memoranda and consulting relevant stakeholders and experts on technical subjects, resolved to hold **public hearings** on **Monday, 5th May 2025, Tuesday, 6th May 2025 and Wednesday 7th May, 2025** from **8.00 am to 5.00pm** across the country coordinated from the **47 Counties** as per the schedule below—

SCHEDULE OF PUBLIC HEARINGS

S/NO.	CONSTITUENCIES	VENUE
1.	Changaswa	Tononoka Social Hall
2.	Jomvu	
3.	Kisauni	
4.	Nyali	
5.	Likoni	
6.	Mvita	
7.	Msambweni	Kwale Cultural Centre
8.	Lungalunga	
9.	Matuga	
10.	Kinango	
11.	Ganze	Coast Development Authority Hall, Kilifi
12.	Kaloleni	
13.	Kilifi North	
14.	Kilifi South	
15.	Malindi	
16.	Rabai	
17.	Magarini	
18.	G Galole	County Hall, Hola
19.	Bura	
20.	Garsen	
21.	Lamu East	KCB Hall
22.	Lamu West	
23.	Taveta	Mwatate CDF Hall
24.	Wundanyi	
25.	Mwatate	
26.	Voi	
27.	Garissa Township	Government Guest House
28.	Balambala	
29.	Lagdera	
30.	Dadaab	
31.	Fafi	
32.	Ijara	
33.	Wajir North	ICT Hall, Wajir Town
34.	Wajir East	
35.	Tarbaj	
36.	Wajir West	
37.	Eldas	
38.	Wajir South	
39.	Mandera West	Mandera Social Hall
40.	Banissa	
41.	Mandera North	
42.	Mandera South	
43.	Mandera East	
44.	Lafey	
45.	Moyale	Catholic Hall, Marsabit
46.	North Horr	
47.	Saku	
48.	Laisamis	
49.	Isiolo North	Catholic Diocese Hall, Isiolo
50.	Isiolo South	
51.	North Imenti	Kamunde Hall
52.	Buuri	
53.	Central Imenti	
54.	South Imenti	
55.	Tigania East	
56.	Tigania West	
57.	Igembe North	
58.	Igembe South	
59.	Igembe Central	
60.	Maara	Katwana County Hall
61.	Chuka/Igambang'ombe	
62.	Tharaka	
63.	Manyatta	IFAD Hall
64.	Runyenjes	
65.	Mbeere South	
66.	Mbeere North	
67.	Mwingi North	Kitui Multi-Purpose Hall
68.	Mwingi West	
69.	Mwingi Central	
70.	Kitui West	
71.	Kitui Rural	
72.	Kitui Central	
73.	Kitui East	
74.	Kitui South	
75.	Masinga	Machakos Social Hall
76.	Yatta	
77.	Kangundo	
78.	Matungulu	
79.	Kathiani	
80.	Mavoko	
81.	Machakos Town	
82.	Mwala	
83.	Mbooni	Wote Green Park Gardens
84.	Kilome	
85.	Kaiti	
86.	Makueni	
87.	Kibwezi West	
88.	Kibwezi East	
89.	Kinangop	Nyandarua CDF Hall, Ol Kalou
90.	Kipipiri	
91.	Ol Kalou	
92.	Ol Jorok	
93.	Ndaragwa	
94.	Tetu	Nyeri Cultural Centre Hall
95.	Kieni	
96.	Mathira	
97.	Othaya	
98.	Mukurweini	
99.	Nyeri Town	
100.	Mwea	CDF Hall, Kirinyaga Central
101.	Gichugu	
102.	Ndia	
103.	Kirinyaga Central	
104.	Kangema	Murang'a University of Technology Hall
105.	Mathioya	
106.	Kiharu	
107.	Kigumo	
108.	Maragwa	
109.	Kandara	
110.	Gatanga	
111.	Gatundu South	Kiambu Social Hall
112.	Gatundu North	
113.	Juja	
114.	Thika Town	
115.	Ruiru	
116.	Githunguri	
117.	Kiambu	
118.	Kiambaa	
119.	Kabete	
120.	Kikuyu	
121.	Limuru	
122.	Lari	
123.	Turkana North	Turkana University
124.	Turkana West	
125.	Turkana Central	
126.	Loima	
127.	Turkana South	
128.	Turkana East	
129.	Kapenguria	Mteelo County Hall, Kapenguria
130.	Sigor	
131.	Kacheliba	
132.	Pokot South	
133.	Samburu West	Maralal Vocational Centre
134.	Samburu North	
135.	Samburu East	
136.	Kwanza	Kitale Museum
137.	Endebess	
138.	Saboti	
139.	Kiminini	
140.	Cherangany	
141.	Soy	County Hall
142.	Turbo	
143.	Moiben	
144.	Ainabkoi	
145.	Kapseret	
146.	Kesses	
147.	Marakwet East	KMTC Iten
148.	Marakwet West	
149.	Keiyo North	
150.	Keiyo South	
151.	Tindaret	Eliud Kipchoge Complex
152.	Aldai	
153.	Nandi Hills	
154.	Chesumei	
155.	Emgwen	
156.	Mosop	
157.	Tiaty	Baringo Rehab Centre
158.	Baringo North	
159.	Baringo Central	
160.	Baringo South	
161.	Mogotio	
162.	Eldama Ravine	
163.	Laikipia West	NGCDF Hall, Nanyuki
164.	Laikipia East	
165.	Laikipia North	
166.	Molo	Kenya Red Cross Hall, Nakuru
167.	Njoro	
168.	Naivasha	
169.	Gilgil	
170.	Kuresoi South	
171.	Kuresoi North	
172.	Subukia	
173.	Rongai	
174.	Bahati	
175.	Nakuru Town West	
176.	Nakuru Town East	
177.	Kilgoris	Narok Youth Empowerment Center
178.	Emurua Dikirr	
179.	Narok North	
180.	Narok East	
181.	Narok South	
182.	Narok West	
183.	Kajiado North	Maasai Technical Institute Hall
184.	Kajiado Central	
185.	Kajiado East	
186.	Kajiado West	
187.	Kajiado South	
188.	Kipkelion East	ACK Church Hall, Kericho
189.	Kipkelion West	
190.	Ainamoi	
191.	Bureti	
192.	Belgut	
193.	Sigowet/Soin	
194.	Sotik	St. Bakhita Youth Training Hall
195.	Chepalungu	
196.	Bomet East	
197.	Bomet Central	
198.	Konoin	
199.	Lugari	Maghabi Hall, Kakamega Town
200.	Likuyani	
201.	Malava	
202.	Lugambi	
203.	Navakholo	
204.	Mumias West	
205.	Mumias East	
206.	Matungu	
207.	Butere	
208.	Khwisero	
209.	Shinyalu	
210.	Ikolomani	
211.	Vihiga	Praise Centre Church, Mtale
212.	Sabatia	
213.	Hamisi	
214.	Luanda	
215.	Emuhaya	
216.	Mt. Elgon	Red Cross Hall, Kandoyi
217.	Sirisia	
218.	Kabuchai	
219.	Bumula	
220.	Kanduyi	
221.	Webuye East	
222.	Webuye West	
223.	Kimilili	
224.	Tongaren	
225.	Teso North	Busia Social Hall
226.	Teso South	
227.	Nambale	
228.	Matayos	
229.	Butula	
230.	Funyula	
231.	Budalangi	Siaya Institute of Technology
232.	Ugenya	
233.	Ugunja	
234.	Alego Usonga	
235.	Gem	
236.	Bondo	
237.	Rarieda	
238.	Kisumu East	Tom Mboya Labour College
239.	Kisumu West	
240.	Kisumu Central	
241.	Seme	
242.	Nyando	
243.	Muhoroni	
244.	Nyakach	
245.	Kasipul	Homa Bay Stadium
246.	Kabondo Kasipul	
247.	Karachuonyo	
248.	Rangwe	
249.	Homa Bay Town	
250.	Ndhiwa	
251.	Suba North	
252.	Suba South	
253.	Rongo	Migori TTC
254.	Awendo	
255.	Suna East	
256.	Suna West	
257.	Uriri	
258.	Nyatike	
259.	Kuria West	
260.	Kuria East	
261.	Bonchari	Agricultural Training College, Kisii
262.	South Mugirango	
263.	Bomachoge Borabu	
264.	Bobasi	
265.	Bomachoge Chache	
266.	Nyaribari Masaba	
267.	Nyaribari Chache	
268.	Kitutu Chache North	
269.	Kitutu Chache South	
270.	Kitutu Masaba	West Mugirango NGCDF Hall
271.	West Mugirango	
272.	North Mugirango	
273.	Borabu	
274.	Westlands	Kenyatta International Convention Centre
275.	Dagoretti North	
276.	Dagoretti South	
277.	Lang'ata	
278.	Kibra	
279.	Roysambu	
280.	Kasarani	
281.	Ruaraka	
282.	Embakasi South	
283.	Embakasi North	
284.	Embakasi Central	
285.	Embakasi East	
286.	Embakasi West	
287.	Makadara	
288.	Kamukunji	
289.	Starehe	
290.	Mathare	

Members of the public and stakeholders are hereby invited to attend, make oral representations or submit written memoranda on the Bill and discuss the Bill during the public hearings.

IT IS FURTHER NOTIFIED that written representations on the Bill may be submitted at the Venues indicated above during the public hearings and to the 290 Constituency Offices of Members of the National Assembly and 47 County Women Representative Offices of Members of the National Assembly which are Offices under the Parliamentary Service Commission, for onward transmission to the Clerk of the National Assembly.

The public may also continue submitting written representations on the Bill to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi, by hand delivery to Main Parliament Buildings, Nairobi, or by email to constitutionamendment@parliament.go.ke and cna@parliament.go.ke to be received on or before **Tuesday, 10th June 2025** at **5.00pm**. A **Public Views Template** providing guidance on the form of submission to be received is available on www.parliament.go.ke.

A copy of the Bill may be downloaded from the parliamentary website www.parliament.go.ke

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
21st April, 2025

Annexure **6**

Communication from the Chair No. 24 of 2025

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

(No. 024 of 2025)

KAMUKUNJI ON MODALITIES OF PUBLIC PARTICIPATION EXERCISE FOR THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

Honourable Members,

1. You may recall that on Thursday, 17th April 2025, I issued a Communication on the planned granular public participation exercise on the Constitution of Kenya (Amendment) Bill, 2025 (National Assembly Bill No. 4 of 2025. The Bill seeks to amend the Constitution of Kenya to entrench the National Government Constituencies Fund, the Senate Oversight Fund and the National Government Affirmative Action Fund in the Constitution.

2. In the Communication, I noted that in compliance with Article 256(2) of the Constitution, the country-wide public participation would be undertaken from **Monday, 5th May** to **Wednesday, 7th May 2025,** in all the Constituency and County Offices.

Honourable Members,

3. Additionally, pursuant to Article 118 of the Constitution, the Clerk placed advertisements in the Daily Newspapers on **Monday, 21st and Tuesday, 22nd April 2025,** inviting members of the public to attend public hearings, to make oral submissions or submit memoranda on the Bill to amend the Constitution.

4. The advertisements provided for a two weeks' notice before the commencement of country-wide public participation hearings. The Clerk has reported that his Office has already received, and continues to receive, numerous submissions from the public through the email addresses provided.

5. **Honourable Members,** I also directed the Clerk to organise a *Kamukunji* where Members would be apprised on the modalities and administrative arrangements put in place to facilitate the said public participation exercise.

6. In this regard, **Honourable Members**, I wish to inform you that the *Kamukunji* has been scheduled for next week **Tuesday, 29th April 2025,** at **11:00 am** in **the Main Chamber**. This initiative is of critical importance as Members will play a central role in spearheading the process within their respective constituencies and counties.

7. The forum will also present an opportunity for Members to discuss other matters relating to welfare of Members and facilitation of representation and oversight roles of Members and the House.

8. I therefore, implore upon all of you to attend this important briefing that will ensure a unified understanding and effective coordination as we engage with the public on this exercise.

9. The House is accordingly guided.

I thank you.

THE HON. (DR.) MOSES F.M. WETANG'ULA, EGH, M.P.

SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, 24th April 2025

Annexure **7**

Communication from the Chair No. 27 of 2025

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATIONS FROM THE CHAIR

(No. 027 of 2025)

SUSPENSION OF COMMITTEE SITTINGS DURING THE PLANNED PUBLIC PARTICIPATION EXERCISE

Honourable Members,

1. As you are aware, the House is scheduled to proceed on the long recess from Friday, 2nd May to Monday, 26th May 2025, in accordance with its Calendar for the Fourth Session.

2. **Honourable Members,** you may further recall that the country-wide public participation exercise on the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025), is scheduled to be undertaken from **Monday, 5th May 2025 to Thursday, 8th May 2025,** at identified venues across all constituencies.

3. In this regard, I direct all committees to suspend their sittings on the stated dates in order to allow Members and staff to facilitate this important exercise.

The House is accordingly guided.

I thank you.

THE HON. (DR.) MOSES F.M. WETANG'ULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, 30th April 2025

Annexure **8**

Advertisement dated 2nd May 2025 inviting the public to submit views on the Bill and attend public hearings in the 290 Constituency Offices and 47 CWR Offices

THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLES 118(1)(B) AND 256(2) OF THE CONSTITUTION AND IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

NOTIFICATION OF PUBLIC HEARINGS AND INVITATION TO SUBMIT VIEWS

WHEREAS, Articles 118(1)(b) and 256(2) of the Constitution require Parliament to facilitate public participation and involvement in its legislative and other business and to publicise any Bill to amend the Constitution and facilitate public discussion about the Bill.

AND WHEREAS, the **Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025)** was read a First Time on **Wednesday, 12th March 2025**, and referred to the Departmental Committee on Justice and Legal Affairs for consideration and reporting to the House;

IT IS NOTIFIED that the **Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025)** is a Bill co-sponsored by the **Hon. Samuel Chepkong'a, MP** and the **Hon. Otiende Amollo, MP** that seeks to amend the Constitution to entrench the following Funds in the Constitution—

(1) The **National Government Constituencies Fund** for purposes of ensuring reasonable access to exclusive national government functions in all constituencies as envisaged in Article 6(3) and ensure the participation of the people in the identification and implementation of priority national government programmes;

(2) The **Senate Oversight Fund** to ensure that the Senate is adequately empowered and resourced to perform its oversight functions; and

(3) The **National Government Affirmative Action Fund** to enhance the measures of the national government on affirmative action.

NOW THEREFORE, in compliance with Articles 118(1) (b) and 256(2) of the Constitution and National Assembly Standing Order 127(3), and further to the advertisement dated 21st and 22nd April 2025, the Departmental Committee on Justice and Legal Affairs has, in addition to receiving written memoranda and consulting relevant stakeholders and experts on technical subjects, resolved to hold **public hearings on Monday, 5th May 2025, Tuesday, 6th May 2025, Wednesday 7th May 2025 and Thursday 8th May 2025** from **8.00 am to 5.00pm** across the country at the below **290 Constituency Offices of Members of the National Assembly** and **47 County Women Representative Offices of Members of the National Assembly**, which are Offices under the Parliamentary Service Commission—

VENUES OF PUBLIC HEARINGS

S/No.	CONSTITUENCY/ COUNTY	OFFICE LOCATION
1.	Mombasa County	Tudor Mwisho, Mombasa
2.	Changamwe	NG-CDF Building next to Deputy County Commissioner's Office
3.	Jomvu	Jomvu Sub-County Office Complex, Next to Mikindani Police Station
4.	Kisauni	Karigithu House, Karissa Maitha Road, Zamzam Stage, Opposite Jocham Hospital.
5.	Nyali	Nyali NG-CDF Building, Kongowea kwa Chief
6.	Likoni	Likoni NG-CDF Building, Mrima Street opposite Mt. Sinai Academy
7.	Mvita	Tudor near Tudor Water Sports, Tom Mboya Road
8.	Kwale County	Barracuda Building, Opposite Swahili Dishes, Kwale Town
9.	Msambweni	Gazi Complex, Lunga Lunga Highway
10.	Lungalunga	Lungalunga NG-CDF Office, Lungalunga Road
11.	Matuga	Matuga NG-CDF Office, Kwale High Road
12.	Kinango	Kinango NG-CDF Building
13.	Kilifi	Kilifi Plaza Building–Next to Equity Bank, Kilifi Town
14.	Kilifi North	Kilifi North Deputy County Commissioner's Office Block, Behind Huduma Centre
15.	Kilifi South	Kilifi South NG-CDF Building, Vipingo Shopping Centre, Malindi Road
16.	Kaloleni	Kaloleni NG-CDF Building
17.	Rabai	Rabai NG-CDF Offices, Shikadabu
18.	Ganze	Ganze NG-CDF Offices, Bamba Building
19.	Malindi	Malindi NG-CDF Office, County Assembly Road next to Mawasco Office
20.	Magarini	Marafa Centre, Hospital Road
21.	Tana River County	Chufana, Hola Malindi Road
22.	Garsen	Homeboys Building, Posta – Garsen Road
23.	Galole	Hola Mission, Laza Primary – Hola Primary School Road
24.	Bura	Bura NG-CDF Building
25.	Lamu County	Loserene House, Lamu-Garsen Road
26.	Lamu East	Mwenye Zein Area, Hon. Shakila Road
27.	Lamu West	Lake Kenyatta Farmers Cooperative Society Building
28.	Taita/Taveta County	Mwatate –Taveta Road
29.	Taveta	Taveta NG-CDF Office
30.	Wundanyi	Wundanyi NG-CDF Building
31.	Mwatate	Mwatate NG-CDF Hall
32.	Voi	Voi NG-CDF Offices, Adjacent to Voi Law Court
33.	Garissa County	Lamu Road, Garissa
34.	Garissa Township	Kismayo Road, Opposite IPOA Office
35.	Balambala	Opposite Balambala Deputy County Commisisoner's Office
36.	Lagdera	Modogashe Town
37.	Dadaab	Halima Homes, Kismayu Road
38.	Fafi	Lamu Road, Off Lanten Resort, next to IEBC Office
39.	Ijara	Opposite Masalani Primary
40.	Wajir County	Adala Building, Wajir Town
41.	Wajir North	Abdille building, along Moyale–Dandu Road, Bute town.
42.	Wajir East	Wajir East NG-CDF Office, Halane Road
43.	Tarbaj	Mansa Road, Tarbaj Town
44.	Wajir West	Griftu, along Moyale Road
45.	Eldas	Eldas NG-CDF Offices, Anole Road
46.	Wajir South	Abdikani House, Diif Road
47.	Mandera County	Next to County Commissioner Office, B9 Road, Old Town
48.	Mandera West	Takaba Plaza, Takaba – Elwak Road
49.	Banissa	Opposite Makka Hardware, Banisa Takaba Road
50.	Mandera North	Dariqa Road along Deputy County Commissioner/ Administration Police Camp, Rhamu
51.	Mandera South	Elwak South, B9 Road, Old Town
52.	Mandera East	Along Jamia Mosque Street, Mandera
53.	Lafey	Next to Government Offices, B9 Road, Lafey
54.	Marsabit County	Bank Cotters/Badasa Road, Marsabit Town
55.	Moyale	Moyale NG-CDF Office, Hospital Road
56.	North Horr	North Horr NG-CDF Office, Hospital Road next to County Assembly's Office, Turbi
57.	Saku	Saku NG-CDF Building, Marsabit Town
58.	Laisamis	Laisamis, Along Laisamis – Marsabit Highway
59.	Isiolo County	Behind DCIO Office, Tullu Roba
60.	Isiolo North	Isiolo North NG-CDF Building, Isiolo Town
61.	Isiolo South	Isiolo South NG-CDF Building, Garbatulla
62.	Meru County	Kinoru Area, Imenti North
63.	Igembe South	Igembe South NG-CDF Building, Maua Town, Kanuni Street
64.	Igembe Central	Igembe Central NG-CDF Offices, Kangeta Town
65.	Igembe North	Igembe North NG-CDF Offices, Laare
66.	Tigania West	Tigania West NG-CDF Offices, Kirindine – Miathene Road, Urru
67.	Tigania East	Tigania East NG-CDF Offices, Meru- Kianjai-Maua Road
68.	North Imenti	North Imenti NG-CDF Building, Mwendantu Road, Meru Town
69.	Buuri	Buuri NG-CDF Building, Buuri West Sub-County Headquarters Compound, Timau Township
70.	Central Imenti	NG-CDF Offices, Mutengo-Abothunguchi Central
71.	South Imenti	South Imenti NG-CDF Office, Kanyakine
72.	Tharaka Nithi County	H. Kathare Building, County Headquarters Road, Kathwana Town
73.	Maara	Maara NG-CDF Office, Kienganguru, Chogoria
74.	Chuka/ Igambang'ombe	Chuka/Igambang'ombe NG-CDF Building, Chuka Town
75.	Tharaka	Tharaka NG-CDF Office, Marimanti Town
76.	Embu County	Behind Embu Law Court, Embu Town
77.	Manyatta	Manyatta NG-CDF Office, Meru Nairobi Highway, Manyatta
78.	Runyenjes	Runyenjes NG-CDF Building, Embu Meru Road
79.	Mbeere South	Mbeere South Youth Empowerment Centre, Kiritiri Town
80.	Mbeere North	Mbeere North NG-CDF Building, Siakago Town
81.	Kitui County	Nzambani Park Building, Kitui Town
82.	Mwingi North	Mwingi North NG-CDF Building, Kyuso Town
83.	Mwingi West	Mwingi West Constituency NG-CDF Building, Migwani Town
84.	Mwingi Central	Mwingi District Trust Fund Building, Junction of Garissa-Tseikuru Road
85.	Kitui West	Kitui West NG-CDF Office, Kabati-Kitui Road, Ndolo's-Corner
86.	Kitui Rural	Kitui Rural NG-CDF Building, Kwavonza Shopping Centre, Machakos-Kitui Road
87.	Kitui Central	Kitui Central NG-CDF Office Building, Kitui-KwaNgindu Road
88.	Kitui East	Kitui East NG-CDFC Office, Chuluni-Kitui-Kibwezi Road
89.	Kitui South	Kitui South NG-CDF Building, Kitui Kibwezi Road, Mutomo
90.	Machakos County	ACK Building Emmanuel House, Machakos-Nairobi Road
91.	Masinga	Masinga Market Musyoka Musembi Building, Masinga-Katulye Road
92.	Yatta	Yatta NG-CDF Offices, Matuu Town
93.	Kagundo	Kangundo NG-CDF Office
94.	Matungulu	Matungulu NG-CDF Offices, Tala-Nairobi Road
95.	Kathiani	Nzaikoni Market, Kaviani-Nzaikoni Road
96.	Mavoko	Femapplex Building, Old Mombasa Road
97.	Machakos Town	Machakos Town NG-CDF Office, Utalii Road
98.	Mwala	Makutano Market, Kitui Road
99.	Makueni County	Punda Road, Wote
100.	Mbooni	Mbooni NG-CDF Building, Kithungo/Kikima Road
101.	Kilome	Romwa Building, Kasikeu Market, Kasikeu Road
102.	Kaiti	Kaiti NG-CDF Office, Wote-Machakos Road
103.	Makueni	Makueni NG-CDF Office Building, Opposite Makueni County Commissioner's Office, Wote-Makindu Road
104.	Kibwezi West	NG-CDF Building, Makindu off Nairobi-Mombasa Road, Next to Law Courts
105.	Kibwezi East	Kibwezi East NG-CDF Tower, Kambu Town Nairobi-Mombasa Road
106.	Nyandarua County	Olkalou Vatican Road, Ol Kalou Town
107.	Kinangop	Kinangop NG-CDF Building, Cooperative –AIC Church Road, Next to the Ministry of Agriculture.
108.	Kipipiri	Miharati Town Deputy County Commissioner's Office, Kinangop-Olkalou Road
109.	OlKalou	Nyandarua County Commissioner Ground, Gilgil-Olkalou Road
110.	Ol-Jorok	Ol-Jororok NG-CDF Office near Deputy County Commissioner's Office
111.	Ndaragwa	Deputy County Commissioner's Complex Building, Ndaragwa Town
112.	Nyeri County	Baden Powell Road, Nyeri Town
113.	Tetu	Wamagana Center, Tetu NG-CDF Building
114.	Kieni	Mama Naomi's House Opposite Naromoru Mosque, Naromoru Town
115.	Mathira	Mathira NG-CDF Building
116.	Othaya	Othaya NG-CDF Building, Kanyange Road
117.	Mukurweini	Mukurweini NG-CDF Office, Opposite Mukurweini Police Station
118.	Nyeri Town	Nyeri Town NG-CDF Building, Ruringa Stadium-Boma Inn Road
119.	Kirinyaga County	Machere Building, Kerugoya Town
120.	Mwea	Mwea East Sub-County Deputy County Commissioner's Office, Wauguru Road
121.	Gichugu	Gichugu NG-CDF Office, Kianyaga Town
122.	Ndia	Ndia NG-CDF Office, Baricho Shopping Center, Kagio Baricho Road
123.	Kirinyaga Central	Kirinyaga central NG-CDF Office, Kerugoya Town
124.	Murang'a County	Philan Building, Kenol Town
125.	Kangema	Kangema NG-CDF Office Building
126.	Mathioya	Mathioya Sub-County HQ Compound, Kiria-Ini Town
127.	Kiharu	Ngeka Center, Uhuru Highway, Murang'a Town
128.	Kigume	Kigumo –Friends Building Kaharati-Kangari Road, Kigumo Town
129.	Maragwa	Chawaru Plaza, Kenol, Kimorori Road,
130.	Kandara	Kandara NG-CDF Building, Kandara Town
131.	Gatanga	Gatanga NG-CDF Offices, Mabanda Town.
132.	Kiambu County	Thaathi-Ini Estate, Kirigiti Road
133.	Gatundu South	Gatundu South NG-CDF Building opposite Equity Bank, Kenyatta Road
134.	Gatundu North	Gatundu North NG-CDF Office Buildings, Kamwangi Town
135.	Juja	Juja City Hall Building, Thika Road.
136.	Thika Town	Thika Town NG-CDF Office Buildings
137.	Ruiru	Steja house, DO's road, off Mwihoko Road, Githurai 45
138.	Githunguri	Githunguri NG-CDF Office Buildings
139.	Kiambu	Kiambu NG-CDF Towers opposite Kiambu Police Station
140.	Kiambaa	Kiambaa NG-CDF Office, Banana Hill Road.
141.	Kabete	Kabete Constituency office opposite Deputy County Commissioner's Office, Kaihuria Road-.
142.	Kikuyu	Kikuyu Sub-County Education Offices, Kikuyu Avenue, Kikuyu Road
143.	Limuru	Rock House Bata, Kihingo Road, Limuru Town
144.	Lari	Kimende Town, Main Sub-County Offices, Kimende-Kagwe Road
145.	Turkana County	Nawoitorong Road, Opposite Lodwar Hills Hospital
146.	Turkana North	Turkana North NG-CDF Building, Lokitaung Todonyang Road
147.	Turkana West	NG-CDF Buildings behind DRS Offices Kakuma Town.
148.	Turkana Central	Turkana Central NG-CDF Building, Nawoitorong Road
149.	Loima	Lorugum NG-CDF Building, Lorugum Centre
150.	Turkana South	Lokichar Ward, Kitale-Lodwar Road
151.	Turkana East	AIC Lokori Building, Lokori-Lokichar Road
152.	West Pokot County	Opposite Kilimo House, Kapenguria
153.	Kapenguria	Kapenguria NG-CDF Office Building, Governor's Residence Road
154.	Sigor	Sigor NG-CDF Office Building, Sigor Centre.
155.	Kacheliba	Kacheliba NG-CDF Office Building, Makutano-Alale Road, Kapchok
156.	Pokot South	Chepareria Centre, along Kapenguria-Ortum-Lodwar Highway
157.	Samburu County	KVDA Building, Maralal
158.	Samburu West	Samburu West NG-CDF Office Building, Kenyatta Avenue, Maralal
159.	Samburu North	Deputy County Commissioner Grounds, Baragoi, along Baragoi-South Horr Road
160.	Samburu East	Archers Post Road/Catholic Church Road, Wamba Town
161.	Trans Nzoia County	Opposite Ambwere Building, Police Lane Street, Kitale
162.	Kwanza	Kitale KFA building, Maziwa Road next to Kenya Seed Headquarters.

S/No.	CONSTITUENCY/ COUNTY	OFFICE LOCATION
163.	Endebess	Kongasis Building, Endebess
164.	Saboti	Teachers Plaza, Kitale Town
165.	Kiminini	St. Antony Road, Milimani Area, Kitale
166.	Cherangany	Kaplamai Road, Kitale
167.	Uasin Gishu County	Sagas Building, Eldoret East Street, Ainabkoi
168.	Soy	Soy Constituency NG-CDF Offices, County Commissioners Grounds, Coca-Cola Road
169.	Turbo	Turbo NG-CDF Offices, Cheramei Grounds, Along Eldoret-Malaba Highway
170.	Moiben	Moiben Constituency NG-CDF Offices, Ainaptich Estate, along Iten Road
171.	Ainabkoi	ET Center, Ronald Ngala Street, Eldoret
172.	Kapseret	Kapseret Sub County Building, Kapsabet Road
173.	Kesses	Jamboni Road off Eldoret-Nairobi Highway
174.	Elgeyo/Marakwet County	Boresha SACCO Building, Iten Town
175.	Marakwet East	Marakwet East NG-CDF Office, next to Chesoi Health Center, Chesoi-Kapsowar Road
176.	Marakwet West	Marakwet West NG-CDF Plaza, Kapsowar
177.	Keiyo North	Keiyo North NG-CDF Building, Iten Municipality, behind Huduma Centre
178.	Keiyo South	Keiyo South NG-CDF Building, Eldoret-Eldama Ravine Road
179.	Nandi County	Behind Transelite SACCO, opposite Kapsabet Police Station
180.	Tinderet	Songhor, Maraba, off Kopere-Timboroa Road
181.	Aldai	Aldai NG-CDF Offices, Kobujoi Area
182.	Nandi Hills	Kirui Complex, Henry Kosgei Street, Nandi Hills
183.	Chesumei	Chesumei NG-CDF Building, Chemundu Sub-County Headquarters, Baraton Road
184.	Emgwen	East View Namgoi, along Eldoret-Kapsabet Highway, Kapsabet
185.	Mosop	Lel Building, Rivatex-Kipkaren Road, Selia
186.	Baringo County	Kipnyekwei Building, Kabarnet-Kabartonjo Road
187.	Tiaty	Opposite Deputy County Commissioner's Office, Chemolingot Township
188.	Baringo North	Baringo North NG-CDF Office Building, Kabartonjo
189.	Baringo Central	Diwani Building along Church Road, Kabarnet
190.	Baringo South	Baringo South NG-CDF Building, Marigat Inn road
191.	Mogotio	Mogotio NG- CDF Office Building, Kipsogon Road
192.	Eldama Ravine	J.B Building along Eldama Ravine-Nakuru Road,
193.	Laikipia County	Mount Kenya Road, Nanyuki Town
194.	Laikipia West	Laikipia West NG-CDF Office Building, Nyahururu Area, Igwamiti Ward
195.	Laikipia East	Laikipia East NG-CDF Office Building, Kenyatta Street, Next to ACK Church
196.	Laikipia North	Butson Building, Nanyuki Hospital Road
197.	Nakuru County	Christ The King Cathedral, Ronald Ngala Road, Nakuru Town
198.	Molo	Molo NG-CDF Office Building, Molo Deputy County Commissioner's Compound
199.	Njoro	Njoro NG-CDF / Deputy County Commissioner's Offices, Homecraft Road, Njoro
200.	Naivasha	Jonka House, Biashara/Mama Ngina Roads Junction, Naivasha Town
201.	Gilgil	Gilgil NG-CDF Offices, Gilgil-Nyahururu Road
202.	Kuresoi South	Kuresoi South NG-CDF Building, Keringet, Molo-Olenguruone Road
203.	Kuresoi North	Kuresoi North NG-CDF Offices, Sirikwa, Highland road,
204.	Subukia	Lari Complex, along Nakuru-Nyahururu Road
205.	Rongai	Rongai NG-CDF Offices, Kambi ya Moto-Kabarak Road
206.	Bahati	Bahati NG-CDF Office Buildings, Bahati along Nyahururu Road
207.	Nakuru Town West	Nakuru Town West NG-CDF Offices, along Eveready/ Gethima Road
208.	Nakuru Town East	Nakuru Town, Free Area Chief's Office, Oginga Odinga Road
209.	Narok County	Lenana Street, Narok Town
210.	Kilgoris	Kilgoris NG-CDF Office Buildings, Kilgoris-Kisii Road, Kilgoris Town
211.	Emurua Dikirr	Emurua Dikir NG-CDF Office Building, Dikir area,
212.	Narok North	Narok North NG-CDF Building, next to Narok Referral Hospital
213.	Narok East	Mara Resort building along Narok Road, Suswa
214.	Narok South	Narok South NG-CDF Office Buildings, Olulung'a Centre, Narok
215.	Narok West	Narok West NG-CDF office Buildings, Lemek-Mara Road
216.	Kajiado County	Bamako Close near Asyania Gardens, Rongai
217.	Kajiado North	Rescom House (National Bank Building), Ongata Rongai
218.	Kajiado Central	Kajiado Central NG-CDF Office Buildings, along Nairobi-Namanga road,Opposite County Commisioner's Office, Kajiado
219.	Kajiado East	Kajiado East NG-CDF Building, DO's Ground, Along Namanga Road, Kitengela
220.	Kajiado West	Kajiado West NG-CDF Office, Keekonyokie Ward, Kisamis
221.	Kajiado South	Kajiado South NG-CDF Building off Emali Loitokitik Road, Opposite DEB Primary School, Loitokitok
222.	Kericho County	Bethany Building, Temple Road, Kericho
223.	Kipkelion East	Londiani Junction, Kisumu Highway
224.	Kipkelion West	Kipkelion West NG-CDF Building
225.	Ainamoi	Ainamoi Center, Poiywek Road
226.	Bureti	Bureti NG-CDF Building, Opposite Bureti DDC Offices along Kericho-Kisii Road, Litein
227.	Belgut	Soslot, along Sosiot-Chepnyogaa Road
228.	Sigowet/Soin	Sigowet Center, Sigowet
229.	Bomet County	Governor's Office Road, opposite Siloam Hospital
230.	Sotik	Sotik NG-CDF Offices, Sotik-Kericho Road
231.	Chepalungu	Chepalungu Constituency NG-CDF Building opposite Bomwai Building, Siongiroi
232.	Bomet East	Bomet East NG-CDF Offices, Longisa Market, Narok-Bomet Road
233.	Bomet Central	Stegro Plaza, Silibwet-Litein Road
234.	Konoin	Konoin NG-CDF Building Mogogosiek-Litein Road Mogogosiek
235.	Kakamega County	Amalemba National Housing, Kakamega-Kisumu Road
236.	Lugari	Parklands Building, Hospital Road, Lumakanda Town
237.	Likuyani	Likuyani NG-CDF Office Building, Eldoret- Kitale Road, Kongoni Junction
238.	Malava	Malava NG-CDF Office Building, Kakamega-Webuye Road, Malava Township
239.	Lurambi	Next to ABSA Bank, Kakamega Town
240.	Navakholo	Navakholo NG-CDF Office Building, Navakholo Main Market,
241.	Mumias West	Mumias West NG-CDF Office Building, along Mumias-Bungoma Road, Mumias Town
242.	Mumias East	Mumias East NG-CDF Office Building, Shianda
243.	Matungu	Matungu NG-CDF Office Building, Matungu Centre, Mumias-Busia Road
244.	Butere	Off Mumias-Buyangu Road, Butere Town
245.	Khwisero	Buyangu-Ekero Road, Khumalo Stage
246.	Shinyalu	Shinyalu NG-CDF Office, Khalisia House, Shinyalu Market
247.	Ikolomani	Malinya Market, Sigalagala-Butere Road
248.	Vihiga County	Cherry House Building, Kisumu-Kakamega Road
249.	Vihiga	Vihiga NG-CDF Building, Majengo- Luanda Road near Vihiga Police Station
250.	Sabatia	Sabatia NG-CDF Building, Sabatia Sub County Headquarters, Kapsabet -Chavakali Road
251.	Hamisi	Next to Tambua ACC Office, Jebrouk Centre, Jebrouk-Serem Road
252.	Luanda	Luanda NG-CDF Building, adjacent to Emutusa Primary School, Emutusa Area
253.	Emuhaya	Emuhaya NG-CDF Building, Itumbu Area, Luanda
254.	Bungoma County	Ministry of Housing Land, Ndengelwa Market, Bukembe West Ward
255.	Mt Elgon	Kapsokwony, Kaptama Town
256.	Sirisia	NG-CDF Buildings, Next to Sirisia Police station, Chwele-Sirisia-Lwakhakha Road
257.	Kabuchai	Tobias Building, Chwele Market
258.	Bumula	Bumula NG-CDF Building , Bumula Centre
259.	Kanduyi	Kanduyi NG-CDF Building, Kanduyi Market, Webuye-Malaba Road
260.	Webuye East	Next to KMTC, Webuye Town
261.	Webuye West	Matisi, Webuye-Bungoma Road
262.	Kimilili	Kimilili NG-CDF Building next to Kimilili District Hospital
263.	Tongaren	Kitale Road, Past Mfupi market, Mukuyuni Area
264.	Busia County	Tanaka Hospital Road, Busia
265.	Teso North	Teso North NG-CDF Building, opposite Amagoro Police Patrol Base
266.	Teso South	Amukura, Nambale-Malaba Road
267.	Nambale	Thorn and Thatch Road, behind Nambale Town Mosque, Nambale Town
268.	Matayos	Maccavvan Building, Mundika Market, Kisumu-Busia Road
269.	Butula	Butula NG-CDF building, Bumala- Ejinja road, next to Butula High School
270.	Funyula	Funyula NG-CDF Building, Near Funyula Police Station, Funyula Town
271.	Budalangi	Channa Building, Budalangi Market
272.	Siaya County	Siaya Hospital Road, Siaya
273.	Ugenya	Next to Ugenya NG-CDF Building, Sega Town
274.	Ugunja	Ugunja NG-CDF Building, Nyasanda- Ugunja Ring Road
275.	Alego Usonga	Alego Usonga NG-CDF Building, Siaya-Rabango Road
276.	Gem	Gem NG-CDF Building, Wagai Centre, Luanda-Siaya Road
277.	Bondo	Bondo NG-CDF Building, opposite Bondo Post Office
278.	Rarieda	Rarieda NG-CDF Office, next to Aram Market, Ndori-Luanda Kotieno Road
279.	Kisumu County	Tom Mboya Estate, next to Golden Elites Academy, Nyerere Road
280.	Kisumu East	Kisumu East NG-CDF Office, opposite Kunya Primary School, Kibos
281.	Kisumu West	Kisumu West NG-CDF Office, next to Kisumu West Deputy County Commissioner's Office, Kisumu-Busia Highway
282.	Kisumu Central	Tom Mboya Estate Behind Golden Elites Academy.
283.	Seme	Seme NG-CDF Building, Behind Seme Deputy County Commissioner's Office, Kisumu-Kombewa Road
284.	Nyando	Nyando NG-CDF Office Building, behind Tuungane, Ahero Town
285.	Muhoroni	Muhoroni NG-CDF Building, next to Muhoroni Deputy County Commissioner's Office/Chemelil Railways Station, Off Awasi-Nandi Hills Road
286.	Nyakach	Nyakach NG-CDF Building, Katito-Kendu Road, Pap Onditi Junction ,
287.	Homa Bay County	Opposite Department of Public Health, Homa Bay County
288.	Kasipul	Oyugis Town, behind Virgin Lake Hotel
289.	Kabondo Kasipul	Kisumu-Kisii Road, Nyamira Junction Centre
290.	Karachuonyo	Pala Market, Pala Society Grounds
291.	Rangwe	Rangwe NG-CDF Office Building, opposite Rangwe Primary School
292.	Homa Bay Town	Opposite Homabay High School, adjacent to Homabay Primary School
293.	Ndhiwa	Ndhiwa Multipurpose Hall, Rodi-Sori Road
294.	Mbita	Suba North NG-CDF Office opposite Kenya Women Finance Trust, off ICIPE Junction
295.	Suba South	Magunga Town, next to Police Station
296.	Migori County	Kimaiga Building, Migori-Kisii Road
297.	Rongo	Rongo NG-CDF Building next Rongo Deputy County Commissioner's Office
298.	Awendo	Awendo NG-CDF Building, next to Awendo Deputy County Commissioner's Office
299.	Suna East	Suna East NG-CDF Office, Posta Roundabout, Huduma Centre Road, next to IEBC offices
300.	Suna West	Suna West NG-CDF offices, Piny Oyie, Wasimbete,
301.	Uriri	NG-CDF Offices, ASSC Compound Rapogi, Off Rapogi-Awendo Road.
302.	Nyatike	Nyatike NG-CDF Office, Wath Onger Centre
303.	Kuria West	Kehancha Town behind Law Court
304.	Kuria East	Kuria East NG-CDF Building Opposite Deputy County Commissioner's Office, Kegonga Town
305.	Kisii County	GBV Centre, Daraja Moja Street, Kisii Town
306.	Bonchari	Bonchari NG-CDF Building, Suneka Town, Kisii-Migori Road
307.	South Mugirango	South Mugirango NG-CDF Building, Nyamarambe
308.	Bomachoge Borabu	Bomachoge Borabu NG-CDF Building, Kenyanya
309.	Bobasi	Next to Nyamache Deputy County Commissioner's Office
310.	Bomachoge Chache	Bomachoge Chache NG-CDF office, Tendere Area, Kisii-Kilgoris Road
311.	Nyaribari Masaba	Nyaribari Masaba NG-CDF Building, Masaba South Sub-County HQ, Masimba Town
312.	Nyaribari Chache	Nyaribari Chache NG-CDF Building, Kisii-Nairobi Highway, Keumbu Town
313.	Kitutu Chache North	Vumilia Flats, Marani
314.	Kitutu Chache South	Adjacent to Bosongo Hospital, Kisii-Migori Highway, Kisii Town
315.	Nyamira County	Risda Building, Nyagoso Road
316.	Kitutu Masaba	Kitutu Masaba NG-CDF Building, Tombe
317.	West Mugirango	West Mugirango NG-CDF Building, Nyamira Town
318.	North Mugirango	Opposite Ekerenyo ACC Office, Ekerenyo Centre, Nyamira-Kericho Road
319.	Borabu	Borabu NG-CDF Building, Deputy County Commissioner Street
320.	Nairobi City County	Komarock Sector One, Kangaru Road
321.	Westlands	Gituamba Lane, off Kyuna Crescent, Kyuna Estate
322.	Dagoretti North	House No 24, Mji-kenda Road, Lavington
323.	Dagoretti South	Dagoreti Deputy County Commissioner's Compound, Kawangware,
324.	Langata	Langata Deputy County Commissioner's Office, next to Wilson Airport
325.	Kibra	Off Kibra Drive, opposite Kibra Huduma Centre
326.	Roysambu	Ridgeville Gardens House, Ridgeways Road, opposite Jacaranda Close
327.	Kasarani	Kasarani NG-CDF Building, off Kangundo Road next to Njiru Chiefs Camp
328.	Ruaraka	Matigari Building, Ruaraka-Outer Ring Road
329.	Embakasi South	Nyayo Embakasi Gate D Road, Village Market, Lemara Hotel
330.	Embakasi North	Living Good Building, adjacent to KCB Bank/KWFT Bank, Outer Ring Road Kariobangi North
331.	Embakasi Central	Embakasi Central NG-CDF Building, Tushauriane Stage, Spine Road
332.	Embakasi East	East Donholm, Sunrise Estate Phase 3, House 1600
333.	Embakasi West	Umoja 1, Peacock Stage, House ET18
334.	Makadara	KCB Building, Jogoo Lane, off Jogoo Road
335.	Kamukunji	Kamukunji Deputy County Commissioner's Building, Digo Road
336.	Starehe	Starehe NG-CDF Building, Kinyanjui Street, Kariakor, Nairobi
337.	Mathare	Juja Road, Deputy County Commissioner's Compound

Members of the public and stakeholders are hereby invited to attend, make oral representations or submit written memoranda on the Bill and discuss the Bill during the public hearings.

IT IS FURTHER NOTIFIED that the public may also continue submitting written representations on the Bill to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; by hand delivery to Main Parliament Buildings, Nairobi; or by email to ***constitutionamendment@parliament.go.ke*** and ***cna@parliament.go.ke*** to be received on or before **Tuesday, 10th June 2025** at **5.00pm.** A **Public Views Template** providing guidance on the form of submission to be received is available on ***www.parliament.go.ke.***

A copy of the Bill may be downloaded from the parliamentary website ***www.parliament.go.ke***

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
2nd May, 2025

Annexure **9**

Constitution of Kenya (Amendment) Bill, 2025 (English/Kiswahili)

SPECIAL ISSUE

Kenya Gazette Supplement No. 22 (National Assembly Bills No. 4)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

NAIROBI, 26th February, 2025

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THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

A Bill for

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya as follows—

Short title.

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2025.

Insertion of new Articles in the Constitution.

2. The Constitution is amended by inserting the following new Articles immediately after Article 204—

National Government Constituencies Fund.

204A. (1) There is established the National Government Constituencies Fund.

(2) The National Government Constituencies Fund is established for the purpose of ensuring the provision of exclusive national government functions in each constituency.

(3) The National Government Constituencies Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(4) All monies allocated under this Article shall be considered as funds allocated to constituencies to be administered in accordance with the provisions of an Act of Parliament.

(5) Parliament shall enact legislation to make further provisions for the operation of this Article.

Senate Oversight Fund

204B. (1) There is established the Senate Oversight Fund.

(2) The Senate Oversight Fund is established for the purpose of ensuring that the Senate is adequately resourced and

empowered to perform its oversight functions.

(3) The Senate Oversight Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(4) All monies allocated under this Article shall be considered as funds allocated to the Senate to be administered in accordance with the provisions of an Act of Parliament.

(5) Parliament shall enact legislation to make further provision for the operation of this Article.

National Government Affirmative Action Fund.

204C. (1) There is established the National Government Affirmative Action Fund.

(2) The National Government Affirmative Action Fund is established for the purpose of enhancing the measures of the national government on affirmative action.

(3) The National Government Affirmative Action Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(4) Parliament shall enact legislation to make further provision for the operation of this Article.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the Constitution to entrench the following Funds in the Constitution—

(a) the National Government Constituencies Fund;

(b) the Senate Oversight Fund; and

(c) the National Government Affirmative Action Fund.

The establishment of the National Government Constituencies Fund in the Constitution will ensure reasonable access to exclusive national government functions in all constituencies as envisaged in Article 6(3) of the Constitution and ensure the participation of the people in the identification and implementation of priority national government programmes.

The establishment of the Senate Oversight Fund in the Constitution will ensure that the Senate is adequately empowered and resourced to perform its oversight functions.

The establishment of the National Government Affirmative Action Fund shall enhance the measures of the national government on affirmative action.

Statement on the delegation of legislative powers and limitations of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms.

Statement on whether the Bill concerns county governments

Pursuant to Article 256 of the Constitution, a Bill to amend the Constitution through a parliamentary initiative is considered by both Houses of Parliament.

Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill contains provisions dealing with appropriation and issue of public money.

Dated 25th February, 2025.

SAMUEL CHEPKONG'A,
Member of Parliament.

OTIENDE AMOLLO,
Member of Parliament.

MSWADA WA KATIBA YA KENYA (MAREKEBISHO), 2025

Mswada wa

SHERIA ya kurekebisha Katiba ya Kenya

IMEPITISHWA na Bunge la Kenya ifuatavyo—

Anwani fupi.

1. Sheria hii itaitwa Sheria ya Katiba ya Kenya (Marekebisho), 2025.

Uchopekaji wa Ibara mpya kwenye Katiba.

2. Katiba imerekebishwa kwa kuchopeka Ibara mpya zifuatazo baada tu ya Ibara ya 204 –

Hazina ya Serikali ya Taifa kwa Maeneobunge.

204A. (1) Hazina ya Serikali ya Taifa kwa Maeneobunge imeundwa.

(2) Hazina ya Serikali ya Taifa kwa Maeneobunge imeundwa ili kuhakikisha utekelezaji wa majukumu mahususi ya Serikali ya Taifa katika kila eneobunge.

(3) Hazina ya Serikali ya Taifa kwa Maeneobunge ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) Pesa zote zinazotengwa kwa mujibu wa Ibara hii zitachukuliwa kuwa fedha zilizotengewa maeneobunge na zitasimamiwa na kutumiwa kwa mujibu wa masharti ya Sheria.

(5) Bunge litapitisha sheria ya kuweka masharti zaidi ya utekelezaji wa Ibara hii.

Hazina ya Uangalizi ya Seneti.

204B. (1) Hazina ya Uangalizi ya Seneti imeundwa.

(2) Hazina ya Uangalizi ya Seneti imeundwa ili kuhakikisha kwamba Seneti ina rasilimali na imewezeshwa kikamilifu kutekeleza majukumu yake ya uangalizi.

(3) Hazina ya Uangalizi ya Seneti ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya

kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) Pesa zote zinazotengwa kwa mujibu wa Ibara hii zitachukuliwa kuwa fedha zilizotengewa Seneti na zitasimamiwa na kutumiwa kwa mujibu wa masharti ya Sheria.

(5) Bunge litapitisha sheria ya kuweka masharti zaidi ya utekelezaji wa Ibara hii.

Hazina ya Serikali ya Taifa kwa Hatua Sawazishi.

204C. (1) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi imeundwa.

(2) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi imeundwa ili kuimarisha mikakati ya serikali ya taifa kuhusu hatua sawazishi.

(3) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) Bunge litapitisha sheria ya kuweka masharti zaidi ya utekelezaji wa Ibara hii.

MAELEZO YA MADHUMUNI NA SABABU

Kauli ya madhumuni na sababu za Mswada

Lengo kuu la Mswada huu ni kurekebisha Katiba ili kukita hazina zifuatazo katika Katiba—

(a) Hazina ya Serikali ya Taifa kwa Maeneobunge;
(b) Hazina ya Uangalizi ya Seneti; na
(c) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi.

Kukitwa kwa Hazina ya Serikali ya Taifa kwa Maeneobunge kwenye Katiba kutahakikisha kwamba majukumu mahususi ya serikali ya taifa yanafikia maeneobunge yote kama inavyokusudiwa kwenye Ibara ya 6(3) ya Katiba na kutahakikisha ushirikishwaji wa umma katika utambuaji na utekelezaji wa mipango ya serikali ya taifa iliyopewa kipaumbele.

Kukitwa kwa Hazina ya Uangalizi ya Seneti kwenye Katiba kutahakikisha kwamba Seneti inawezeshwa na ina rasilimali na imewezeshwa kikamilifu kutekeleza majukumu yake ya uangalizi.

Kukitwa kwa Hazina ya Serikali ya Taifa kwa Hatua Sawazishi kwenye Katiba kutaimarisha mikakati ya serikali ya taifa kuhusu hatua sawazishi.

Kauli ya ukasimishaji wa mamlaka ya kutunga sheria na udhibiti wa haki na uhuru wa kimsingi.

Mswada huu haukasimishi mamlaka ya kutunga sheria wala haudhibiti haki na uhuru wowote wa kimsingi.

Kauli iwapo Mswada unahusu serikali za kaunti

Kwa mujibu wa Ibara 256 ya Katiba, Mswada wa kurekebisha Katiba unaoanzishwa na Bunge utashughulikiwa na Bunge la Taifa na Seneti.

Kauli iwapo Mswada unahusu masuala ya fedha kwa mujibu wa Ibara ya 114 ya Katiba

Mswada huu una vipengele vinavyohusu utengaji na utumiaji wa fedha za umma.

Tarehe....., 2025

SAMUEL CHEPKONG'A,
Mbunge.

OTIENDE AMOLLO,
Mbunge.

THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

A Bill for

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2025. *Short title.*

2. The Constitution is amended by inserting the following new Articles immediately after Article 204— *Insertion of new Articles in the Constitution.*

National Government Constituencies Fund.

204A. (1) There is established the National Government Constituencies Fund.

(2) The National Government Constituencies Fund is established for the purpose of ensuring the provision of exclusive national government functions in each constituency.

(3) The National Government Constituencies Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(4) All monies allocated under this Article shall be considered as funds allocated to

MSWADA WA KATIBA YA KENYA (MAREKEBISHO), 2025

Mswada wa

SHERIA ya kurekebisha Katiba ya Kenya

IMEPITISHWA na Bunge la Kenya ifuatavyo—

1. Sheria hii itaitwa Sheria ya Katiba ya Kenya (Marekebisho), 2025. *Anwani fupi.*

2. Katiba imerekebishwa kwa kuchopeka Ibara mpya zifuatazo baada tu ya Ibara ya 204 – *Uchopekaji wa Ibara mpya kwenye Katiba.*

Hazina ya Serikali ya Taifa kwa Maeneobunge.

204A. (1) Hazina ya Serikali ya Taifa kwa Maeneobunge imeundwa.

(2) Hazina ya Serikali ya Taifa kwa Maeneobunge imeundwa ili kuhakikisha utekelezaji wa majukumu mahususi ya Serikali ya Taifa katika kila eneobunge.

(3) Hazina ya Serikali ya Taifa kwa Maeneobunge ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) Pesa zote zinazotengwa kwa mujibu wa Ibara hii zitachukuliwa kuwa fedha

constituencies to be administered in accordance with the provisions of an Act of Parliament.

(5) Parliament shall enact legislation to make further provisions for the operation of this Article.

Senate Oversight Fund.

204B. (1) There is established the Senate Oversight Fund.

(2) The Senate Oversight Fund is established for the purpose of ensuring that the Senate is adequately resourced and empowered to perform its oversight functions.

(3) The Senate Oversight Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(4) All monies allocated under this Article shall be considered as funds allocated to the Senate to be administered in accordance with the provisions of an Act of Parliament.

zilizotengewa maeneobunge na zitasimamiwa na kutumiwa kwa mujibu wa masharti ya Sheria.

(5) Bunge litapitisha sheria ya kuweka masharti zaidi ya utekelezaji wa Ibara hii.

Hazina ya Uangalizi ya Seneti.

204B. (1) Hazina ya Uangalizi ya Seneti imeundwa.

(2) Hazina ya Uangalizi ya Seneti imeundwa ili kuhakikisha kwamba Seneti ina rasilimali na imewezeshwa kikamilifu kutekeleza majukumu yake ya uangalizi.

(3) Hazina ya Uangalizi ya Seneti ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) Pesa zote zinazotengwa kwa mujibu wa Ibara hii zitachukuliwa kuwa fedha zilizotengewa Seneti na zitasimamiwa na kutumiwa kwa mujibu wa masharti ya Sheria.

(5) Parliament shall enact legislation to make further provision for the operation of this Article.

National Government Affirmative Action Fund.

204C. (1) There is established the National Government Affirmative Action Fund.

(2) The National Government Affirmative Action Fund is established for the purpose of enhancing the measures of the national government on affirmative action.

(3) The National Government Affirmative Action Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(4) Parliament shall enact legislation to make further provision for the operation of this Article.

(5) Bunge litapitisha sheria ya kuweka masharti zaidi ya utekelezaji wa Ibara hii.

Hazina ya Serikali ya Taifa kwa Hatua Sawazishi.

204C. (1) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi imeundwa.

(2) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi imeundwa ili kuimarisha mikakati ya serikali ya taifa kuhusu hatua sawazishi.

(3) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi ni hazina ya serikali ya taifa kutoka kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

(4) Bunge litapitisha sheria ya kuweka masharti zaidi ya utekelezaji wa Ibara hii.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the Constitution to entrench the following Funds in the Constitution—

(a) the National Government Constituencies Fund;
(b) the Senate Oversight Fund; and
(c) the National Government Affirmative Action Fund.

The establishment of the National Government Constituencies Fund in the Constitution will ensure reasonable access to exclusive national government functions in all constituencies as envisaged in Article 6(3) of the Constitution and ensure the participation of the people in the identification and implementation of priority national government programmes.

The establishment of the Senate Oversight Fund in the Constitution will ensure that the Senate is adequately empowered and resourced to perform its oversight functions.

The establishment of the National Government Affirmative Action Fund shall enhance the measures of the national government on affirmative action.

Statement on the delegation of legislative powers and limitations of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms.

Statement on whether the Bill concerns county governments

Pursuant to Article 256 of the Constitution, a Bill to amend the Constitution through a parliamentary initiative is considered by both Houses of Parliament.

MAELEZO YA MADHUMUNI NA SABABU

Kauli ya madhumuni na sababu za Mswada

Lengo kuu la Mswada huu ni kurekebisha Katiba ili kukita hazina zifuatazo katika Katiba—

(a) Hazina ya Serikali ya Taifa kwa Maeneobunge;
(b) Hazina ya Uangalizi ya Seneti; na
(c) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi.

Kukitwa kwa Hazina ya Serikali ya Taifa kwa Maeneobunge kwenye Katiba kutahakikisha kwamba majukumu mahususi ya serikali ya taifa yanafikia maeneobunge yote kama inavyokusudiwa kwenye Ibara ya 6(3) ya Katiba na kutahakikisha ushirikishwaji wa umma katika utambuaji na utekelezaji wa mipango ya serikali ya taifa iliyopewa kipaumbele.

Kukitwa kwa Hazina ya Uangalizi ya Seneti kwenye Katiba kutahakikisha kwamba Seneti inawezeshwa na ina rasilimali na imewezeshwa kikamilifu kutekeleza majukumu yake ya uangalizi.

Kukitwa kwa Hazina ya Serikali ya Taifa kwa Hatua Sawazishi kwenye Katiba kutaimarisha mikakati ya serikali ya taifa kuhusu hatua sawazishi.

Kauli ya ukasimishaji wa mamlaka ya kutunga sheria na udhibiti wa haki na uhuru wa kimsingi.

Mswada huu haukasimishi mamlaka ya kutunga sheria wala haudhibiti haki na uhuru wowote wa kimsingi.

Kauli iwapo Mswada unahusu serikali za kaunti

Kwa mujibu wa Ibara 256 ya Katiba, Mswada wa kurekebisha Katiba unaoanzishwa na Bunge utashughulikiwa na Bunge la Taifa na Seneti.

Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill contains provisions dealing with appropriation and issue of public money.

Dated……., 2025

SAMUEL CHEPKONG'A,
Member of Parliament.

OTIENDE AMOLLO,
Member of Parliament.

Kauli iwapo Mswada unahusu masuala ya fedha kwa mujibu wa Ibara ya 114 ya Katiba

Mswada huu una vipengele vinavyohusu utengaji na utumiaji wa fedha za umma.

Tarehe……., 2025

SAMUEL CHEPKONG'A,
Mbunge.

OTIENDE AMOLLO,
Mbunge.

Annexure **10**

Explainer on the Constitution of Kenya (Amendment) Bill, 2025 (English/Kiswahili)

THIRTEENTH PARLIAMENT-FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

EXPLAINER ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL 2025 (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

A. What is the procedure of amending the Constitution by parliamentary initiative?

1. Amendment of the Constitution by parliamentary initiative is where Members of Parliament propose changes to the Constitution.
2. The process of amending the Constitution by parliamentary initiative is governed by Article 256 of the Constitution and the Standing Orders of the relevant House of Parliament.
3. Article 256 of the Constitution provides that a Bill to amend the Constitution may be introduced in either House of Parliament and shall be read a Second Time after the expiry of ninety (90) days from the date of its First Reading.
4. The Bill is passed by Parliament when each House of Parliament has passed the Bill, in both the Second Reading and Third Reading, by not less than two-thirds of all the members of that House.
5. Once the Bill has been passed by Parliament, the Speakers of the two Houses shall jointly submit the Bill to the President for assent and publication together with a certificate that the Bill has been passed by Parliament in accordance with Article 256.
6. Where—
   (a) the Bill does not propose an amendment to a matter that requires approval through a referendum, the President shall, within thirty (30) days after enactment by Parliament, assent to the Bill and cause it to be published; or
   (b) the Bill proposes an amendment to a matter that requires approval through a referendum, the President shall—
      (i) request the Independent and Electoral and Boundaries Commission (IEBC) to conduct a referendum within ninety (90) days; and
      (ii) assent to the Bill and cause it to be published within thirty (30) days after the chairperson of IEBC has certified to the President that the Bill has been duly approved through a referendum.

B. What are the objects of the Constitution of Kenya (Amendment) Bill 2025?

7. The purpose of the Bill is to amend the Constitution to include the following public funds—
   (a) The National Government Constituencies Fund whose purpose is to ensure the provision of ***exclusive*** national government functions in each constituency which will enable equitable development across the country.
   (b) The Senate Oversight Fund whose purpose is to ensure that the Senate is well resourced to perform its oversight functions which include exercising oversight over revenue allocated to county governments.
   (c) The National Government Affirmative Action Fund whose purpose is to supplement the measures of the national government to overcome an inequity or the systemic denial or violation of a right or fundamental freedom.

C. At what stage is the Constitution of Kenya (Amendment) Bill 2025?

8. The Bill was published in the *Gazette* on 26th February 2025 and read a First Time in the House on 12th March 2025.
9. In accordance with the provisions of the National Assembly Standing Order 127, the Bill was committed to the Departmental Committee on Justice and Legal Affairs to facilitate public participation.
10. The Departmental Committee on Justice and Legal Affairs is required to take into account the views and recommendations of the public in its report to the House to inform debate during the Second Reading.

D. How will the Departmental Committee on Justice and Legal Affairs facilitate public participation on the Constitution of Kenya (Amendment) Bill 2025?

11. The Clerk of the National Assembly, through a notice dated 15th March 2025, invited the public and stakeholders to submit memoranda on the Bill to the Departmental Committee on Justice and Legal Affairs. The memoranda may be hand-delivered to the Office of the Clerk of the National Assembly; sent through post or emailed to the Clerk of the National Assembly. The deadline for submission of the memoranda is Tuesday, 10th June 2025 at 5.00pm.
12. In addition, the Departmental Committee on Justice and Legal Affairs will be holding public hearings on Monday, 5th March 2025 and Tuesday, 6th March 2025 from 8.00am to 5.00pm in all 47 counties at the venues indicated in the notification of public hearings.

13. Further, written representations on the Bill may be submitted at the venues of the public hearings and to the 290 Constituency Offices for Members of the National Assembly and the 47 County Women Representative Offices for Members of the National Assembly for onward transmission to the Clerk of the National Assembly.

E. Whether anchoring the National Government Constituencies Fund, the Senate Oversight Fund and the National Government Affirmative Action Fund in the Constitution will reduce the sharable revenue allocated to counties each year?

14. The National Government Constituencies Fund, the Senate Oversight Fund and the National Government Affirmative Action Fund shall be national government funds and its monies shall be appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.
15. Therefore, anchoring the three Funds in the Constitution will not, in any way reduce the share of revenue allocated to counties, since the monies will be allocated from the share of revenue for the national government.

F. Whether the Constitution of Kenya (Amendment) Bill 2025 may be amended by the House?

16. The Constitution sets out a distinct procedure for the consideration and passage of Bills to amend the Constitution different from the procedure prescribed for ordinary legislation. The procedure to amend the Constitution deliberately excludes additional processes such as mediation to harmonize differing views between the Houses; and reservations by the President on the Bill once passed by Parliament.
17. The views and recommendation from the public will serve to guide the Members of Parliament in either approving or rejecting the Bill at the Second Reading or Third Reading.

BUNGE KUMI NA TATU- MUHULA WA NNE (2025)
BUNGE LA TAIFA

UFAFANUZI KUHUSU MSWADA WA KATIBA YA KENYA (MAREKEBISHO) (MSWADA WA BUNGE LA TAIFA NAMBARI 4 WA 2025)

A. Je, ni utaratibu gani uliopo wa kurekebisha Katiba kwa njia ya Bunge?

1. Marekebisho ya Katiba kwa mpango wa Bunge ni pale ambapo Wabunge wanapendekeza mabadiliko kwenye Katiba.
2. Mchakato wa kurekebisha Katika kwa njia ya Bunge unaongozwa na Ibara ya 256 ya Katiba na Kanuni za Kudumu za Bunge linalohusika.
3. Ibara ya 256 ya Katiba inaeleza kwamba Mswada wa kurekebisha Katiba unaweza kuwasilishwa katika Bunge la Taifa au Seneti na utasomwa Mara ya Pili baada ya siku tisini (90) tangu tarehe ya Kusomwa Mara ya Kwanza.
4. Mswada huo utakuwa umepitishwa na Bunge pale ambapo Bunge la Taifa na pia Seneti yatakuwa yameupitisha katika hatua ya Kusomwa Mara ya Pili na Kusomwa Mara ya Tatu kwa idadi isiyopungua thuluthi mbili ya Wabunge wote wa Bunge hilo.
5. Baada ya Mswada kupitishwa na Bunge, Spika wa Bunge la Taifa na Spika wa Seneti kwa pamoja watawasilisha Mswada huo kwa Rais ili upate kibali cha Rais na kuchapishwa na wataambatisha cheti cha kuthibitisha kwamba Mswada huo umepitishwa na Bunge kwa mujibu wa Ibara ya 256 ya Katiba.
6. Pale ambapo—
   (a) Mswada haupendekezi marekebisho kwa suala ambalo linahitaji kuridhiwa kupitia kwa kura ya maamuzi, Rais, katika muda usiopita siku thelathini (30) baada ya kupitishwa na Bunge, ataidhinisha Mswada huo na kuhakikisha umechapishwa; au
   (b) Mswada unapendekeza marekebisho kwa suala ambalo linahitaji kuridhiwa kupitia kwa kura ya maamuzi, Rais—
      (i) ataagiza Tume Huru ya Uchaguzi na Mipaka (IEBC) kuandaa kura ya maamuzi katika muda usiopita siku tisini (90); na
      (ii) atatia kibali Mswada huo na kuhakikisha umechapishwa katika muda usiopita siku thelathini (30) baada ya mwenyekiti wa IEBC kumthibitishia Rais kwamba Mswada huo umeidhinishwa ipasavyo kupitia kwa kura ya maamuzi.

B. Je, Mswada wa Katiba ya Kenya (Marekebisho) wa 2025 unalenga nini?

7. Lengo la Mswada huu ni kurekebisha Katiba ili kujumuisha hazina zifuatazo za umma—
   (a) Hazina ya Serikali ya Kitaifa kwa Maeneobunge ambayo lengo lake ni kuhakikisha utekelezaji wa majukumu ***mahususi*** ya serikali ya taifa katika kila eneobunge ili kuwezesha maendeleo yenye usawa kote nchini.
   (b) Hazina ya Uangalizi ya Seneti ambayo lengo lake ni kuhakikisha kwamba Seneti imewezeshwa kikamilifu kutekeleza majukumu yake ya uangalizi ambayo yanajumuisha uangalizi wa mapato yaliyotengewa serikali za kaunti.
   (c) Hazina ya Serikali ya Taifa kwa Hatua Sawazishi ambayo lengo lake ni kuimarisha mikakati ya serikali ya taifa ya kukabiliana na ukosefu wa usawa au kunyimwa kimfumo au kukiuka kwa haki au uhuru wa kimsingi.

C. Je, Mswada wa Katiba ya Kenya (Marekebisho) wa 2025 umefikia hatua gani?

8. Mswada huu ulichapishwa kwenye *Gazeti rasmi la Serikali* mnamo tarehe 26 Februari, 2025 na kusomwa Mara ya Kwanza katika Bunge la Taifa mnamo tarehe 12 Machi, 2025.
9. Kwa mujibu wa Kanuni ya 127 ya Kanuni za Kudumu za Bunge la Taifa, Mswada huu ulikabidhiwa Kamati ya Kiidara ya Masuala ya Haki na Sheria ili kuwezesha ushirikishwaji wa umma.
10. Kamati ya Kiidara ya Masuala ya Haki na Sheria inahitajika kuzingatia maoni na mapendekezo ya umma katika ripoti yake kwa Bunge la Taifa ili kuelekeza mjadala katika hatua ya Mswada Kusomwa Mara ya Pili.

D. Je, Kamati ya Kiidara ya Masuala ya Haki na Sheria itawezesha vipi ushirikishwaji wa umma kuhusu Mswada wa Katiba ya Kenya (Marekebisho) wa 2025?

11. Katibu wa Bunge la Taifa, kupitia kwa arifa ya tarehe 15 Machi, 2025, alialika umma na wadau kuwasilisha maoni kuhusu Mswada huu kwa Kamati ya Kiidara ya Masuala ya Haki na Sheria. Maoni hayo yanaweza kuwasilishwa moja kwa moja kwa Ofisi ya Katibu wa Bunge la Taifa; kutumwa kwa njia ya posta au kutumwa kwa njia ya baruapepe kwa Katibu wa Bunge la Taifa. Siku ya mwisho ya kuwasilisha maoni ni Jumanne, tarehe 10 Juni, 2025 saa kumi na moja jioni.
12. Isitoshe, Kamati ya Kiidara ya Masuala ya Haki na Sheria itaandaa vikao vya kupokea maoni ya umma mnamo Jumatatu tarehe 5 Mei, 2025, Jumanne tarehe 6 Mei, 2025, Jumatano tarehe 7 Mei, 2025 na Alhamisi tarehe 8 Mei, 2025 kuanzia saa mbili asubuhi hadi saa kumi na moja jioni katika Kaunti zote 47 katika sehemu mahususi za kupokea maoni zilizoorodheshwa katika arifa ya vikao vya umma.

13. Aidha, mawasilisho kwa maandishi kuhusu Mswada huu yanaweza kuwasilishwa katika sehemu mahususi za vikao vya kushirikisha umma na kwenye Ofisi za Wabunge katika Maeneobunge yote 290 ya Bunge la Taifa na Ofisi za Wawakilishi wa Kike wa Kaunti katika Kaunti zote 47, ili mawasilisho hayo yawasilishwe kwa Katibu wa Bunge la Taifa.

E. Je, kukita katika Katiba Hazina ya Serikali ya Taifa kwa Maeneobunge, Hazina ya Uangalizi ya Seneti na Hazina ya Serikali ya Taifa kwa Hatua Sawazishi kutapunguza mgao wa fedha unaotengewa kaunti kila mwaka?

14. Hazina ya Serikali ya Taifa kwa Maeneobunge, Hazina ya Uangalizi ya Seneti na Hazina ya Serikali ya Taifa ni hazina za serikali ya taifa na fedha zake zitatolewa kwa mgao wa fedha uliotengewa serikali ya taifa kupitia kwa Sheria ya Kugawa Mapato ya kila mwaka ambayo hupitishwa kwa mujibu wa Ibara ya 218.

15. Kwa hivyo, kuzikita Hazina hizo katika Katiba hakutapunguza kwa vyovyote mgao wa fedha kwa kaunti kwa sababu fedha hizo zitatolewa kutoka kwa mgao wa serikali ya taifa.

F. Je, Mswada wa Katiba ya Kenya (Marekebisho) wa 2025 unaweza kurekebishwa na Bunge?

16. Katiba imeweka utaratibu mahususi wa kushughulikia na kupitisha Miswada ya kurekebisha Katiba tofauti na utaratibu uliowekwa kwa utungaji wa sheria za kawaida. Utaratibu wa kurekebisha Katiba kwa makusudi haujumuishi michakato ya ziada kama vile upatanishi ili kuoanisha maoni tofauti kati ya Bunge la Taifa na Seneti; na Rais kutotia kibali Mswada huo baada ya kupitishwa na Bunge.

17. Maoni na mapendekezo ya umma yatatoa mwongozo kwa Wabunge ama kuidhinisha au kuukataa Mswada huu katika hatua ya Kusomwa Mara ya Pili au Kusomwa Mara ya Tatu.

Annexure **11**

Public Views Template Form (English/Kiswahili)

THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 4 OF 2025)

PUBLIC VIEWS TEMPLATE

(Pursuant to Articles 118(1)(b) and 256(2) of the Constitution)

Section A — Personal Information

1. Name: _____
2. Sex: _____
3. Constituency: _____
4. County: _____
5. Identification Number (*National ID/Passport*): _____

Section B — Object of the Bill

The **Constitution of Kenya (Amendment) Bill (National Assembly Bills No. 4 of 2025)** is a Bill that seeks to amend the Constitution to establish the following Funds in the Constitution—

(a) The **National Government Constituencies Fund** for the purposes of ensuring the provision of exclusive national government functions in all constituencies as envisaged in Article 6(3) of the Constitution and ensure the participation of the people in the identification and implementation of priority national government programmes;

(b) The **Senate Oversight Fund** to ensure that the Senate is adequately empowered and resourced to perform its oversight functions; and

(c) The **National Government Affirmative Action Fund** to enhance the measures of the national government on affirmative action.

Section C — Views of the members of the public on the Bill

(a) **Do you support or are you opposed to the Constitution of Kenya (Amendment) Bill, National Assembly Bills No. 4 of 2025?**

_____

_____

_____

(b) **Give reasons, if any, on why you support or oppose the Constitution of Kenya (Amendment) Bill, National Assembly Bills No. 4 of 2025?**

_____

_____

_____

_____

_____

_____

_____

_____

_____

SIGNED _____ **DATE:** _____

Instructions:

**Fill this Template.*

Filled Templates should be forwarded or submitted for onward transmission to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to constitutionamendment@parliament.go.ke to be received on or before* ***Tuesday, 10th June, 2025 at 5.00 p.m.*

BUNGE LA KUMI NA TATU – MUHULA WA NNE (2025)
BUNGE LA TAIFA

KUHUSU BUNGE LA TAIFA KUSHUGHULIKIA MSWADA WA KATIBA YA KENYA (MAREKEBISHO) (MSWADA WA BUNGE LA TAIFA NAMBARI 4 WA 2025)

FOMU YA MAONI YA UMMA

(Kuambatana na Vifungu vya 118(1)(b) na 256(2) vya Katiba)

Sehemu ya A— Taarifa ya Kibinafsi

1. Jina: _____
2. Jinsia: _____
3. Eneobunge: _____
4. Kaunti: _____
5. Nambari ya Kitambulisho (*Kitambulisho cha Kitaifa/Pasipoti*): _____

Sehemu ya B—Madhumuni ya Mswada

Mswada wa Katiba ya Kenya (Marekebisho) (Mswada wa Bunge la Taifa Nambari 4 wa 2025) ni Mswada unaolenga kurekebisha Katiba ili kukita Hazina zifuatazo kwenye Katiba—

(a) **Hazina ya Serikali ya Taifa kwa Maeneobunge** ili kuhakikisha kwamba majukumu mahususi ya serikali ya taifa yanafikia maeneobunge yote kama inavyokusudiwa kwenye Ibara ya 6(3) ya Katiba na kuhakikisha ushirikishwaji wa umma katika utambuaji na utekelezaji wa mipango ya serikali ya taifa iliyopewa kipaumbele;

(b) **Hazina ya Uangalizi ya Seneti** ili kuhakikisha kwamba Seneti imewezeshwa kikamilifu na ina rasilimali za kutekeleza majukumu yake ya uangalizi; na

(c) **Hazina ya Serikali ya Taifa kwa Hatua Sawazishi** ili kuimarisha mikakati ya serikali ya taifa kuhusu hatua sawazishi.

Sehemu ya C—Maoni ya umma kuhusu Mswada

(a) **Je, unaunga mkono au unapinga Mswada wa Katiba ya Kenya (Marekebisho) (Mswada wa Bunge la Taifa Nambari 4 wa 2025)?**

_____

_____

_____

_____

_____

_____

_____

_____

(b) **Toa sababu, iwapo zipo, za kuunga mkono au kupinga Mswada wa Katiba ya Kenya (Marekebisho) (Mswada wa Bunge la Taifa Nambari 4 wa 2025)?**

IMETIWA SAHIHI _____ **TAREHE:** _____

Maelekezo:

**Jaza Fomu hii.*

Fomu iliyojazwa inapaswa kutumwa au kufikishwa kwa Katibu wa Bunge la Taifa, S.L.P 41842- 00100, Nairobi; kuwasilishwa moja kwa moja kwa Ofisi ya Katibu wa Bunge la Taifa, Majengo Makuu ya Bunge, Nairobi; au kutuma kwa baruapepe kupitia kwa anwani: constitutionamendment@parliament.go.ke, ili ipokewe mnamo au kabla ya* ***Jumanne, Tarehe 10 Juni, 2025* *saa* ***kumi na moja jioni.***

Shukrani: *Bunge la Taifa linashukuru kwa kushiriki kwako katika mchakato huu.*

Annexure 12

Memoranda from the public and by stakeholders

(2) Abenayo Wavike, HoD
For the attention of JLAC.
DM 10/06/2025

(3) Ahmed Salim
Pls bring to the attention of the Committee
11/06/2025

10 JUN 2025

Law Society of Kenya Nairobi Branch

(1) D/DC
Please deal.

Lower Hill Duplex
Upperhill Road, Suite No. 015
P. O. Box 528-00100, Nairobi
Tel: +020 2711177, 0707256140

OUR REF: CC/DLC/25/1 YOUR REF: T.B.A. DATE: 5TH JUNE 2025

10/06/25

Mr. Mr. Samuel Njoroge
The Clerk of National Assembly
Parliament of Kenya, Parliament Building
NAIROBI

NATIONAL ASSEMBLY RECEIVED
09 JUN 2025
CLERK'S OFFICE
P.O. Box 41842, NAIROBI

Dear Sir,

RE: DEVOLUTION AND LAW REFORM COMMITTEE CONSOLIDATED REVIEW OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

Receive the highest regards from LSK Nairobi Branch.

1. INTRODUCTION

This memorandum is issued in furtherance of the mandate of the LSK Nairobi Branch's Committee on Devolution and Law Reform (the Committee) to review laws and recommend its reform and to promote devolution (Wendy: is that our mandate).

The Committee submits this memorandum pursuant to a public call for submission dated (Wendy, help me out with the date) seeking comments on the Constitution of Kenya (Amendment) Bill, 2025

The legislative proposal seeks to amend the Constitution of Kenya to anchor the National Government Constituency Fund, the Senate Oversight Fund and the National Government Affirmative Action Fund.

Against this background and pursuant to the its mandate, the Committee has undertaken a review of the proposal as set out below.

2. REVIEW OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

No.	Issue	Observation	Proposal
1	**Constitutional Validity and Separation of Powers**	The proposed amendment contravenes the Constitution by attempting to allocate public funds directly to MPs and Senators—functions constitutionally reserved for the Executive. This undermines the doctrine of separation of powers, contradicts Supreme Court rulings (e.g. CDF & NGCDF), and violates Article 2, which enshrines the supremacy and integrity of the	Withdraw any proposal allocating funds directly to legislators. Uphold Article 2 and established jurisprudence. Development funds should be administered exclusively through the Executive and county governments, coordinated via the NGAO at sub-county level.

*Eric Kivuva **(Chair)**, Ribin Ondwari **(Vice Chair)**, Wycklife Oyoo **(Secretary)**, Irene Kiwool **(Treasurer)**, Caroline Khasoa **(Senior Lawyer of Over 20 Years & Fundraising Secretary)**, Shadrach Omondi **(In – House Counsel Representative)**, Jane Ngochi **(Kiambu County Representative)**, Barbara Mwaura **(Communications Secretary)**, Muthoni Gachara **(Organizing Secretary)**, Stephen Mundia, Effie Sheila Achieng **(Welfare Secretary)**.*

No.	Issue	Observation	Proposal
		Constitution. It amounts to an attempt to review the Constitution through the back door under the guise of an amendment, violating the basic structure.	
2	**Judicial Authority and Rule of Law**	The proposed Bill appears designed to override or dilute final judgments of the Supreme Court and High Court, thereby undermining judicial independence and violating the principle of the rule of law.	Parliament must reaffirm its respect for judicial authority under Article 10 and 159. All legislative responses to court decisions should be guided by consultation with the Judiciary and constitutional commissions to protect the constitutional order.
3	**Duplication and Conflict with Devolution**	The Bill introduces funds and structures that duplicate county government mandates under the Fourth Schedule, leading to inefficiencies and potential conflict in service delivery.	Fully implement Articles 203, 204, and 175. Strengthen county capacity, fund equitable delivery of services at the Ward level and foster national–county collaboration instead of creating overlapping structures.
4	**Legislative Mandate and Constituency-Level Engagement**	Legislators are constitutionally mandated to represent, legislate, and oversee—not to manage development. However, they face pressure to deliver public goods.	Establish Representative and Oversight Offices at Ward, Constituency, and Senate County levels with the following components: **a. Representation:** Public participation, community dialogue, and citizen feedback channels. **b. Legislation:** Legal review, civic education, and law impact assessments. **c. Oversight:** Statutory audits and monitoring of public service implementation using Article 125 powers. This should be done within PSC and CRA frameworks without creating new funds.
5	**Oversight Gaps and Enforcement Challenges**	Reports by Parliament and County Assemblies often go unenforced. Oversight lacks operational force and follow-through. This undermines accountability and public trust.	Establish Oversight & Statutory Enforcement Committees at Ward, Constituency and Senate County levels. These should be empowered to monitor, track and report enforcement of both Parliamentary and County Assembly recommendations. Operationalise Article 125 and relevant statutory audit mechanisms.

No.	Issue	Observation	Proposal
6	**Fiscal Sustainability and Prudence**	Creation of new funds and offices increases administrative costs and contradicts principles of efficient and responsible public finance under Articles 201 and 232.	Reject new fund structures (NG-CDF, NGAAF, Senate Fund). Prioritise budget efficiency by reallocating and streamlining existing PSC offices and resources. Ensure every shilling spent enhances access to justice, civic participation, and service delivery.
7	**Public Participation and Legislative Feedback**	Current public participation mechanisms are often tokenistic and underfunded, limiting citizen influence on policy and legal development.	Channel part of the CDF—where constitutionally restructured—toward legal aid and civic education programs at Ward, Constituency and Senate County levels. Establish **Public Engagement Units** to promote transparency, access to information and policy dialogue.
8	**Existing Structures and Political Will**	MPs already have constituency offices funded by the PSC, but these are underutilised for legislative and oversight purposes. The real gap lies in accountability, not infrastructure.	Parliament must realign itself with its core constitutional responsibilities under Article 94: representation, legislation and oversight. Reforms should emphasise performance indicators and accountability for MPs and Senators.

3. CONCLUSION

Thank you for the opportunity to give feedback. We are available to discuss this further should the National Assembly Committee on Justice and Legal Affairs and Constitutional Implementation Oversight Committee find it necessary.

For further information, kindly contact the undersigned through the Programs Manager, Wendy Muganda via email wmuganda@lsknairobi.org.

Yours sincerely,
LSK NAIROBI BRANCH

ERIC KIVUVA, CHAIR

*Eric Kivuva **(Chair)**, Ribin Ondwari **(Vice Chair)**, Wycklife Oyoo **(Secretary)**, Irene Kiwool **(Treasurer)**, Caroline Khasoa **(Senior Lawyer of Over 20 Years & Fundraising Secretary)**, Shadrach Omondi **(In – House Counsel Representative)**, Jane Ngochi **(Kiambu County Representative)**, Barbara Mwaura **(Communications Secretary)**, Muthoni Gachara **(Organizing Secretary)**, Stephen Mundia, Effie Sheila Achieng **(Welfare Secretary)**.*

(2) Abenayo Wasike, HoD
To place before JLAC.
DM 11/06/25

COUNCIL OF GOVERNORS

Westlands Delta House 2nd Floor, Waiyaki Way.
P.O. BOX 40401-00100,
Nairobi.

Tel: (020) 2403314, 2403313
E-mail: info@cog.go.ke

Ref: COG/6/11 Vol. 4 (27)

3rd June 2025

(1) D/DC
Please deal.
10/06/25

(3) Ahmed Salim
Kindly receive and bring to attention of the Committee
11/06/2025

Samuel Njoroge, CBS
The Clerk of the National Assembly
Parliament Buildings
Nairobi

Dear Mr. Njoroge,

LEGISLATIVE MEMORANDUM ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)

Greetings.

The Council of Governors has reviewed the **The Constitution of Kenya (Amendment) Bill (National Assembly Bills No. 12 Of 2025)** and hereby forwards its legislative memorandum attached herewith for your consideration.

Please accept the assurance of our highest esteem and consideration.

Yours sincerely,

Mary Mwiti, EBS
Chief Executive Officer

Copy: All Excellency Governors

All County Attorneys

NATIONAL ASSEMBLY
RECEIVED
10 JUN 2025
COUNTY CLERK, S.R.C.

DEPARTMENTAL COMMITTEES
RECEIVED
10 JUN 2025

COUNCIL OF GOVERNORS

LEGISLATIVE MEMORANDUM ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 4 OF 2025)

TO

THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

FROM

THE COUNCIL OF GOVERNORS

The Council of Governors (The Council),

In recognition of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level;

In further recognition of Article 6 (2) that governments at the national and county levels are distinct; and

Aware of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues facing devolution, and further reflects the spirit and objects of devolution;

Hereby notes as follows on the **Constitution of Kenya (Amendment) Bill (National Assembly Bills No. 4 of 2025) (the "Bill");**

A. GENERAL COMMENTS;

i. The Council opposes the Bill in its entirety and urges the Committee to recommend withdrawal of the same. This is due to the fact that the proposed National Government Constituencies Fund (NGCF) now known as the National Government Constituencies Development Fund (NGCDF) and the National Government Affirmative Action Fund upset the principle of separation of powers and division of functions between the arms and levels of government respectively. The proposed Senate Oversight Fund will occasion duplication of financial allocation to the Senate in the face of public resources.

ii. The Council also notes that the proposed Articles 204A and 204C are amendments requiring a referendum under Article 255 (1) (h) as they relate to changing the functions of Parliament to implementation which is a preserve of the national and county executives.

B. SPECIFIC COMMENTS;

Specifically, the Council recommends the following with respect to the clauses in the Bill for consideration:

CLAUSE AND PROVISION OF THE BILL	THE COUNCIL'S PROPOSED AMENDMENTS	JUSTIFICATION
Amendment of Article 204 of the Constitution **204A. National Government Constituencies Fund** (1) There is established the National Government Constituencies Fund. (2) The NGCF is established for the purpose of ensuring the provision of exclusive national government functions in each constituency. (3) The Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 (4)... (5)...	**Delete this clause entirely**	i. The Council is **opposed** to entrenching the NGCF in the Constitution because it **upsets the principle of separation of powers between the three arms of government.** Articles 95 of the Constitution clearly provides for the roles of the National Assembly as representative, legislative, appropriation of funds and oversight over the use of these funds. In contrast, the Constitution establishes the executive arm of government at the national and county level to exercise executive authority and implement government policies including service delivery. Indeed, the Supreme Court in the case of ***Institute for Social Accountability & another v National Assembly & 3 others [2022]*** concurred with this view and held that the Constituencies Development Fund (CDF) violated the principle of separation of powers. The legislation before the Court was the CDF Act, 2013 but the learned Judges acknowledged (as we do) that many impugned provisions of the CDF Act 2013 had also been re-enacted in the NGCDF Act, 2015. This decision was further buttressed in the recent judgement of the High Court in ***Gikonyo & another v National Assembly of Kenya & 4 others; Council of Governors & 3 others (Interested Parties) (Constitutional Petition 178 of 2016) [2024]*** where the Court concurred with the Supreme Court and held: *"**That the National Government Constituencies Development Fund Act of 2015 as amended in 2022 and 2023 is hereby declared unconstitutional**; and that the National Government Constituencies Development Fund and all its programmes, projects and activities shall cease to operate at the stroke of midnight on **30th June 2026**."*

		ii. Entrenching NGCF in the Constitution will **upset the Constitutional division of functions between the two levels of government**. One of the key objects of the NGCF is **implementation of national government functions**. However, the Fourth Schedule to the Constitution mostly assigns the National Government the function of **policy formulation for the various sectors.** In contrast, the County Governments are allocated most of the functions and powers that are implementation-oriented. An analysis of NGCDF Committee reports from Mbeere South (Embu), Balambala (Wajir) and Baringo Central (Baringo) Constituencies shows the strategic objectives of the Fund being water provision, sanitation services, sports, roads and forestry which are all devolved functions. (**See attached Annex on Extracts from NGCDF Committee reports of Mbeere South (Embu), Balambala (Wajir) and Baringo Central (Baringo) Constituencies for FY 2023/24**). iii. We note that the proposed Articles 204A and 204C are amendments requiring **a referendum** under Article 255 (1) (h) as they relate to changing the functions of Parliament to implementation, which is a preserve of the national and county executives. iv. Further, the Council notes that the operation and entrenching of **NGCF makes the Constituencies service delivery entities**, contrary to the intention of the Constitution, which established Constituencies as electoral units for political representation under Article 89(1) of the Constitution. v. We note that **the governance structure of the existing NGCDF upsets the principles of public finance, accountability and good governance**. The NGCDF Act (*unconstitutional*) requires the members of National Assembly to approve the members of the NGCDF Board as well as the NGCDF committee in every constituency.

		The Board is required, on a quarterly basis, to submit a report to the National Assembly Select Committee, which tables a report to the National Assembly upon receipt of the same. **This structure does not provide room for checks and balances as it features one arm of government appropriating funds, deciding how the said funds are utilized and exercising oversight over the same funds.** vi. We urge the National Assembly to integrate and subsume the NGCF within the structures of either the county executive or the national executive to avoid duplication of roles and enhance separation of powers and adequate checks and balances by ensuring that Parliament does its function of oversight. Alternatively, we urge the National Assembly to channel the funding through the county governments as conditional or unconditional grants as envisaged in article 202(2) of the Constitution to boost service delivery at the county level.
204B. Senate Oversight Fund (1) There is established the Senate Oversight Fund. (2) The Senate Oversight Fund is established for the purpose of ensuring that the Senate is adequately resourced and empowered to perform its oversight function. (3) The Fund shall be a national government fund consisting of monies appropriated from the national government's share of	**Delete this clause entirely**	i. The Council is opposed to entrenching the Senate Oversight Fund in the Constitution because it will **occasion duplication of resource allocation to the Senate in the face of scarce public resources**. Articles 96 of the Constitution clearly provides for the roles of the Senate as an entity vested by the people of Kenya with representative, legislative authority and oversight. This includes *inter alia*, allocation of national revenue among counties to enable them discharge their functions and oversight over the use of this revenue. In order to discharge its mandate, the Senate, just like the National Assembly, is allocated resources to perform its oversight function. The Senate is granted resources for legislative and procedural services, Committee services, County offices and senate liaison services among others. All these items under the Senate's vote head facilitate

revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 (4)... (5)...		the activities of the Senate. There has been no gap in the oversight mandate of the Senate, occasioning no need to create a Senate Oversight Fund. ii. Further, we take note that the Parliamentary Service Commission has previously received funds for '*Senate Representation Programmes*', which was later christened the '*Senate Oversight (Function) Fund*' with the intention of sharing it out to individual Senators to purportedly ensure they are adequately resourced to carry out their oversight mandate. We note that redirecting these funds as such will amount to an unconstitutional usurpation of the functions of the Parliamentary Service Commission. Section 11 (d) of the Parliamentary Service Act, Cap 186 sets out the functions of the Commission which inter alia include: initiating programmes for training and capacity building of members and staff of Parliament, promote ideals of parliamentary and promote public awareness and participation in the activities of Parliament. This position was buttressed in the case of ***Mwinzagu & 5 others v Parliamentary Service Commission; Onderi (Interested Party) (Petition E340 & E363 of 2023 (Consolidated)) [2024] KEHC 4073 (KLR)*** iii. We propose that if need be, the Senate is allocated more resources under its current vote head to enable it perform its functions, instead of creating a separate Senate Oversight Fund.
204C. National Government Affirmative Action Fund (1) There is established the National Government Affirmative Action Fund.	**Delete the clause entirely**	i. The Council is opposed to entrenching NGAAF in the Constitution because **its operation upsets the principle of separation of powers between the three arms of government**. The objects of NGAAF as outlined in the *Public Finance Management (National Government Affirmative Action Fund) Regulation -Legal Notice 52 of 2016* are to complement the measures of the National Government on affirmative action by way of enhancing service delivery to affirmative action groups and funding of projects in

(2) The National Government Affirmative Action Fund is established for the purpose of enhancing the measures of the national government on affirmative action. (3) The Fund shall be a national government fund consisting of monies appropriated from the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 (4) ... (5) ...		the constituencies. The County Women Representative's office in the county is the primary point of contact for NGAAF-related inquiries and application submissions. This presents County Women Representatives who are members of Parliament with a service delivery mandate. Parliament as an entity is vested with representative, legislative, appropriation of funds and oversight over the use of these funds. In contrast, the Constitution establishes the executive arm of government at the national and county level to exercise executive authority and implement government policies including service delivery. ii. Further, the Council is of the view that the operation of **NGAAF infringes on the functions of the County Department responsible for gender among other county departments.** It is notable that the objects of NGAAF aim to deliver various services to affirmative action groups including promotion of the arts, music or sports, establishment of rescue centres and legal aid centres, provision of bursaries/scholarships, establishment of drugs and substance abuse rehabilitation and counselling centres and civic or community sensitization on various programs. We note that many of these objects fall within the scope of devolved functions in the Fourth Schedule of the Constitution. Furthermore, NGAAF is focussed on community-based projects, which the Supreme Court has asserted fall within the domain of Counties. iii. Further, the Council notes that the operation and entrenching of **NGAAF makes the Constituencies service delivery entities,** contrary to the intention of the Constitution, which established Constituencies for political representation under Article 89(1) of the Constitution.

		iv. In the upshot, we urge the National Assembly to fully integrate NGAAF within the structures of the county executive and the national executive to avoid duplication of projects and enhance separation of powers by ensuring that members of Parliament perform their Constitutional functions of legislation and oversight.

C. CONCLUSION;

The Council requests the Committee to consider our proposals to avoid duplication of roles and financial allocation, enhance separation of powers, sound public finance, constitutionalism and adequate checks and balances.

ANNEX I: NGCDF COMMITTEE REPORTS FROM MBEERE SOUTH (EMBU), BALAMBALA (WAJIR) AND BARINGO CENTRAL (BARINGO) CONSTITUENCIES

Reports of the Auditor General on NGCDF IN Mbeere South-Balambala-Baringo Central Constituencies.pdf

REPUBLIC OF KENYA

OFFICE OF THE AUDITOR-GENERAL

Enhancing Accountability

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 27 FEB 2025 Thursday
TABLED BY: Hon Naomi Waqo MP
Deputy Majority Party Whip
A. Shibuko

PARLIAMENT OF KENYA LIBRARY

REPORT

OF

THE AUDITOR-GENERAL

ON

NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND – MBEERE SOUTH CONSTITUENCY

FOR THE YEAR ENDED 30 JUNE, 2024

4. Statement of Performance against Predetermined Objectives for FY 2023/24

Introduction

Section 81 (2) (f) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the Accounting officer when preparing financial statements of each National Government entity in accordance with the standards and formats prescribed by the Public Sector Accounting Standards Board includes a statement of the national government entity's performance against predetermined objectives.

The key development objectives of Mbeere South Constituency 2023-2027 plan are to:

The strategic objectives and the strategies to be pursued will be at the core of the constituency's functions over the next 5 years. The strategic matrix is presented in the table below.

Key Result Area	Strategic Objective	Strategies
Improved Access to education services	1.1 To improve education/school infrastructure and facilities	Put up school infrastructures; Equipping of schools; Rehabilitation of school infrastructure
	1.2 To Increase support of the needy students	Financial support to bright and the needy students; Support schools activities
Youth Skills development	2.1 To enhance youth skill development	Support youth empowerment centers; Fund youth initiatives;
	2.2 To equip youth with working skills	Train youth on life support skills;
Peaceful and secure constituency	3.1 To enhance area security	Put up new security infrastructure; refurbish and equip chiefs' administration offices

by other grants and transfers due to the funds not disbursed to the constituency at the end of financial year. The utilization difference for the compensation of employees was lowest as depicted from the graph since the constituency had received most of the funds from the board.

Key achievements

Mbeere South NG-CDF made a tremendous effort in ensuring needy students remain in schools by offering Bursaries totaling Ksh: 56,771,223. There were also a remarkable progress in alleviating the perennial water shortage providing tanks to schools.

IMPACT:

The project has improved the overall wellbeing of students and academic performance.

EMERGING ISSUES

With the Introduction of Competence Based Curriculum there is increased Demand for more classes and laboratories in all the schools. With the limited funds we request that the national treasury should set aside some more funds to do the necessary infrastructure.

With late approval of the projects, on utilization of MIS system as an office we were unable to utilize the system to its maximum.

CHALLENGES

Some of the Challenges that Mbeere South NG-CDFC is facing are:

- Delay in Disbursement of funds - There has been a challenge when it comes to disbursement of funds hence resulting to delay on project implementation
- Poor Infrastructure – In Mbeere south constituency most of our roads are in poor state hence making it hard when it comes to implementation of projects

SOLUTIONS

As soon as the code list is approved funds should be disbursed immediately so that the projects are implemented on time. With that the value for money shall be realized.

One the code list is approved and funds transferred to the constituency your team should work on updating the MIS system for maximum utilization of mechanisms put in place.

.....

Name: John Muriuki Machuke
Chairman NGCDF Committee

Improved environment	4.1 To enhance environmental protection	Collaboration with environmental conservation stakeholders; Increase number of trees in the constituency
Accessible roads	5.1 To improve the condition of roads in the constituency	Roads upgrading through KURRA and county government
Institutional strengthening	7.1 To improve human working capacity	Staff and CDFCs training; Project management
Key Result Area	**Strategic Objective**	**Strategies**
		Committees (PMCs) training; Provision of adequate office equipment and working tools
	To improve resource mobilization	Efficient and effective utilization of resources; Collaboration with other development partners; and creating other financial sources

Progress on attainment of Strategic development objectives

For purposes of implementing and cascading the above development objectives to specific sectors, all the development objectives were made specific, measurable, achievable, realistic and time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Below we provide the progress on attaining the stated objectives:

	Objective	Outcome	Indicator	Performance
Education	To have all children of school going age attending school	Increased enrolment in primary schools and improved transition to secondary schools and tertiary institutions	number of usable physical infrastructure build in primary, secondary, and tertiary institutions number o bursary's beneficiaries at all levels	In FY 2023/24 - Mbeere South did tremendous work in terms of construction and renovation of classrooms within Mbeere south constituency. In FY 2023/2024 through Bursary fund, we supported over 4,500 students in secondary schools and 1,400 students in tertiary institutions.
Security	Equip, facilitate and enhance capacity of provincial administration and other security organs in order to improve service delivery	Develop and enhance provincial administration and other security organs infrastructure to enhance service delivery	Number of usable physical infrastructure built in locations, sub locations and police stations	Mbeere South NG-CDF was able to construct Assistant Chief office in the financial year 2023-2024

Environment	Improve access to clean water and a more sustainable and conserved environment through natural resources conservation initiatives	Sufficient water supply	Tanks supplied in different schools	19 projects rerating to environment activities.
Youth & Sports	Empower and develop youth and special groups	Reduced dependence and spur economic growth through sports	Number of youth groups benefitting from the sports programme	There was no Youth and sports activity in Mbeere South In Financial Year 2023/2024 given that the sports kit had been devolved to county level.
Emergency	Improve the mechanism used in handling disasters	Reduce loss of live and properties	No emergency occurrence in the constituency	In the F/Y 2023-2024 Mbeere south did 15 projects relating to emergency to primary schools and 2 projects for secondary schools

REPUBLIC OF KENYA

OFFICE OF THE AUDITOR-GENERAL

Enhancing Accountability

REPORT

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THE NATIONAL ASSEMBLY PAPERS LAID
DATE: 27 FEB 2025 Thursday
Hon. Naomi Waqo MP
Deputy Majority Parliamentary Whip
Hon. Shibuti

OF

THE AUDITOR-GENERAL

ON

NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND – BALAMBALA CONSTITUENCY

FOR THE YEAR ENDED 30 JUNE, 2024

4. Statement of Performance against Predetermined Objectives for FY 2023/24

Introduction

Section 81 (2) (f) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the Accounting officer when preparing financial statements of each National Government entity in accordance with the standards and formats prescribed by the Public Sector Accounting Standards Board includes a statement of the national government entity's performance against predetermined objectives.

The key development objectives of the NGCDF Balambala Constituency 2023-2027 plan are to:

a) Education- Become a national model for education by improving schools' infrastructure, improving performance, reducing dropout rates and increasing primary, secondary and higher education transition rates.
b) Environment- Improve access to clean water and a more sustainable and conserved environment in Balambala through natural resources conservation initiatives
c) Security- Equip, facilitate and enhance capacity of provincial administration and other security organs in order to improve service delivery and make the constituency secure
d) Sport- Empower and develop youth and special groups to reduce dependence and spur economic growth through sports
e) Livelihoods and socio-economic Empowerment-To undertake economic empowerment projects targeting the youth, women and the elderly in the constituency

Progress on the attainment of Strategic development objectives

For purposes of implementing and cascading the above development objectives to specific sectors, all the development objectives were made specific, measurable, achievable, realistic and time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Below we provide the progress on attaining the stated objectives:

Sector	Objective	Outcome	Indicator	Performance
Education	To have all children of school going age attending school	Increased enrolment in primary schools and improved transition to secondary schools and tertiary institutions	number of usable physical infrastructure build in primary, secondary, and tertiary institutions number of bursary's beneficiaries at all levels	In the FY 2023/24 seventy (70) classrooms were constructed and or renovated in primary and Secondary schools. -3,341 students from secondary schools and 1,141 students from tertiary institutions benefited from the bursary scheme.
Security	To foster a peaceful and secure constituency	Develop and enhance provincial administration and other security organs infrastructure to enhance service delivery	Number of usable physical infrastructure built in locations, sub locations and police stations	-In the FY 2023/2024 we Constructed Eight(8) police stations/chiefs offices which have enhanced security and better service to the people in the constituency.
Environment	To establish a sustainable green constituency	-Drill boreholes to promote access to clean and safe water -Equip schools and public facilities with sanitation facilities -Provide tree seedlings to schools to improve the forest cover	- Number of boreholes drilled -Number of sanitation facilities built in primary and secondary -Number of trees planted	In the FY 2023/2024 we constructed twelve(12) toilets and pit latrines which have enhanced sanitation and environmental conservation in the constituency

Sports	Promote youth activities in the constituency	Reduced dependence and spur economic growth through sports	Number of youth groups benefitting from the sports programme	In the FY 2023/2024 we held constituency sports tournaments with winning teams awarded with uniform, balls and trophies

REPUBLIC OF KENYA

OFFICE OF THE AUDITOR-GENERAL

Enhancing Accountability

THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
27 FEB 2025
Thursday
Hon. Naomi Waqumbi
Deputy Majority Bay Whip
A. Shibako

REPORT

PARLIAMENT OF KENYA LIBRARY

OF

THE AUDITOR-GENERAL

ON

NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND - BARINGO CENTRAL CONSTITUENCY

FOR THE YEAR ENDED 30 JUNE, 2024

4. Statement of Performance Against Predetermined Objectives forFY2023/2024

Introduction

Section 81 (2) (f) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the Accounting officer when preparing financial statements of each National Governmententity in accordance with the standards and formats prescribed by the Public Sector Accounting Standards Board includes a statement of the national government entity's performance against predetermined objectives.

The key development objectives of the *NGCDFBaringo Central Constituency 2023-2027* plan are to:
1)increase students enrolment in schools in the constituency
2)empower the Baringo Central Constituency youth digitally to effectively participate in the digital economy
3)mitigate climate change through improved forest cover
4)enhance operational efficiency of NGCDF to serve the resident better

Progress on the attainment of Strategic development objectives

For purposes of implementing and cascading the above development objectives to specific sectors, all the development objectives were made specific, measurable, achievable, realistic and time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Below we provide the progress on attaining the stated objectives:

Constituency Sector	Objective	Outcome	Indicator	Performance
Education	To have all children of school going age attending school	Increased enrolment in primary schools and improved transition to secondary schools and tertiary institutions	- number of usable physical infrastructure build in primary, secondary, and tertiary institutions - number of bursary's beneficiaries at all levels	In FY 23/24 -we Constructed 38 classrooms(35 in primary schools and 3 in secondary schools), dormitories 3, 5 Administration blocks, laboratories nil - Bursary beneficiaries at all levels were 6041(secondary schools 4000 and 2041 in tertiary

				institutions) in 23/24 as per the attached schedules
Security	To improve Security by equipping, facilitating and enhancing capacity of provincial administration and other security organs for service delivery	Develop and enhance provincial administration and other security organs infrastructure to enhance service delivery	Number of usable physical infrastructure constructed in the 5 wards in the constituency and the police stations	During financial year we built 4 chiefs offices (sagasak chiefs office,sacho mosop chiefs office,kituro chiefs office,kapyemit chiefs office)
Environment	Improve access to clean water and increase forest cover for environmental conservation and fruitation for food security and income	Drill boreholes for access to clean water, forest cover and fruits in public institutions	Number of boreholes drilled. The number of trees and fruits in the public institutions.	The number of schools which was planted with tree seedlings was 70 Schools
Sports	To promote participation of local sport teams and athletes in sporting events	Reduced dependence and spur economic growth through sports	Number of sporting teams and athletes benefitting from the sports kitty.	The number of sporting teams which benefitted from the kitty was 10 and athletes 200
Emergency	To undertake emergency intervention in the constituency	Reduce in the number of disaster in the constituency.	The number of emergency interventions put in place to mitigate.	Increase the emergency response

Ahmed Salim
Pls bring to the attention of the Committee
10/06/2025

Abena/O Wasike
to process
10/6/25

D/DC
Please deal.
10/06/25

THE NATIONAL ASSEMBLY

THE CONSTITUTION OF KENYA (AMENDMENT) BILL 2025

Section A: Objects of the Bill

The Constitution of Kenya (Amendment) Bill No. 4 of 2025 seeks to entrench three key funds into the Constitution: the National Government Constituencies Development Fund (NG-CDF), the Senate Oversight Fund, and the National Government Affirmative Action Fund (NGAAF) sponsored by MPs Hon. Otiende Amollo and Hon. Samuel Chepkonga.

Section B: Personal Information

1. Name: **Jeremy Ng'ang'a**
2. Gender: **Male**
3. Constituency: **Laikipia West**
4. County: **Laikipia**
5. Identification No. (National ID/~~Passport/Kenyan Driving Licence~~): **9285630**

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10 JUN 2025

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P.O. Box 41842, NAIROBI

Section C: Views on Bill

6. What are your views on the Bill? (Fill Table as appropriate)

S/No.	Clause/Page of the Bill	Proposal	Justification
1.	204A	1) Reject the amendment 2) Retain the funding but restructure and rename it to "**National Government Sub-County**	a) Fund is in conflict with the constitutional order of separation of powers and roles

		Infrastructure and Facility Development Fund"; the fund will continue to support the development of infrastructure (schools, hospitals, police stations, chief's offices, and provide facilities (including bursaries and emergencies) at the lower administrative levels 3) Fund to be administered through the National Government and receive allocation under a legal framework similar to NG-CDF 4) Fund to be chaired by the National Government administrator at the Sub-County level (Sub-county Commissioner aka Deputy County Commissioner – DCC), with a committee comprising heads of departments of Ministries performing National Government functions (post-ECDE education, health, environment, security, etc) 5) Members of National Assembly should have no role whatsoever in managing the Fund other than oversight as per the stated/constitutional mandate	b) Politicians (specifically Members of Parliament) have abused its application by using it for political purposes c) Putting fund's management under the Sub-County / County administrative structures will depoliticise it d) It will be possible to equalise infrastructure and facilities development in the country in all sectors e) It will free the MPs to focus on the constitutional mandate f) It will eliminate confusion with devolved funds because Sub-Counties are not political (as opposed to Constituencies) but administrative units
2	204B – Senate Oversight Fund (SOF)	1) Reject the amendment 2) It is important to make funds available to support the Senate offices to enable them perform their roles adequately in the form of human resources and logistics.	a) Funding for the oversight function of Senate and Senators does not require a constitutional amendment b) Already the offices of Senators have been established at the Counties and only require up-scaling in terms of human resources and

		3) The funds should be administered through the Parliamentary Service Commission (PSC) in the same manner as the other office funds (specifically the Constituency and Senate office funds)	
3	204C – National Government Affirmative Action Fund (NGAAF).	1) Reject the amendment 2) NGAAF should be phased out 3) If the Fund is retained, it should be restructured and renamed "**National Government Affirmative Action Support Fund**" 4) The renamed Fund should be chaired by the National Government administrator at the County level, County Commissioner, with a committee comprising heads of departments of Ministries performing roles of affirmative action such as education, gender, social protection, etc.	1) Most NGAAF's roles are performed by the County Governments such as disability and talent development. 2) Members of Parliament have been reported to abuse the Fund and apply it for political purposes

SIGNED _____ **DATE: 9th June 2025**

Email: constitutionamendment@parliament.go.ke and cna@parliament.go.ke

Echo Network Africa Foundation
Catalyst for Development

DEMOCRACY TRUST FUND
The Power Fund

(1) D/DC
Please deal.
10/06/25

Dated 3rd June 2025

TO THE CLERK
NATIONAL ASSEMBLY OF THE REPUBLIC OF KENYA
P.O Box 41842-00100
Email: constitutionamendment@parliament.go.ke & @cna@parliament.go.ke

A MEMORAMDUM ON THE CONSTITUTIONAL AMENDMENT BILL, 2025

SUBMITTED BY:
ECHO NETWORK AFRICA FOUNDATION (ENAF) AND DEMOCRACY TRUST FUND (DTF)

Website: enafrica.org
Telephone: +254 727 910 000
Email: (Information available on their website)

(2) Abenayo Wasike, HoD
To bring to the attention of the Departmental Committee on Justice & Legal Affairs.
JM 11/06/25

Ahmed Salim
Pls bring to the attention of Committee
11/06/2025

NATIONAL ASSEMBLY RECEIVED 10 JUN 2025 DEPUTY CLERK S. KIGO P.O. BOX 41842-00100, NAIROBI

DIRECTORATE OF DEPARTMENTAL COMMITTEES RECEIVED 10 JUN 2025

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ABOUT ENAF

Echo Network Africa Foundation (ENAF) is a Pan-African philanthropic organization that works collaboratively with likeminded stakeholders to empower, position, and advocate for girls and women in Africa. Founded in 1982, ENAF's vision is of an inclusive society where girls and women enjoy full rights and participate meaningfully in all spheres of life. ENAF's approach is deliberate in prioritizing women and girls especially youth, women with disabilities, and those from marginalized communities through transformational leadership and institutional strengthening.

Under its Women Leadership, Political Participation and Governance Centre, ENAF seeks to engage constructively in national democratic and constitutional reform processes to provide a favorable policy environment and ensure that gender equality, equity, and inclusive governance remain central to Kenya's socio-political progress.

As Kenya embarks on potential constitutional reforms through the proposed **Constitutional Amendment Bill 2025**, ENAF seeks to contribute to this national discourse by developing a through this Comprehensive Memorandum that analyzes the Bill's content, implications, and alignment with constitutional values and gender-responsive governance.

Overview of the Memorandum

This Memorandum by ENAF analyses the history of the various funds created by Parliament of the Republic of Kenya and others established under the Public Finance Management Act, 2012 by the Cabinet Secretary for Finance. The main focus is on the Constituency Development Fund Act 2003, which was amended in 2013, 2015, 2022 & 2023 the extent to which the Act and Fund activities complied with the directive principles and provisions of the Constitution of Kenya, 2010 or otherwise. The Memorandum analyses the National Government Affirmative Fund (NGAAF) and the Senate Oversight Fund (SOF). The Memorandum also reviews the various litigations and judgments by the High Court of Kenya, Court of Appeal and the Supreme Court of Kenya and their implications on the existence, operation and management of the three funds.

The Memorandum finally provides an overview and analysis of the Constitutional Amendment Bill, 2025 and its attempts to entrench the three funds in the Constitution through a parliamentary initiative as opposed to a mixed initiative of both parliament and the popular approach vide a referendum. It outlines the reasons for ENAF's Objection to the proposed amendments and its position and viewpoint on matters pertaining to the current and future amendments of the Supreme Law of the Land (i.e., Constitution of Kenya, 2010). The Memorandum contains ENAF's Position Statement and Recommendations on the ongoing debate regarding the Constitutional Amendment Bill, 2025 and its implications to the principle of separation of power, devolution and prudent utilization and management of public resources

ABOUT THE FUNDS SET UP BY PARLIAMENT AND THE CABINET SECRETARY FOR FINANCE

National Government Constituency Fund

The Constituency Development Fund (CDF) and later amended to National Government Constituency Development Fund (NG-CDF) in 2013, 2015, 2022 and 2023 had been in operation since 2003. Its centrality and the value of its programmes to the local communities across 290 constituencies could not be gainsaid. There were short-term, medium-term and long-term projects already being implemented by the Fund. Moreover, the life span of the projects was not necessarily pegged to the financial year.

The Fund had employees and may have contracts with third parties. At the time of the instant judgment, Kenya was in the middle of the current financial year and funds may have been allocated for ongoing projects. Despite the finding that the 2015 Act as last amended in 2023 was unconstitutional, it would not be in the interest of the nation or of the cause of justice to bring it to an abrupt closure. The principle of justifiability prohibited the court from entertaining hypothetical or academic issues or engage in abstract arguments. The Division of Revenue Act having lapsed at the end of the financial year in question, there was no live issue for determination by the court. The matter was not justiciable.

The NG-CDF, established in 2003, was designed to allocate funds for development projects in each constituency. The NG-CDF Act of 2013, 2015, 2022 and 2023 which aimed to align the fund with the new constitution, was later challenged and declared unconstitutional by the High Court of Kenya and the Supreme Court of Kenya.

High Court of Kenya Judgment against NG-CDF

The High Court of Kenya in *In the Constitutional and Human Rights Constitutional Petition 178 of 2016 (September 2024)* declared that the National Government Constituency Development Fund (NG-CDF) is unconstitutional. However, elected members of the National Assembly have been granted about two years to finish pending projects across their constituencies before the NG-CDF ceases to exist at midnight. This is in light of the *High Court declaring* the NG-*CDF* Act *unconstitutional* last year, whereby the *High Court* held that the Fund and all its projects and programmes shall cease to operate next year.

In a significant ruling, the High Court of Kenya recently declared the National Government Constituencies Development Fund (NG-CDF) unconstitutional. The ruling was based on several grounds, primarily the violation of the principle of separation of powers and the lack of Senate involvement when the NG-CDF Act was enacted. The Court emphasized that Members of Parliament should not be involved in the management of funds meant for development projects, as this infringes upon the executive branch's responsibilities.

The three judge bench, composed of *Justices Kanyi Kimondo, Muqure Thande and Roselyne Aburili*, based their decision on the belief that by concentrating both legislative and executive

roles in MPs, the NG-CDF disrupted the balance of power and accountability that is essential for good governance.

The bench ruled that the National Government Constituencies Development Fund (NG-CDF) Act 2015 was unconstitutional with the Fund's operations set to wind down in June 2026. In a significant ruling, the High Court of Kenya recently declared the National Government Constituencies Development Fund (NG-CDF) unconstitutional. The ruling was based on several grounds, primarily the violation of the principle of separation of powers and the lack of Senate involvement when the NG- CDF projects are initiated.

The National Government Constituency Development Fund (NG-CDF) was declared unconstitutional by the High Court and Court of Appeal primarily because it infringed upon constitutional principles of devolution, separation of powers, and prudent financial management. Specifically, the fund was seen as improperly involving Members of Parliament (MPs) in oversight roles that were more appropriately handled by county governments, and as duplicating county functions, creating inefficiencies and potentially wasteful use of public resources. The courts also found that the NG-CDF bypassed required Senate consultation and failed to ensure proper oversight of financial management.

The main reasons why the High Court for declaring the NG-CDF as unconstitutional are as follows:

Violation of Devolution: The court argued that the NG-CDF, by allowing MPs to oversee projects within their constituencies, effectively intruded into the functions of county governments, which are constitutionally responsible for local development. The Court found that the NG-CDF created a parallel system of development administration, which overlapped with the County Governments' functions. According to the Constitution, development projects at the local level should fall under the purview of County Governments. The involvement of MPs in these matters interfered with the responsibilities assigned to County Administrations, further violating the separation of powers between the National and County Governments.

Infringement of Separation of Powers: The Members of Parliament (MPs') involvement in oversight was seen as a violation of the principle of separation of powers, as the legislative branch (Parliament) was taking on executive functions related to project implementation and financial management. The Court found that MPs were deeply involved in selecting and managing projects funded by the NG-CDF, roles that should be carried out by the executive branch of government. The Court ruled that this amounted to MPs exercising executive power. This contradicts the idea of separation of powers, a principle found in the Constitution that is meant to ensure that the Legislative, the Executive and the Judicial arms of the government remain distinct.

Lack of Senate Involvement: The Act establishing the NG-CDF was criticized for failing to involve the Senate in its enactment, which is required for certain legislative matters related to the allocation of national government resources. The Court found that the NG-CDF Act was passed

without the consultation of the Senate, something that is constitutionally required whenever a law impacts the Counties. This oversight effectively bypassed the legislative procedures designed to ensure checks and balances, thereby undermining the legislative process and contributing to the violation of Constitutional Provisions.

Lack of Prudent Financial Management: The court also found that the NG-CDF's structure did not adequately ensure the prudent and efficient use of public funds, potentially leading to wastage and accountability issues.

A Review of the 3 Bench High Court Judgment on NG-CDF

- The High Court of Kenya held that under Article 259 of the Constitution of Kenya, the Court was enjoined to interpret the Constitution in a manner that promotes its purposes, values and principles. The general presumption was that Acts of Parliament were enacted in conformity with the Constitution. The provisions of the Constitution must be read as an integrated whole, without any one particular provision destroying the other but each sustaining the other. Courts must be a liberal approach that promoted the rule of law and had jurisprudential value that must take into account the spirit of the Constitution.

- That devolution was a key cornerstone in the architecture of the Constitution. The Constitution called for optimal utilization of public resources. Sustainable development was a national value and principle under Article 10 of the Constitution. So much so that the framers of the Constitution abhorred wastage of government resources through multiplication of delivery channels.

- That the creation of the constituency as a service delivery unit under the Act led to multiple channels of funding and implementation of projects, wastage of public resources and lack of clarity. All those undermined the principle of devolution and the architecture of the Constitution on the two levels of government, separation of powers and the primary oversight role of Parliament.

- That Parliament as a legislative arm of government under the Constitution consists of the Senate and the National Assembly. The legislative remit of the National Assembly fell under the National Government in the vertical division of powers between the National Government and the county governments. That was evident from article 95 of the Constitution.

- The nature of the projects set out in the Act as amended in 2022 and 2023 included education bursary schemes, education days, teaching and learning activities and other learners' social support programmes; climate change mitigation activities including afforestation, reafforestation, grassroots sensitization and tree seedling production. Section 8 of the Act created an emergency reserve equivalent to 5% which shall remain unallocated and available for emergencies that may occur within the Constituency. This

Emergency Reserve was akin, in all respects and aspects to the County Emergency Funds and the Contingency Fund created under the Contingency and County Emergency Funds Act (CCEF Act). The object of the Act was to ensure that the Contingencies Fund, and the County Emergency Funds were managed and operated by the National Government and the county governments respectively as contemplated by article 208(2) of the Constitution.

- That Part 3 of the CCEF Act under section 10(2) provides for the purpose of the emergency fund being to enable payments to be made in respect of a county when an urgent and unforeseen need for expenditure arises for which there was no specific legislative authority. The fund at the county level was administered by the county government secretary while at the National Government level, it was administered by the Treasury under the management of the Cabinet Secretary responsible for matters relating to Finance. The emergency reserve was a replica of the above two other funds established by statute and consequently, the 2015 Act created a duplication of activities and or wastage of resources which could alternatively be assigned to the county governments as provided in article 186(3) of the Constitution.

- That the NG CDF had the potential of creating confusion in the implementation of projects by the two levels of government. Duplication of funding for the same project was inevitable leading to wastage of scarce public resources. The Fund fostered a state of lack of clarity as to which level of government was responsible for which particular project thereby compromising accountability.

- That the doctrine of separation of powers was a key organizational framework for governance under the 2010 constitutional Scheme. The doctrine was a fundamental principle of law that required the three arms of government to remain separate, and that one arm of government should not usurp functions belonging to another arm. Allowing Legislators any role, even a merely ceremonial role in discharging a mandate that belongs to the executive branch at either the national or the county level, would promote conflict of interest and compromise their oversight role.

- That Article 1(4) of the Constitution established the National and County Governments as two distinct levels of government, each deriving its power directly from the Constitution itself. The county government, as outlined in Article 1, did not receive its authority from the National Government but rather from the people of Kenya and the Constitution. That framework positions both levels of government as equals, with neither being subordinate to the other. That said, the National and county Governments were separate yet interconnected entities, required to engage in consultations and cooperation as mandated under articles 6(2) and 189 of the Constitution.

- That as long as the Fund, as established, involved aspects of service delivery, however well intended, had the effect of creating structures that were incompatible with the nature of the distribution of functions between the two levels of government.

- That Article 95 of the Constitution provides for the roles of the National Assembly. Article 95 did not grant the National Assembly the power to implement projects in the constituency as a service delivery unit. The mandate of members of the National Assembly was to represent, legislate and oversight the national revenue and its expenditure. Accordingly, by creating a Fund that is administered by the constituency, which was a unit of political representation for legislative and oversight roles, however far removed, the Member of the National Assembly may be, in the management and administration of the Fund, ran afoul the doctrine of separation of powers.

- That projects under the impugned Act may include those undertaken by both the National and county Governments. Accordingly, given the governments at both levels also budget for all their functions, programmes and projects, allocating money to the Fund leads to double financing of the same functional areas. That undermines the fiscal efficiency imperative that eliminates wastages in service delivery. Duplication of projects and programmes even if intended for the public good, would inevitably result in wastage or abuse of public funds allocated for the same. In such circumstances, fiscal reporting could not be clear.

- That Article 109(3) and (4) of the Constitution clarified when a bill, of the nature of the dispute now before us, should originate from either House of Parliament or when there should be concurrence of both Houses. The impugned Act created an anomalous executive-based- function at the constituency wedged somewhere between the National Government and County Governments. The Fund distorted the devolved structure of government and created structures that were incompatible with the nature of the distribution of functions between the two levels of government. The enactment of the statute without concurrence of the Senate ran counter to article 193 of the Constitution.

- The 3 Judge Bench stated that time was ripe for the people of Kenya to appreciate that a constituency was not a service delivery unit but of representation and that the role of the Member of the National Assembly must remain that of representation, legislating and oversight as per article 95 of the Constitution. Funds had been allocated in the current financial year to the projects under the Fund. Extending the Fund beyond the current financial year would unreasonably perpetuate the unconstitutionality of the Act.

- Although the Court recognized the value of the NG-CDF in supporting local communities since its establishment in 2003, amended by the National Assembly in 2013, 2015, 2022 and 2023 it set a deadline for its discontinuation. The Court declared that the Act and all the NG-CDF activities, including funding for ongoing projects, must cease by the 30th of

June, 2026. This extended timeline was given to allow for the completion of current projects and to avoid abrupt disruption to ongoing developments in constituencies.

SUMMARY OF THE COURT OF APPEAL JUDGMENT ON NG-CDF

The Court of Appeal has ruled on the National Government Constituency Development Fund (NG-CDF), with a key ruling declaring certain sections of the 2013 CDF Act unconstitutional and invalid. Specifically, Sections 24(3) (c), 24(3) (f), and 37(1) (a) were found to violate the principle of separation of powers. The court also overturned the trial court's declaration that the entire 2013 CDF Act was unconstitutional, stating that events had overtaken that ruling.

The Court of Appeal had the following reasons as to why it declared some sections of the NGCDF unconstitutional:

Unconstitutionality of Some Sections: The Court of Appeal found that certain Sections including Sections 24(3) (c), 24 (3) (f) and 37(1) (a) of the 2013 CDF Act were unconstitutional because they violated the principle of separation of powers, which dictates the division of authority between the different branches of government.

Overturned Trial Court's Ruling: The Court of Appeal partially allowed an appeal against a High Court judgment that had declared the entire 2013 CDF Act unconstitutional. The appellate court held that the trial court's declaration of unconstitutionality had been overtaken by events, particularly the enactment of the NG-CDF Act, 2015.

NG-CDF Act, 2015: This Act was intended to align the operations of the NG-CDF with the new constitutional dispensation, addressing issues of participation, separation of powers, and the division of functions between the national and county governments.

Court of Appeal's Reasoning: The court's reasoning focused on the principle of separation of powers, arguing that the specific sections of the 2013 CDF Act improperly allocated functions that should have been within the purview of the county governments.

The Members of Parliament through the Office of the Clerk to the National Assembly appealed against the Judgment of the High Court and the matter is pending hearing and determination before the Court of Appeal.

A REVIEW OF THE SUPREME COURT JUDGMENT ON THE NG-CDF

The Supreme Court's decision comes after years of legal challenges and appeals regarding the constitutionality of the NG-CDF. The Supreme Court adopted a two-pronged test to assess the constitutionality of the NG-CDF, considering whether it intruded on the functions of other branches of government and whether it harmed the realization of national values.

The Supreme Court of Kenya in *Institute for Social Accountability & another v National Assembly & 3 others & 5 others (Petition 1 of 2018) [2022] KESC 39 (KLR) (8 August 2022) (Judgment),* declared the Constituencies Development Act, 2013 and National Government Constituency Development Fund (NG-CDF) and its amendments in 2022 and 2023 unconstitutional for, among others, violating the constitutional principles of separation of power, accountability, good governance public finance and division of revenue.
The Supreme Court held that failure to involve the Senate in the enacting of the CDF (Amendment) Act, 2013, rendered the CDF Act 2013 unconstitutional. The Court further held that where a Member of the National Assembly was allowed to play a role related to functions vested in devolved units, then that would compromise the vertical division of powers between the National and County governments.

The Court pointed out that a constituency was a form of territorial districting that defined how voters were grouped for the election of Members of Parliament and were not conceptually envisaged to be service delivery units. The Court found that the CDF Act, 2013 and Ng-CDF Act, 2015 violated the division of functions between the national and county levels of Government and the constitutional principles on public finance.

The Court finally held that allowing legislators any role in discharging a mandate that belonged to the Executive branch at either the national or the county level, would promote conflict of interest and compromise their oversight role.

The Kenyan Supreme Court ruled the National Government Constituency Development Fund (NG-CDF) Act unconstitutional. The ruling declared the Act of 2015, as amended in 2022 and 2023, to be in violation of the constitution. As a result, all NG-CDF programs, projects, and activities will cease to operate at the stroke of midnight on June 30, 2026.

The Supreme Court sealed the fate of the National Government Constituency Development Fund (NGCDF) ruling that it was unconstitutional. The role of MPs is primarily legislative. This includes making laws, representing their constituents in the National Assembly, and providing.

The following are some of the key points on how the Supreme Court justified its ruling:

- The role of MPs is primarily legislative. This includes making laws, representing their constituents in the National Assembly, and providing oversight over the Executive Branch to ensure accountability. MPs are expected to debate and pass bills, scrutinize government policies, and allocate national resources through the budgetary process.

- The role of the County Governments is primarily to manage devolved functions, ensuring local governance and development in the Counties. County Governors are the heads of these local governments and are responsible for implementing county policies, managing resources, and delivering services such as health, agriculture and infrastructure development. They ensure that County development aligns with national goals while addressing local needs. The Governors oversee County budgets, coordinate County

development plans, and manage public resources efficiently. They also work closely with County assemblies to enact local laws and policies.

- That MPs are responsible for voicing the concerns of their constituents at a national level. However, with the NG-CDF, many MPs took on an additional, controversial role in managing local development projects, something which is the work of the Governors and the County Governments. This is what the Court was addressing.

The Supreme Court decision in The Institute of Social Accountability & another v National Assembly & 4 others [2015] eKLR, for the proposition that the powers of one level of government must be protected against intrusion by the other. In that case, the High Court found that the CDF Act 2013 was unconstitutional. Reference was also made to the case of Council of Governors v Speaker of the Senate & Others [2015] eKLR where the creation of county development boards by the Senate was impugned by the High Court for altering the structure of devolved governments.

Article 174 (c) and (d) as read with section 14, Part 2 of the Fourth Schedule to the Constitution assign county governments the exclusive function of community development projects at the local level. We contend that Section 22 of the Act is ambiguous for allowing NGCDF projects to intrude into functional areas of county governments. He also referred to sections 8 and 25(8) & (10) which list sports, local emergency services and environmental activities as Fund projects which in his view contravene the Fourth Schedule to the Constitution which assigns them to county governments.

It is now settled that devolution a key cornerstone in the architecture of the Constitution as aptly captured by the Supreme Court in *In the Matter of the Speaker of the Senate & another, Advisory Opinion 2 of 2013 [2013] KESC 7 (KLR)*: Devolution is the core promise of the new Constitution. It reverses the system of control and authority established by the colonial powers and continued by successive Presidents. The large panoply of institutions that play a role in devolution-matters, evidences the central place of devolution in the deconstruction-reconstruction of the Kenyan state.

The answer to the question whether the 2015 Act violates the principle of and structure of devolution is partly provided in the binding decision of the Supreme Court in The Institute for Social Accountability case (supra) as follows:(71)This court's jurisprudence is to the effect that a matter touching on county government incorporates any national-level process bearing a significant impact on the conduct of county government. As such, it is important to consider the functions that would be funded by the money derived from the new constitutional basis for the CDF under the amended section 4(2) of the CDF Act.

Section 3 of the CDF Act 2013 provides that *"the object and purpose of the Act is to ensure that a specific portion of the national annual budget is devoted to the constituencies for purposes of infrastructural development, wealth creation, and the fight against poverty at the constituency level."* Therefore, some of the functions contemplated under section 3 of the CDF Act 2013 such as infrastructural development and the fight against poverty are also functions bestowed upon

the county government under Part 2 of the Fourth Schedule to the Constitution. Infrastructural development such as roads, health, agriculture, and trade are functions that are conferred upon both the national and county governments.

The Constitution calls for optimal utilization of public resources. Indeed, one of the national values and principles of governance in article 10 of the Constitution is sustainable development. So much so that the framers of the Constitution abhorred wastage of government resources through multiplication of delivery channels. The Supreme Court in The Institute for Social Accountability & another v National Assembly [supra]. At paragraph 104, the learned Judges found...

> *"community-based projects" that veer to the functional competence of the county governments threatens or violates the principle of prudent and responsible management of public funds enshrined in Article 201(d) of the Constitution.*

The upshot is that the creation of the constituency as a service delivery unit under the CDF & NGCDF Act leads to multiple channels of funding and implementation of projects, wastage of public resources and lack of clarity. All these undermine the principle of devolution and the architecture of the Constitution on the two levels of government, separation of powers and the primary oversight role of Parliament.

According to the objects of devolved government under Article 174 (c) and (d), item 14, Part 2 of the Fourth Schedule to the Constitution assigns to the county governments the exclusive function of ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level. It was therefore argued that as a consequence, community development projects at the local level must be implemented and coordinated by and through county governments and their structures.

Article 6(2) of the Constitution provides that the governments at the national and county levels are distinct and interdependent and shall conduct their mutual relations on the basis of consultation and cooperation. Under Article 186 (1) of the Constitution, the functions and powers of the national government and county governments shall be as set out in the Fourth Schedule.

The High Court and Supreme Court of Kenya examined the nature of the projects set out in the 2015 Act as amended in 2022 and 2023. The projects include education bursary schemes and education days, teaching and learning activities and other learners' social support programmes; climate change mitigation activities including afforestation, reafforestation, grassroots sensitization and tree seedling production. These projects are similar to those implemented by the County Governments and the line ministries and agencies of the National Government.

In The Institute for Social Accountability case, (supra), the Supreme Court stated as follows concerning the implementation of community projects and the funding thereof: Determinative

of this question is the interpretation of section 22(1) of the CDF Act 2013 which in listing the projects for which the Fund is to be deployed stipulates as follows:

> *"Projects under this Act shall be community-based in order to ensure that the prospective benefits are available to a widespread cross-section of the inhabitants of a particular area."*

The determinative phrase "community-based" is not defined anywhere in the statute. However, Bryan A Garner (Ed), Black's Law Dictionary, 7th ed. (West Group, 1999) at page 273 defines "community" as follows: "A neighborhood, vicinity, or locality; 2. A society or group of people with similar rights or interests." There is an evident connection between "community" that is the target of the CDF projects and "local". A similarly important provision to the determination of this question is Section 3 of the CDF Act 2013.

A critical examination of the Fourth Schedule of the Constitution (pursuant to the terms of article 186(1) of the Constitution) that distributes functions between the national government and the county governments, shows that it is the county governments that are allocated most of the functions and powers that can be said to be "community" or "local" in orientation. Examples of such functions and powers include those relating to county health services, county transport, trade development, county public works and services, pre-primary education, and village polytechnics, amongst others. In contrast, to a large extent, the functions and powers of the national government with respect to most of these functions relate to policy formulation. This approach in the fourth schedule of the Constitution resonates with the principle of "subsidiarity" which underpins the division of powers under devolved systems of government. Subsidiarity is the broad presumption that sub-national governments ought to be assigned those functions and powers which vitally affect the life of the inhabitants and allow the development of the country in accordance with local conditions of sub-national units, while matters of national importance concerning the country as a whole and overarching policy formulation are assigned to the national government.

The High Court of Kenya and the Supreme Court of Kenya observed in their separate Judgments that the implementation of community-based projects envisaged under section 22 and the infrastructural development projects envisaged under section 3 of the CDF Act 2013 would inevitably cover and target the functions assigned to county governments. This creates confusion as to which project is being implemented by which level of government. In addition, it creates the prospect of duplication of funding for the same project leading to wastage of scarce public resources. Lastly, it creates a state of lack of clarity as to which level of government is responsible for which particular project therefore compromising on accountability.

While addressing the issue of duplication of functions and therefore leading to wastage of resources, the Supreme Court *in The Institute for Social Accountability case* had this to say. *We take the view that Article 201 expresses the idea of responsible governance. It envisages that the two levels of government will manage fiscal resources prudently by putting in systems that*

ensures that the implementation of projects aimed at delivering a public good and service is cost-effective. The principle of separation of powers violates the principle of accountability as was explained by the Supreme Court in The Institute of Social Accountability case (supra).

In determining the issue of separation of power, the Supreme Court of Kenya *in The Institute for Social Accountability case,* explored in detail, the doctrine of separation of powers and its significance, describing it as "a key organizational framework for governance under the 2010 Constitutional Scheme." The Court emphasized that the doctrine is a fundamental principle of law that requires the three arms of government to remain separate, and that one arm of government should not usurp functions belonging to another arm. Appreciating this dichotomy, the court stated: The idea of separating the functions and personnel of the three branches of government is intended to give effect to the related concept of 'checks and balances' which is linked to the constitutional principles and values of accountability and good governance; which guarantees that a branch does oversight the discharge of the mandate by a different branch thereby providing restraint on the exercise of public power, for example, the Legislature should oversight the discharge of functions by the Executive branch. The apex Court was categorical in the above case that *"allowing Legislators any role, even a merely ceremonial role in discharging a mandate that belongs to the executive branch at either the national or the county level, would promote conflict of interest and compromise their oversight role."*

The Supreme Court held that Article 1(3) of the Constitution delegates power vertically and horizontally to State organs namely, Parliament and the legislative assemblies in the county governments, National Executive and the executive structures in the county governments and Judiciary and the independent tribunals. It also stated that *"each level of government has both institutional and functional distinctiveness from each other."*

The Supreme Court stated that whereas Section 15(4) of the NGCDF Act 2015 has since been repealed vide an amendment to the 2023 Amendment Act, the National Assembly, under section 15(1) (e), has retained the role of approving members of the Board appointed by the Cabinet Secretary on recommendations of the Public Service Commission. Additionally, under section 43(4) and (5), the names of the seven persons of the NGCDF Committee shall be submitted to the National Assembly for approval before appointment and Gazettement by the Board.

The Supreme Court further stated whereas the role of the National Assembly in the above two scenarios under Sections 15 (1) (e) and 43 (4) and (5) can safely be said to be oversight role, the catch is in Section 43(9) which is clear that the Fund Account Manager who is the holder of the purse to the Fund, seconded by the Board to the Constituency shall be the custodian of all records and equipment of the Constituency during the term of Parliament and during transition occasioned by general election or a by election. What this clearly means is that the term of the Fund Account Manager is tied to the term of Parliament which is five years or in the case of a by election. All this implies that the Member of the National Assembly remains in the shadows of the Fund, controlling its operations, however remotely, at the constituency level.

Section 53 of the NGCDF 2015 Act provided for the establishment of a Constituency Oversight Committee for projects under the Act which comprised the Constituency Member of Parliament as well as other members. Section 53 (3) involved the Constituency Member of Parliament as the member of the Oversight Committee in mobilizing, sensitizing and soliciting views, opinions and proposals from the public. This entire section 53 of the Act was deleted as a whole in the 2023 legislative amendments and therefore any challenge to the same is moot. We say no more.

Article 1(4) of the Constitution establishes the national and county governments as two distinct levels of government, each deriving its power directly from the Constitution itself. The county government, as outlined in Article 1, does not receive its authority from the national government but rather from the people of Kenya and the Constitution. This framework positions both levels of government as equals, with neither being subordinate to the other. That said, the national and county governments are separate yet interconnected entities, required to engage in consultations and cooperation as mandated under Articles 6(2) and 189 of the Constitution.

The delineation of functions and powers between the two levels of government is provided under *Article 186 and detailed in the Fourth Schedule of the Constitution.* In cases where a function or power is shared by both levels, it falls under concurrent jurisdiction while functions not assigned to county governments remain within the purview of the national government. Additionally, Article 187(1) of the Constitution provides for the transfer of functions between the national and county governments through mutual agreement. The national government can therefore influence county affairs in accordance with the Constitution, such as through conditional grants to county governments or by assigning functions to the counties as outlined in Articles 186(3) and 187. These grants can be structured to address specific needs within constituencies.

The Constitution also establishes a variety of institutions and grants them State authority distributed both vertically and horizontally. *In the case of Trusted Society of Human Rights Alliance v The Attorney General and Others Nairobi Petition No. 243 of 2011 [2012] eKLR*, the Court observed as follows: *the Constitution consciously delegates the sovereign power under it to the three branches of government and expects that each will carry out those functions assigned to it without interference from the other two.... this must mean that the Courts must show deference to the independence of the Legislature as an important institution in the maintenance of our constitutional democracy as well as accord the Executive sufficient latitude to implement legislative intent. Yet...the courts have an interpretive role-including the last word in determining the constitutionality of all governmental actions. That, too, is an incidence of the doctrine of separation of powers.*

The Supreme Court, in In the Matter of the Interim Independent Electoral Commission Constitutional Application No. 2 of 2011 [2011] eKLR, at paragraphs 53-54 articulated the above position and described the doctrine of separation of powers as the ***"palpable spirit"*** of dividing power between the three branches of government as follows: The effect of the Constitution's detailed provision for the rule of law in processes of governance, is the legality of executive or administrative actions to be determined by the Courts, which are independent of the Executive branch. The essence of separation of powers, in this context, is that the totality of governance

powers is shared out among different organs of government, and that these organs play mutually-countervailing roles. In this set up, it is to be recognized that none of the several government organs functions in splendid isolation.

Addressing this issue in The Institute for Social Accountability case, the Supreme Court observed that these twin constitutional provisions are not a license to create a "third" or "parallel" level of government at the constituency. Further, that the decentralization of service delivery must be undertaken within the confines of the structures of the national government or county governments, not parallel to these two levels of government. To do otherwise would create a "third" or "parallel" structure of government which has the effect of altering the basic premises of the system of government created by the Constitution thereby "distorting the devolved structure of government."

> *The Supreme Court in the above Case stated as follows: It will also naturally follow that given the constitutional scheme on separation of powers; Members of legislative bodies, being Members of the National Assembly, Senators, County Women Representatives, and Members of County Assemblies ought not to be involved in the implementation of any service- based mandates which are a preserve of the Executive branch. This is the only way to respect the constitutional scheme on separation of powers and ensure that the Legislators' oversight mandate is not compromised through conflict of interest. Tolerating a contrary position would harm the Constitution's value system, particularly the national values and principles of accountable and good governance.*

The constituency as conceptualized in the 2010 Constitution is tied to political representation. Article 89(1) of the Constitution provides: *"There shall be two hundred and ninety constituencies for the purposes of the election of the members of the National Assembly."* Throughout the Constitution, the idea of constituency whenever it is used is linked to being an electoral unit for political representation. In its true essence, a constituency is a form of territorial districting that defines how voters are grouped for the election of Members of Parliament and are not conceptually envisaged to be service delivery units. This leads to the conclusion that the role that a constituency as an electoral unit discharges and its place within the constitutional scheme is tied to the functions constitutionally vested in the Member of the National Assembly. That role is a legislative role and not a service delivery mandate. Therefore, we find that the constituency under the constitutional scheme is tied to the election of representatives to the legislature and representation of the people of the constituency at the National Assembly.

Article 95 of the Constitution provides for the roles of the National Assembly as follows :(1) The National Assembly represents the people of the constituencies and special interests in the National Assembly. (2)The National Assembly deliberates on and resolves issues of concern to the people. (3) The National Assembly enacts legislation in accordance with Part 4 of this Chapter. (4) The National Assembly—(a)determines the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve;(b)appropriates funds for expenditure by the national government and other national State organs; and(c)exercises oversight over national revenue and its expenditure. There is nothing in the above Article that grants the National

Assembly the power to implement projects in the constituency as a service delivery unit. The mandate of members of the National Assembly is to represent, legislate and oversight the national revenue and its expenditure. Accordingly, by creating a Fund that is administered by the Constituency, which is a unit of political representation for legislative and oversight roles, however far removed, the Member of the National Assembly may be, in the management and administration of the Fund, runs afoul the doctrine of separation of powers.

The principles and framework of public finance are set out in *Part 1 of Chapter Twelve of the Constitution. Article 201* provides as follows: The following principles shall guide all aspects of public finance in the Republic—*a).there shall be openness and accountability, including public participation in financial matters; b).the public finance system shall promote an equitable society, and in particular—i. the burden of taxation shall be shared fairly; ii. revenue raised nationally shall be shared equitably among national and county governments; and iii. expenditure shall promote the equitable development of the country, including by making special provision for marginalized groups and areas; c. the burdens and benefits of the use of resources and public borrowing shall be shared equitably between present and future generations; d. public money shall be used in a prudent and responsible way; and e. financial management shall be responsible, and fiscal reporting shall be clear.*

In The Institute for Social Accountability case (supra) which challenged the NGCDF Act, 2013 the Supreme Court considered the principles of public finance in relation to the said Act and had this to say: Article 201 of the Constitution in entrenching the principles of public finance, embodies the promise of fiscal discipline and accountability in the management of public finances in Kenya. It seeks to re-engineer the management of public resources, especially public finances by enshrining principles to guide and inform all dealings with public finance. Crucial to the current dispute, is Article 201(d) which directs that "public money should be used in a prudent and responsible way".

> *"The Court was of the considered view that Article 201 of the Constitution of Kenya, 2010 expresses the idea of responsible governance. It envisages that the two levels of government will manage fiscal resources prudently by putting in systems that ensures that the implementation of projects aimed at delivering a public good and service is cost-effective. It also embodies the desire for fiscal efficiency which speaks to the need to eliminate wastages in service delivery and provision of public good and service. It means that where it is a policy objective of the government to deliver a particular public good or service then the system for delivery of that policy objective should be designed in a manner that ensures that public funds are not wasted or abused.*

What the Supreme Court stated regarding prudent and responsible management of public finance, was relevant to the matter before the High Court. It also offers useful guidance in determining whether the Act under consideration violates the principles of public finance as set out in Article 201. A key aspect of the Act is the identification of projects within constituencies. Section 27 provides for the identification and submission of projects as follows:

The Chairperson of the Constituency Committee shall, within the first year of the commencement of a new Parliament and at least once every two years thereafter, convene open forum public meetings in every ward in the constituency to deliberate on development matters in the ward and in the constituency. The Constituency Committee shall deliberate on project proposals from all the wards in the constituency and any other projects which the Constituency Committee considers beneficial to the constituency, including joint projects with other constituencies, consider the national development plans and policies and the constituency strategic development plan, and identify a list of priority objects, both immediate and long term, out of which the list of projects to be submitted in accordance with the Act shall be drawn from. The list of proposed constituency based projects to be covered under this Act shall be submitted by Constituency Committee to the Board.

A Review of Litigations and Judgments against NG-CDF

The National Government Constituency Fund (NG-CDF) was originally set up as the Constituency Development Fund (CDF) vide the Constituencies Development Fund Act, 2003. This allocated 2.5% of the annual government budget for financing of grassroots infrastructure in the constituencies. The National CDF Board and constituency level committees were established with the respective Member of Parliament being the Committee Patron. In 2007 major changes took place, including the formation of a fully-fledged state corporation known as the CDF Board to replace the National Committee to manage the Fund including approving projects. And in 2013 a new Act replaced the old.

In February 2015, three judges of the High Court of Kenya ***(Judges Mumbi Ngugi, Lenaola and Majanja)*** held that the CDF Act, 2013 had not been properly passed because the Senate had not been involved. They ruled that the famous CDF was unconstitutional as it allowed members of parliament to do work that is supposed to be done by the county and national government.

The judges also said that the constitution allocates tasks to the executive, parliament and judiciary and each arm of government should perform its role without encroaching on the mandate of the other. The court observed that what members of parliament were doing could be done by the county government through the governor and his executive committee. Members of Parliament have roles in overseeing use of public money for development. This is not compatible with actually undertaking development projects. The arrangement introduced by the CDF of having Members of Parliament getting involved in the implementation and oversight of the development agenda at the county level undermines the county government and especially the role of the county executive.

The judges observed that at the county level the Governor and the County Executive Committees are in charge of development policies in the county. They also observed that the fund could be administered using the existing structures within the county. This they said would minimize cases of duplication of work at the county. They affirmed that division of national revenue is only shareable between the National and County Governments. The judges observed *"We have*

combed through the provisions of Chapter Twelve of the Constitution which deals with public finance and we must agree with the petitioners that nowhere is it contemplated that a constituency shall be one of the beneficiaries of the national revenue before it is divided between the national and county government".

The High Court gave Parliament a year for the transition and how the projects that were already under the fund to complete. The National Assembly appealed to the Court of Appeal, underlying the desire of parliament to continue having control of the fund.

The Supreme Court in *In the Matter of the Speaker of the Senate & another case* had this to say on the roles of both Houses of Parliament. The context and terms of the new Constitution, this Court believes, vests in us the mandate when called upon, to consider and pronounce ourselves upon the legality and propriety of all constitutional processes and functions of State organs. The effect, as we perceive it, is that the Supreme Court's jurisdiction includes resolving any question touching on the mode of discharge of the legislative mandate. The foregoing principle emerges clearly from a logical interpretation, for instance, of Article 109 of the Constitution of Kenya, 2010.

It is now well settled that the Constitution of Kenya bestows upon courts the power to authoritatively interpret whether the process of enactment of any statute complies with the Constitution. It is clear that High Court, Court of Appeal and Supreme Court of Kenya have the constitutional mandate to authoritatively interpret the Constitution itself. That as a legal and constitutional principle, that Courts have the competence to pronounce on the compliance of a legislative body, with the processes prescribed for the passing of legislation.

One of the important finding by the Supreme Court *at paragraph 93 of the Judgment in The Institute for Social Accountability case* stating: The decentralization of service delivery must be undertaken within the confines of the structures of the national government or county governments, not parallel to these two levels of government. Therefore, we see a "third" or "parallel" structure of government as altering the basic premises of the system of government created by the Constitution and as distorting the devolved structure of government. This is more so in a context such as the CDF Fund which has the effect of creating structures that are incompatible with the nature of the distribution of functions between the two levels of government.

The impugned NGCDF Act, 2015 created an anomalous executive-based- function at the constituency wedged somewhere between the National Government and County Governments. Notwithstanding the fact that its share may be from the allocation to the National Government, a fact contested by the petitioners, we are bound by the Supreme Court finding in the above case that the Fund "distorts the devolved structure of government" and creates "structures that are incompatible with the nature of the distribution of functions between the two levels of government". It must follow that the enactment of the statute without concurrence of the Senate ran counter to Article 193 of the Constitution of Kenya, 2010.

The law is that the division of revenue between the national and county governments is to be done equitably and from all revenue raised nationally. Under Article 201(b) (ii) of the Constitution, revenue raised nationally shall be shared equitably between the two levels of government. This is reiterated in Article 202 which provides that revenue raised nationally shall be shared equitably among the national and county governments. Section 4(1)(a) of the 2015 Act provides that the amount to be allocated to the Fund shall be not less than 2.5% of all the national government's share of revenue. Article 218(1) requires the introduction of the Division of Revenue Bill at least two months before the end of each financial year. The purpose of this bill is to divide revenue raised by the national government among the national and county levels of government in accordance with the Constitution.

In The Institute for Social Accountability case, (supra), the Supreme Court was confronted with the issue whether the 2013 Act violated the constitutional principles on division of revenue and had this to say. The gist of the dispute between the parties revolves around the interpretation of Article 201(b) (ii) which provides that revenue raised nationally shall be shared equitably among national and county governments against Section 4 of the CDF Act 2013 which establishes a Constituency Development Fund and which indicates that it is a national fund consisting of monies of an amount not less than 2.5% of all the national government ordinary revenue collected every financial year. The money is to be disbursed by the national government through the CDF Board as a grant to be channeled to the constituencies in the manner provided for by the Act. In interpreting Article 202(1) of the Constitution which stipulates that 'revenue raised nationally shall be shared equitably among the national and county governments. There is need to take into consideration that the ultimate objective of Article 202(1) was to ensure the optimal funding and working of the devolved system of government.

The Supreme Court of Kenya found that Section 4 of the CDF Act 2013 violates the provisions of the Constitution as it seeks to disrupt the revenue sharing formula by directly allocating 2.5% of all the national revenue while the Constitution requires that the revenue raised shall be shared equitably among the national and county governments. It is further our considered opinion that if at all any monies is to be deducted from the national revenue, the money should be granted from the national government revenue as a grant but not directly from the national revenue.100.Consequently, we find that the CDF Act 2013 violates the principles of the division of revenue as stipulated in article 202(1) of the Constitution.

The Supreme Court of Kenya reversed the finding of the Court of Appeal on this question and restore the finding of the High Court that the CDF Act 2013 violates the constitutional principle on the division of revenue.

ENAF Position Statement on the NG-CDF

ENAF is of the informed opinion that while it appreciates the concerns of Members of the National Assembly that motivated the creation of the CDF and public support for it as illustrated by the media reports from the engagements between the 5th and 7th May2025, there are more

effective ways of decentralizing funding to the local level without compromising on key constitutional principles like those of public finance. For example, it is possible to channel the funding through the two governmental structures provided in the Constitution, for example, to the county governments as conditional or unconditional grants as envisaged in article 202(2); or, through the structures of the national government at the local levels as contemplated in Article 6(3).

ENAF contends that the NGCDF Act 2023 (amended 2015, 2022 & 2023) and the proposed Constitutional Amendment Bill, 2025 undermines devolution, causes conflicts between county and national governments and between the Members of Parliament and governors. Further that the 2015 Act and the activities of the Fund compromises the principles of fair elections, sustains corruption, intrudes on the functions of the national and county governments and in turn causes a wastage of resources.

ENAF observes that since its inception the NG-CDF to date the Fund has been allocated **over 522 Billion** for projects activities that could otherwise be implemented by the National Government through its line ministries and agencies and those that could directly be implemented by the County Government Executive structures that are devolved to the lowest levels of sub counties, wards and villages.

ENAF observes that both national and county governments have elaborate offices and bodies to implement their respective functions. The structures for implementing executive functions at both levels of government are stipulated in statutory instruments including the National Government Co-ordination Act and the County Governments Act. As such, assert that the 2015 Act creates unnecessary, parallel and duplicative structures for conceptualization, management, coordination and implementation of projects.

ENAF submits that the NG-CDF Act 2013, amended in 2015, 2022 &2023 and its activities offends the principles of public finance contained in Article 201. The Act violates the principles of equitable share of resources, prudent use of public money, responsible financial management and clear fiscal planning.

ENAF echoes the declaration of the High Court and Supreme Court that as long as the NGCDF, as established, involves aspects of service delivery, however well intended by the Members of the National Assembly, has the effect of creating structures that are incompatible with the nature of the distribution of functions between the two levels of government. The Supreme Court went on to say as follows, concerning the structure of the Fund: The functions of service delivery which is the character and nature of "community-based" projects targeted by the CDF Act 2013 are by nature executive functions. Accordingly, by nature they should be discharged by the executive structures of the appropriate level of government in terms of Article 1(3) (b) of the Constitution which vests executive functions in "the national executive and the executive structures in the county governments.

According to the history and significance of devolution as captured in the advisory opinion by the Supreme Court in *In the Matter of the Speaker of the Senate & another [2013] eKLR* where Mutunga CJ in his concurring opinion stated:(182) The current devolution provisions in Chapter 11 of the new Constitution are a major shift from the fiscal and administrative decentralization initiatives that preceded it. It encompasses elements of political, administrative and fiscal devolution. There is a vertical and horizontal dispersal of power that puts the exercise of State power in check. Importantly, the Constitution has created a Senate, an institution that enjoys direct legitimacy and a popular mandate, commanding it to be the protector of devolution.

ENAF contend that the 2015 Act is structurally similar to the CDF Act 2013" and undermines devolution, causes conflict between county and national governments and between the Members of Parliament and Governors. It is further argued that it violates the constitutional principle of division of functions between the two levels of government. Reliance was placed on the decision in *The Council of Governors v Speaker of the Senate & Others [2015] eKLR* where the court held. Thus, the constitutional mandate of both the National Assembly and Senate are circumscribed by the Constitution and limited to those areas expressly placed within their mandate. With respect to the Senate, its constitutional mandate is that of representation of counties and protection of the interests of counties at the national level; law-making in relation to matters concerning counties at the national level; and allocation of revenue to counties, and oversight over national revenue allocated to counties. Its mandate, like that of the National Assembly, does not extend to matters or functions reserved by the Constitution to counties at the county level.

ENAF notes that even though the CDF (Amendment) Act, 2013 provides that the monies under the Act shall be considered as funds allocated under article 206 (2) (c), under Section 10 of the CDF Act 2013, the Cabinet Secretary in allocating the fund for each financial year must seek concurrence of the relevant Parliamentary Committee. This clearly violates the principles of accountability and integrity due to likely conflict of interest. This is because a Member of Parliament cannot oversee the implementation or coordination of the projects and at the same time offer oversight over the same projects.

ENAF maintains that the CDF as structured under the CDF Act 2013 violates the constitutional principles on public finance, particularly the principle of prudent and responsible management of public funds as enshrined in Article 201(d) of the Constitution may be considered as development projects for purposes of this Act provided that the allocation to such activities does not exceed five per centum of the total allocation to the constituency in that financial year.

ENAF is of the informed position that the ***Supreme Court in its judgment sealed the fate of NGCDF by declaring it unconstitutional and parliament cannot resurrect it through a Constitutional Amendment Bill, 2025 or any other without a Referendum.*** Unfortunately, the same Parliament for the last 14 years failed to enact a Referendum law that could guide the Vote by Kenyan citizens pursuant to the directive principles of their sovereign power and supremacy of the Constitution stipulated Articles 1 and 2.

National Government Affirmative Action Fund and Implications of Court Judgments

The National Government Affirmative Action Fund (NGAAF) was established in 2014/2015 FY through Legal Notice No. 52 of the Public Finance Management Act No 18 of 2012. The primary objective is to empower affirmative action groups namely, women, youth, persons with disabilities(pwds), vulnerable children, and elderly persons through expanding access to financial facilities for the promotion of enterprise development and provision of social development services at the constituency and county levels.

The Cabinet Secretary in charge of Finance made the Public Finance Management (Affirmative Action Social Development Fund) Regulations to give women county representatives in parliament their own fund. This had a structure like the CDF one, and the Woman Representative was to be the county committee patron. The funds were to be used at county level to complement the CDF with a special focus on certain groups who required special attention or affirmative action—such as women, youth, and persons with disabilities, children and the elderly.

The NGAAF plays a crucial role in advancing social and economic equity in Kenya. Its history reflects the country's broader commitment to affirmative action and inclusive development, as it continues to support vulnerable and marginalized groups in achieving their potential.

The National Government Affirmative Action Fund supports vulnerable children by providing essential resources and services to improve their well-being. Through targeted programs, it ensures access to education, healthcare, and protection from exploitation. This initiative aims to empower children from marginalized backgrounds, fostering their growth and integration into society.

The National Government Affirmative Action Fund empowers women by providing resources for education, healthcare, and economic opportunities. It supports table banking initiatives, enabling women to save, borrow, and invest together. This initiative promotes financial independence and gender equality, fostering women's active participation and leadership in society.

The National Government Affirmative Action Fund assists people with disabilities by promoting inclusivity and accessibility. It provides resources for education, healthcare, and vocational training, enabling individuals to lead independent and fulfilling lives. This initiative advocates for equal opportunities and rights, ensuring that people with disabilities are fully integrated into society.

The National Government Affirmative Action Fund supports the elderly by enhancing their quality of life through targeted programs. It provides resources for healthcare, social services, and community engagement, ensuring their well-being and dignity. This initiative aims to empower the elderly, promoting their active participation and integration into society.

The National Government Affirmative Action Fund supports youth by providing resources for education, entrepreneurship, and sports. It offers grants and loans, promotes table banking, and

fosters the creative economy. This initiative empowers young people with opportunities for financial independence, skill development, and active participation in society.

The National Government Affirmative Action Fund (NGAAF) in Kenya was established to address the needs of vulnerable groups such as women, youth, and persons with disabilities (PWDs), children, and the elderly. Its creation is tied to Kenya's commitment to promoting social justice and inclusivity, as outlined in the 2010 Constitution. This Constitution emphasized affirmative action as a means to ensure equity and reduce the disparities that have historically affected marginalized groups.

NGAAF was officially created in 2015 through the Public Finance Management (Affirmative Action Social Development Fund) Regulations, 2015. The fund falls under the Ministry of Public Service, Youth, and Gender Affairs and is focused on addressing social and economic inequalities. It is designed to be a tool for empowering vulnerable communities and operates through county-based programs. The National Government has been allocated over Kshs 17 billion since its inception in the Financial Year 2014/15 to the financial 2024/25. The County Women Members of the National Assembly are lobbying and advocating for the amount allocated per year to be doubled from the current annual allocation of 1.5 Billion to at least 3 Billion.

The fund's main objectives are centered on implementing projects that uplift the welfare of targeted groups. NGAAF supports initiatives in education, health, economic empowerment, and social protection. These projects are managed by County Women Representatives, who oversee the fund's distribution and ensure that the programs align with the needs of their communities. This again causes confusion and duplication of resources contrary provisions of Article 201 of the Constitution of Kenya, 2010. The Women Members of the National Assembly are overstepping their constitutional mandate and functions of representation, legislation and oversight roles and responsibilities.

Since its inception, NGAAF has supported various projects across Kenya's 47 counties. This includes providing bursaries for needy students, funding small and medium enterprises (SMEs), and supporting infrastructure development in education and health. Through these efforts, the fund has helped bridge gender disparities and empower marginalized communities.

Litigation and Judgment against NGAAF

Despite its successes, NGAAF has faced several challenges. Concerns have been raised over the transparency and accountability of the fund, as well as the equitable distribution of resources. Some stakeholders have called for better oversight and increased community involvement in the decision-making processes to ensure the fund meets its intended goals

The High Court of Kenya on 29th August 2023 *In Mutuma & another v National Government Affirmative Action Fund,* found that the Public Finance Management Act, 2012 (National

Government Affirmative Action Fund) Regulations 2016 were unconstitutional. The court acknowledged the unconstitutionality of the Regulations, but it also considered the practical implications of immediately ending the Fund. The court noted that bringing the Act to an abrupt end would not be in the interest of the nation, and that the principle of justifiability prohibited it from entertaining hypothetical issues. The court also considered the fact that funds had been allocated to projects under the Fund in the current financial year.

The 2015 Act, under which the NGAAF was established, was declared unconstitutional, and it ceased to operate at the stroke of midnight on June 30, 2026. The court noted that the Division of Revenue Act had lapsed at the end of the financial year, and there was no live issue for determination by the court.

Despite the court's decision, there is ongoing debate about the NGAAF and whether it aligns with the Constitution. Some argue that the NGAAF is constitutionally superfluous and inconsistent with the principles of public spending. Others argue that the NGAAF has provided valuable services and should be protected by the Constitution.

Since its inception, NGAAF has supported various projects across Kenya's 47 counties. This includes providing bursaries for needy students, funding small

In essence, while specific regulations related to the NGAAF have been declared unconstitutional, the fund itself has continued to operate, though under a sunset clause. There are ongoing debates about its future and whether it should be entrenched in the Constitution.

The National Government Affirmative Action Fund (NGAAF) has been subject to legal challenges, and some aspects of it have been declared unconstitutional. Specifically, the Public Finance Management Act, 2012 (National Government Affirmative Action Fund) Regulations 2016 were deemed unconstitutional in a 2023 court case. However, the court also recognized that bringing the Act to an abrupt end wouldn't be in the best interest of the nation.

ENAF Position Statement on NGAAF

ENAF is of the considered opinion that since the custodians of NGAAF are the 47 elected County Women Members of the National Assembly, they like their counterparts of the 290 single Constituency Members of the National Assembly are engaged in conflict of interest.

That the projects under NGAAF not only cause confusion and duplication but also undermines and offends the principle of separation of powers enshrined in the constitution of Kenya, 2010. That although NGAAF draws its mandate from Articles 27, 54, 55 and 56 and 57 of the Constitution and it offends the principle of prudence, transparency and accountability of

accountability in the management of public resources stipulated in Article 201 of the same Constitution. The Women Members of the National Assembly are also overstepping their constitutional mandate and functions of representation, legislation and oversight roles and responsibilities.

Senate Oversight Fund and Implications of Court Judgments

The County Oversight and Accountability Bill, 2021 (Senate Bill No. 17 of 2021) further outlines the procedures and processes for the Senate's oversight role, according to the Parliament of Kenya.

The objective of the Senate Oversight Fund (SOF) is to ensure accountability and transparency in the use of public funds at the county level, contributing to good governance and the efficient delivery of public services. That ccertain aspects of the Senate Oversight Fund in Kenya have been declared unconstitutional. Specifically, the exclusion of Nominated Senators from receiving these funds has been deemed unconstitutional. The High Court, in a consolidated petition, ruled that the decision to exclude Nominated Senators was null and void.

The Consolidated Petitions (Petition E340 & E363 of 2023) before Justice LN Mugambi of the High Court of Kenya stemmed from the establishment and operationalization of the Senate Oversight Function Fund, which allocated Kshs. 500,000,000 for senators to perform their oversight roles. The Parliamentary Service Commission allocated 90% of the funds to elected senators and 10% to the nominated senators. The petitioners argued that the exclusion violated articles 10, 27, 96 and 201 of the Constitution of Kenya, emphasizing principles of inclusivity, non-discrimination and public finance accountability.
This matter calls for an interpretation of constitutional provisions. This Court was guided by the principles of constitutional interpretation stipulated under Article 259 of the Constitution of Kenya, 2010.

The High Court of Kenya found no fault in the introduction to facilitate Senators carry out a Parliamentary function falling within the scope of the Respondent's responsibilities. However, the manner of implementation and/or operationalization raises serious constitutional questions, namely: the exclusion of nominated senators who represent special interests from being facilitated to undertake a constitutional function thereby offending the principle of inclusivity under article 10(2) (b) of the Constitution, and for the lack of a properly defined scheme spelling out the activities that this money can be applied to, the extent and the nature of

In the High Court of Kenya Judgment delivered on 26th April, 2024 on the Senate Oversight Fund, by Justice LN. Mugambi declared that its implementation is thus wanting on grounds of violating the inclusivity principle under Article 10(2) (b) and for the failure to espouse the principles of openness and accountability under article 201(a) of the Constitution of Kenya, 2010 on public finances. He also declared that the decision to exclude Nominated Senators from the Senate Oversight Fund is unconstitutional, null and void. Further, to ensure inclusivity, openness and accountability in the implementation process, an order be and is hereby issued directing the

Respondent to immediately stop any further disbursements in respect of "Senate Oversight Fund" until it formulates, subjects to public participation and publishes regulations outlining the activities that money may be applied to, includes all the Senators, defines distribution criteria, sets out an accountability process including general control and management to facilitate prudent utilization.

The High Court of Kenya temporally declared that no disbursement of funds under the Senate Oversight Funs (SOF) till case lodged by six nominated senators is determined. The case is pending hearing and determination by the court.

The membership of the Senate is provided for in **Article 98(1)** of the Constitution of Kenya as follows:

> *The Senate consists of--i. forty-seven members each elected by the registered voters of the counties, each county constituting a single member constituency;ii.sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate elected under clause (a) in accordance with article 90;iii.two members, being one man and one woman, representing the youth;iv.two members, being one man and one woman, representing persons with disabilities; and v.the Speaker, who shall be an ex officio member.*
>
> While discussing the senate's oversight role *in Council of Governors & 3 others v Senate & 53 others [2015] eKLR*, the 3-judge bench observed as follows:
>
> *"....The Senate's role, as is evident from the provisions of article 96, is to represent the counties at the national level, and to protect their interests and governments; to participate in the law-making function of Parliament by considering, debating and approving Bills concerning counties, and to determine the allocation of national revenue to and among counties. Further, and more importantly, the Senate plays a critical oversight role with respect to the functioning of counties. In The Council of Governors and others v. The Senate (supra), a three-judge bench of this Court considered the meaning of the term "oversight" and stated as follows:*
>
> *...while the Senate has an oversight role over national revenue allocated to County Governments, the issue in that regard, as we understand it, is the scope, extent and nature of the said oversight role. In answering that question, we must first explain the meaning of the word, "oversight", in its ordinary English meaning before we determine the extent of its applicability. The plain English meaning of the word "oversight" as defined in the Concise Oxford English Dictionary, 10th Edition is; "the action of overseeing". "Oversee" has then been defined by the same dictionary as, "supervise" or "look at from above".*

From a Constitutional view-point, the High Court held that role of oversight is exercised by the Senate collectively and indivisibly the Senators. The role of oversight by the Senate is not assigned to the elected Senators only. The setting aside money for sharing out only to the elected Senators

purportedly to exercise the oversight mandate does not therefore align with our Constitutional design, object or intent. The oversight function is collectively exercisable by all the Senators in the Senate and facilitation criteria that omits the Nominated Senators cannot be constitutionally justified as the oversight is not a preserve of elected Senators only.

The Supreme Court then concluded as follows with respect to the oversight role of the Senate:

> *"Taking the above meanings and as can be seen in the context of article 96(3) of the Constitution, in our interpretation, oversight implies a procedural and substantive function for the Senate. Procedural in the sense that the Senate is involved in the process leading to division and sharing of national revenue as between the National and County Governments as envisaged.*

In the Speaker of the Senate & Another v Attorney General, Advisory Opinion no 2 of 2013, the Court stated that after allocation of national revenue to Counties, the Senate exercises what we would call substantive oversight by ensuring that the revenue so allocated has been disbursed to the Counties in accordance with the law and that County financial operations are going on as normally as possible. Substantive oversight would also, in our view, mean that the Senate would be mandated to get explanations on how Counties spend the National revenue allocated to them in the event audit queries are made by the Auditor General in his report made pursuant to the provisions of article 229 of the Constitution."

Equally the Supreme Court in *Senate & 2 others v Council of County Governors & 8 others (Petition 25 of 2019) [2022] KESC 7 (KLR) (Constitutional and Human Rights) (17 February 2022) (Judgment)* stated that: "

> *Under Article 96(1), the Senate represents the counties and serves to protect their interests. The Senate participates in the law-making function of Parliament by considering and approving Bills concerning counties. It has the power to determine the allocation of national revenue among counties, and to oversight over the use of those resources. To discharge these responsibilities, the Senate is not expected to relocate to the counties to exercise supervisory powers at that level. That would be intrusive into the functional and institutional integrity of the county government and unacceptable overreach. It must not be involved in the administrative nitty-gritty details of the counties. Its oversight as indeed its legislative roles, are to be exercised in accordance with the Constitution and the law.*

While at it, it important to reflect on the Supreme Court Judgment *in Senate v. Council of Governors case (supra)* where the Court remarked thus: "the Senate is not expected to relocate to the counties to exercise supervisory powers under Article 127(6) of the Constitution of Kenya, 2010 at that level. That would be intrusive into the functional and institutional integrity of the county government and unacceptable overreach. It must not be involved in the administrative nitty-gritty details of the counties. Its oversight as indeed its legislative roles, are to be exercised in accordance with the Constitution and the law."

The question of the 'manner, the extent or the nature of the oversight function that is to be performed by the Senators through this facilitation' is of important concern. While it is within the mandate of the respondent to facilitate the Senators to carry out their Parliamentary mandate, it equally important to do so in deference to the constitutional mandate given to the County Governments. Consequently, an implementation strategy that does not have a defined framework that outlines the scope, extent and the nature of the said oversight may be a potential risk for the devolution function by bringing in uninhibited interference with the County functions.

OVERVIEW OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

The National Assembly is considering the Constitution of Kenya (Amendment) Bill, 2025. The Bill is sponsored by **MPs Hon. Otiende Amollo and Hon. Samuel Chepkonga**. It was first introduced in the National Assembly on 12 March 2025, when it was read for the first time. The National Assembly has since scheduled and called for public participation across all the 290 constituencies in Kenya between **5th and 7 May 2025**. This was done through various newspaper adverts and the National Assembly's website. The members of the national assembly led the entire process with the assistance of parliamentary staff and their allies in the 290 constituencies.

The ultimate objective of the Constitutional Amendment Bill, 2025 is to entrench three (3) Funds in the current Constitution of Kenya, namely: the National Government Constituency Fund (NGCF), the Senate Oversight Fund (SOF), and the National Government Affirmative Action Fund (NGAAF) through a Parliamentary Initiative without requiring a Referendum.

ENAF is of the informed viewpoint and position that the ***entire Constitutional Amendment Bill, 2025 is constitutionally defective and unwarranted, and the Funds it seeks to create are inconsistent with the spirit and letter of the Constitution of Kenya, 2010***, particularly the Doctrine and Principle of Separation of Powers between the three Arms of Government (Executive, Legislature and Judiciary). It undermines the structure and functions of the devolved system of government stipulated in Article 6, 10, 174, 186, 187 as read together with the Fourth Schedule of the Constitution. It also violates the Principle of prudent management of public resources stipulated in Chapter 12 of the Constitution, particularly Article 201. The so called Public Participation was stage managed by the Members of Parliament in their respective constituencies. They who had leading questions and appeals to the participants as illustrated by their biased and reckless pronouncements over the media during the engagements.

Furthermore, the said Bill contains provisions that will need to be approved in a Referendum and yet Parliament has failed to enact a Referendum Law, for the last 14 years since the promulgation of the Constitution of Kenya, on the 27th of August 2010. Therefore, Parliament should be compelled to enact a referendum law, which it has failed to do for the past 14 years, before embarking on any constitutional amendment process. The High Court of Kenya and Supreme Court of Kenya in their respective Judgments sealed the fate of all the aforementioned funds by declaring them unconstitutional

One of the greatest aspirations of Kenyans before the new order was to devolve power from the centre to the periphery. Hitherto the new constitutional order all government administration was concentrated in the Nairobi, the Capital City. Not even local government was effective as it was in the strong grip of the then Ministry of Local Government. The absence of devolved system of government in terms of power, resources, services and the desire for equitable distribution of resources led to the creation of the Constituency Development Fund in 2003: intended for development at constituency level, with each Member of Parliament playing a crucial role in management, implementation and oversight of the fund. So important was the fund that it came to be used as a yardstick for measuring the effectiveness of the leadership of a member of parliament. This type of development paradigm is no longer tenable under the Constitution of Kenya, 2010 which created two tier system of government consisting of one (1) National Government and Forty Seven (47) County Governments as stipulated in Article 6 of the Constitution with district functions for the two levels stipulated in the Fourth Schedule.

The Constitution of Kenya, 2010 precipitated a complete paradigm shift in governance and use of public resources. Resources and responsibility for using them are supposed to be shared between the national and the county governments.

ANALYSIS OF THE PROPOSED CONSTITUTIONAL AMENDMENT BILL, 2025

- That the Constitution of Kenya (Amendment) Bill, 2025 is unnecessary and that it violates the constitutional requirement for prudent and responsible use of public resources, good governance and sustainable development stipulated in Article 201 of the Constitution of Kenya, 2010 as read together with several sections of the Public Finance Management Act, 2012 and PFM Regulations 2025.

- That the proposed constitutional amendments under Articles 204A and 204B of the Constitution of Kenya, 2010, seeking to entrench National Government Constituency Development Fund (NGGCF) and SOF are inconsistent with the letter and spirit of the Constitution of Kenya, 2010.

- That is not necessary and a waste of valuable time and public resources for the National Assembly to introduce an Amendment under Article 204C of the Constitution of Kenya, 2010 as the same is being implemented lawfully through Article 2026(1) (a) of the Constitution.

- That the constitutional imperatives under Articles 201(d) & (e), as read with Article 10 (2) (c) & (d), require that constitutional amendments should not be initiated to provide for issues that the Constitution already sufficiently considers and provides for.

- Declare that Parliament should habitually scrutinize proposed constitutional amendments and ensure that the issues sought to be addressed are only those that cannot be adequately addressed under the existing Constitution so as to preserve the

sanctity of the Constitution and ensure the prudent and responsible use of public resources.

- ENAF is of the informed opinion that the proposed Constitutional Amendments to entrench the aforementioned funds in the Constitution requires a Referendum conducted by IEBC and yet we do not have a Referendum Act of Parliament.

- The Bill seeks to, among other things, entrench the Senate Oversight Fund. This is stated to be aimed at facilitating the Senate's oversight functions. The Senate serves as a critical institutional structure of devolved government. Based on these two facts, the Bill touches on the entrenched provisions under Article 255(1) (h) & (i) of the Constitution: the functions of Parliament and the structure of devolved government.

- ENAF is of the informed opinion that whereas the Senate Oversight Fund was a noble initiative , its suggestions of giving 90% of the 500,000,000 to elected Senators and 10% to Nominated Senators is discriminative and unconstitutional as it does not put into consideration the directive principles of Articles 10(2)(b), 27 and 100 of the Constitution of Kenya, 2010. We submit that nominated Senators represent special interests within the Senate through which the principle of inclusivity under Article 10 (2) (b) is actualized by bringing on board persons who would otherwise have not had representation. Denying them the facilitation accorded to the elected Senators is to perpetuate the culture of exclusion which is contrary to the purposes, values and principles of the Constitution, and in particular, it is a direct violation of article 10 (2) (b) and 27(8).

- The sanctity and uniquely important nature of constitution-making and remaking processes demand a high level of clarity and certainty of the applicable rules and procedures. To achieve this, the Constitution explicitly directs parliament to pass a referendum law.

- That the lack of legislation has created a gap in how referenda are to be understood and conducted is a violation of the right to vote in referenda. This means Parliament has since the Promulgation of the Constitution of Kenya, 2010 violated various provisions including Articles 10, 38, 47, 82, 94, 95, 201, 259(8) and 261 of the Constitution.

- That the Constitutional Amendment Bill, 2025 touches on the entrenched provisions under Article 255 of the Constitution of Kenya, 2010. The role of the Senate and National Assembly cannot be altered without a Referendum.

- That no constitutional amendment can be considered and/or effected solely by Parliament on the National Government Constituency Development Fund (NGCDF), Senate Oversight Fund (SOF) and National Government Affirmative Action Fund (NGAF) without enacting a Referendum Law to guide the process as stipulated in Articles 255, 256 and 257 of the Constitution of Kenya, 2010.

- The Constitution of Kenya Amendment Act, 2025 is unconstitutional for failing to explain in its memorandum of objects whether the proposed amendments touch on provisions of the Constitution whose amendment would require approval in a referendum.

- This means that unless other related provisions of the Constitution are amended, the proposed amendments will conflict with those provisions and the principles that they establish. This will undermine the intention of the drafters of the Constitution and the Kenyan people.

- The Constitution confers functions on State Organs, establishes structures for their implementation and provides for how these organs will be financed to carry out these functions.

- The NGCDF is stated to be seeking to implement functions belonging to the national government. The national executive bears the obligation to implement these functions, and the annual budget provides funding for them. Establishing a separate Fund and structures to implement these functions under NGCDF conflicts with this constitutional structure. This will be like amending the Constitution to establish separate Funds and structures through which counties will implement their functions.

REASONS FOR OBJECTION TO THE PROPOSED CONSTITUTIONAL AMENDMENT BILL, 2025

ENAF observes that the system of checks balances was well discussed *in Francis Maliti v County Assembly of Machakos & 2 others; Governor, Machakos County (Interested Party) [2019] eKLR* , where the Court observed that: "The broad principle of "separation of powers", certainly, incorporates the scheme of "checks and balances"; but the principle is not to be applied in theoretical purity for its ultimate object is good governance, which involves phases of co-operation and collaboration, in a proper case. This perception emerges from *Commission for the Implementation of the Constitution v. National Assembly of Kenya, Senate & 2 Others [2013] eKLR* where Njoki, SCJ opined that:

> "The system of checks and balances that prevents autocracy, restrains institutional excesses and prevents abuse of power apply equally to the Executive, the Legislature and the Judiciary. No one arm of Government is infallible, and all are equally vulnerable to the dangers of acting ultra vires the Constitution. Whereas, the Executive and the Legislature are regularly tempered and safeguarded through the process of regular direct elections by the people, the discipline of an appointed and unelected judicial arm of Government is largely self-regulatory. The parameters of encroachment on the powers of other arms of Government must be therefore clearly delineated, [their] limits acknowledged, and restraint fully exercised. It is only through the practice of such cautionary measures, that the remotest possibility of judicial tyranny can be avoided."

This was as well appreciated by the *Court of Appeal in Mumo Matemu v Trusted Society of Human Rights Alliance & 5 Others (2013) eKLR* where it was stated that: "Separation of powers does not only proscribe organs of government from interfering with the other's function, but also entails empowering each organ of government with countervailing powers which provide checks and balances on actions taken by other organs of government. It also warned that such powers are, however, not a license to take over functions vested elsewhere, and recommended that there must be judicial, legislative and executive deference to the repository of the function."

Under the principle of separation of powers, courts refrain from interfering with the operations of other arms of government only to the extent that the Organ operates within the confines of the Constitution. Where a Constitutional organ gets off-track, it becomes the Constitutional duty of the Court to remind and it get back to the track. This principle was elaborately discussed *in the South African case of Doctors for Life International v Speaker of the National Assembly and Others (CCT12/05) [2006] ZACC 11* where the Court stated thus:

> *"The constitutional principle of separation of powers requires that other branches of government refrain from interfering in parliamentary proceedings. This principle is not simply an abstract notion; it is reflected in the very structure of our government. The structure of the provisions entrusting and separating powers between the legislative, executive and judicial branches reflects the concept of separation of powers. The principle 'has important consequences for the way in which and the institutions by which power can be exercised'.*

Chapter 12 of the Constitution sets out the principles that guide public finance. Article 201 of the Constitution of Kenya, 2010 provides: The following principles shall guide all aspects of public finance in the Republic-i. There shall be openness and accountability, including public participation in financial matters;ii.the public finance system shall promote an equitable society, and in particular—ii.The burden of taxation shall be shared fairly;**(ii)**revenue raised nationally shall be shared equitably among national and county governments; and (iii)expenditure shall promote the equitable development of the country, including by making special provision for marginalized groups and areas;**(c)**the burdens and benefits of the use of resources and public borrowing shall be shared equitably between present and future generations;**(d)**public money shall be used in a prudent and responsible way; and**(e)**financial management shall be responsible, and fiscal reporting shall to the relevant authority.

ENAF is of the informed viewpoint that the Public Finance Management Act, 2012, makes provisions on how the government at both the national and county levels can raise and spend public funds. Furthermore, the Act guides the national and county governments in the management of public finances while providing for the oversight authority of Parliament and county assemblies in public finance management. This objective is set out under section 3 of the Act as follows:

> *The object of the PFM Act, 2012 is to ensure that—i. Public finances are managed at both the national and the county levels of government in accordance with the principles set out*

in the Constitution; and ii.public officers who are given responsibility for managing the finances are accountable to the public for the management of those finances through Parliament and County Assemblies.

ENAF"S POSITION STATEMENT AND RECOMMENDATIONS ON CONSTITUTIONAL AMMENDMENTS

ENAF submits that the Constitution of Kenya, 2010 is the Supreme Law of the land and must be treated as such. It should not be subjected to unnecessary amendments by any individual, Parliament and/or any other organ of the state. It safeguards our most fundamental rights and freedoms that are enshrined across various chapters apart from those specified and domiciled under the Bill of Rights -Chapter 4. State Organs, such as Parliament, have a solemn obligation to ensure that the discharge of their functions does not undermine the Constitution, violates its basic structure or negate constitutional gains.

ENAF is of the considered viewpoint that the push by the National Assembly of the Republic of Kenya to amend the Constitution vide the Constitutional Amendment Bill, 2025 is unconstitutional, illegal, irregular and unprocedural. It is a parliamentary initiative characterized by conflict of interests geared to serve the selfish interests of Members of Parliament. This can be discerned and inferred from their skewed public pronouncements during the much publicized and stage managed public participation across the 290 constituencies between 5th and 7th May, 2025.

ENAF observe that what took place on the aforementioned dates doesn't not amount to meaningfully public participation because the participants did not get prior sensitization and objective civic education on the pros and cons of the envisaged funds before they were convened to air their views on the same.

ENAF hereby submit that innocent Kenyans are being manipulated and misused by self-centered MPs, their servants, agents and their allies to support the entrenchment of the funds without regard to the constitutional implications as severally pronounced by the High Court of Kenya and the Supreme Court of Kenya. The establishment of numerous funds for legislators is not only a waste of public resources but a violation of the doctrine and principle of separation of powers between the Executive, Legislature and the Judiciary. The members of Parliament (National Assembly & Senate) should not be allowed to deviate from their cardinal constitutional mandate and roles namely; Representation, Legislation and Oversight.

ENAF observes that the National Affirmative Action Fund (NGAAF) is currently being implemented through the Public Finance Management Act (National Government Affirmative Action Fund) Regulations, 2016. Article 206(1) (a) of the Constitution allows for the creation of special-purpose Funds. This therefore does not require any constructional amendment vide the current Constitutional Bill No 4 of 2025.

Under the Constitution of Kenya, 2010, the Senate exists to carry out four (4) main functions stipulated in Article 96. The two of these functions are to oversee county spending of national revenue and to oversee State officers. To enable the Senate to perform these functions, the Parliamentary Service Commission is required to independently ensure the Senate is adequately resourced through the annual budget. It is ENAF's considered opinion that establishing a separate Fund financed from the National executive's money to facilitate Senate oversight duplicates Senate funding (which means wastage) and interferes with the constitutional intention to fund parliament independently from the executive to facilitate the separation of powers. Indeed, the purpose and objective of the proposed Senate Oversight Fund (SOF) is presently implemented through the budgetary provisions relating to Parliament under the Constitution.

ENAF further observes that Parliament ought instead to redirect its efforts to its legislative role to enact a Referendum Law as required under the Constitution to provide guidelines for when the Kenyan people have real issues that would necessitate the exercise of their sovereignty in favour of a constitutional amendment.

ENAF's clarion call is that it is paramount that the Constitution of Kenya, 2010 and its constitutional directive principles are preserved, upheld, respected, cherished and promoted in the spirit and letter of Article 3, given that it is the Supreme Law of the Land. Indeed, under Kenya's constitutional democracy, the Constitution is the Supreme Law and any other law that contradicts is null and void. It is binding on all branches of government and no less on Parliament. When it exercises its legislative authority, Parliament 'must act in accordance with, and within the limits of, the Constitution', and the supremacy of the Constitution requires that 'the obligations imposed by it must be fulfilled'. Courts are required by the Constitution 'to ensure that all branches of government act within the law' and fulfil their constitutional obligations.

ENAF contends that the Court 'has been given the responsibility of being the ultimate guardian of the Constitution and its values'. Article 167(4) (e), in particular, entrusts the Courts with the power to ensure that Parliament fulfils its constitutional obligations. This section gives meaning to the supremacy clause, which requires that 'the obligations imposed by the Constitution must be fulfilled'. It would therefore require clear language of the Constitution to deprive this Court of its jurisdiction to enforce the Constitution."

ENAF echoes the pronouncement by the High Court of Kenya that *"Courts have traditionally resisted intrusions into the internal procedures of other branches of government. They have done this out of comity and, in particular, out of respect for the principle of separation of powers. But at the same time they have claimed the right as well as the duty to intervene in order to prevent the violation of the Constitution."*

ENAF is of the informed view that the proposed constitutional amendment Bill, 2025 is inconsistent with the spirit and letter of the Constitution of Kenya, 2010. The Amendment Bill and its related process be discarded by Parliament, its members, servants, agents and allies. The members of Parliament should respect the Judgment and orders issued by the High Court of Kenya and the Supreme Court of Kenya regarding the three (3) Funds; National Constituency

Development Fund (NGCDF), National Government Affricative Action Fund (NGAAF) and Senate Oversight Fund (SOF) for the sake of nurturing, maintaining and sustaining our constitutional democracy and good governance.

ENAF observes that Parliament as a legislative arm of government under the Constitution consists of the Senate and the National Assembly. The legislative remit of the National Assembly falls under the national government in the vertical division of powers between the national government and the county governments. This is evident from article 95 of the Constitution.

ENAF is of the Judgment of the Supreme Court of Kenya is binding on this court and by dint of article 163(7) of the Constitution which provides that "all courts, other than the Supreme Court, are bound by the decisions of the Supreme Court". This applies to the declaration that NGCDF is unconstitutional, *null and void abnitio.*

CASES CITED HEREIN

1. Anthony Otiende Otiende v Public Service Commission,Sarah Njuhi Mwenda & Cabinet Secretary, Ministry of Housing, Land & Urban Development (Petition 54 of 2015; [2016] KEHC 938 (KLR)) — Mentioned
2. Attorney-General & 2 others v Ndii & 79 others; Dixon & 7 others (Amicus Curiae) (Petition 12, 11 & 13 of 2021 (Consolidated); [2022] KESC 8 (KLR)) — Explained
3. Center for Rights Education and Awareness & anothers v John Harun Mwau & 6 others (Civil Appeal 74 & 82 of 2012; [2012] KECA 249 (KLR)) — Explained
4. Commission for the Implementation of the Constitution v National Assembly of Kenya, Senate of the Republic of Kenya & Attorney General (Constitutional Petition 496 of 2013; [2013] KEHC 6919 (KLR)) — Mentioned
5. Council of County Governors v Attorney General, National Assembly, Senate Cabinet Secretary, National Treasury & Commission on Revenue Allocation; Controller of Budget (Interested Party) (Petition 252 of 2016; [2020] KEHC 10361 (KLR)) — Mentioned
6. Dande & 3 others v Inspector General, National Police Service & 5 others (Petition 6 (E007), 4 (E005) & 8 (E010) of 2022 (Consolidated); [2023] KESC 40 (KLR)) — Explained
7. Institute of Social Accountability & another v National Assembly & 4 others (Petition 71 of 2013; [2015] KEHC 6975 (KLR)) — Explained
8. In the Matter of the Interim Independent Electoral Commission (Applicant) (Constitutional Application 2 of 2011; [2011] KESC 1 (KLR)) — Mentioned
9. In the matter of the principle of gender representation in the National Assembly and the Senate (Advisory Opinions Application 2 of 2012; [2012] KESC 5 (KLR)) — Explained
10. In the Matter of the Speaker of the Senate & another (Advisory Opinion Reference 2 of 2013; [2013] KESC 7 (KLR)) — Explained
11. Isaac Robert Murambi v Attorney General,Director of Public Prosecutions,Inspector General of Police & Busia Chief Magistrate's Court (Constitutional Petition 3 of 2016; [2017] KEHC 3034 (KLR)) — Explained

12. Jayne Mati & another v Attorney General & another (Petition 108 of 2011; [2011] KEHC 4292 (KLR)) — Mentioned
13. National Assembly of Kenya & another v Institute for Social Accountability & 8 others (Civil Appeal 92 & 97 of 2015 (Consolidated); [2017] KECA 170 (KLR)) — Explained
14. Okiya Omtatah Okoiti v Parliamentary Service Commission & Michael Rotich Sialai (Petition E062 of 2021; [2021] KEELRC 1471 (KLR)) — Explained
15. Speaker of the Senate & another v Attorney-General & another; Law Society of Kenya & 2 others (Amicus Curiae) (Advisory Opinion Reference 2 of 2013; [2013] KESC 7 (KLR)) — Mentioned
16. The Council of Governors v Speaker of the Senate & Others (Petition 381 & 430 of 2014; [2015] KEHC 6965 (KLR)) — Explained
17. Trusted Society of Human Rights Alliance v Attorney General & 2 others; Matemu (Interested Party); With Kenya Human Rights Commission & another (Amicus Curiae) (Petition 229 of 2012; [2012] KEHC 2480 (KLR)) — Explained
18. Wambui & 10 others v Speaker of the National Assembly & 6 others (Constitutional Petition 28 of 2021 & Petition E549, E037 & E065 of 2021 & E077 of 2022 (Consolidated); [2022] KEHC 10275 (KLR)) — Mentioned
19. Wanjiru Gikonyo & 2 others v National Assembly of Kenya & 4 others (Petition 453 of 2015; [2016] KEHC 5536 (KLR)) — Explained
20. Yusuf Gitau Abdallah v Building Centre (K) Ltd,UBM Overseas Ltd,Alibhai Shariff & Co. Ltd,Raffiq Shariff & Noor Shariff (Petition 27 of 2014; [2014] KESC 50 (KLR)) — Explained
21. Ndyanabo v Attorney General ([2001] EA 495) — Explained
22. State v Acheson (1991(20 SA 805, 813)) — Explained
23. National Coalition for Gay and Lesbian Equality and Other v Minister of Home Affairs and Others ((CCT10/99) [1999] ZACC 17) — Mentioned
24. Van Rooyen and Others v The State and Others ([2002] ZACC 8) — Mentioned
25. Borowski v Canada (Attorney General) ([1989] 1 SCR 342) — Explained
26. Canadian Western Bank v Alberta ([2007] 2 SCR 3, 2007 SCC 22) — Mentioned
27. R. v. Morgentaler ([1993] 3 SCR 463) — Mentioned
28. Bhim Singh v U.O.I & Others (2010) INSC 358 (6 May 2010)) — Mentioned
29. Ndyanabo v Attorney General ([2001] 2 E.A 485) — Mentioned
30. Panama Refining Company v Ryan ((1934) 293 US 388, 440) — Mentioned

REFERENCES

The Constitution of Kenya, 2010 — articles 1(3);(4), 2(1);(2);(4), 3(2), 4(1), 6(1), 10, 24, 53(1), 89(1), 93, 95, 96, 109 (3), (4),(5), 110(1), 125, 129, 130, 131, 163 (7), 165(4),174, 175, 176(2), 183(1)(b), 186, 187(1), 189, 201, 202(2), 203, 205(2), 206, 208(2), 216, 218, 234(2)(iii), 259; Schedule IV; part 2; Chapter 12; part 1

Constituency Development Fund Act, 2003

Contingency and County Emergency Funds Act (No.17 of 2011) — section 10(2); part 3

County Governments Act 2012)

Division of Revenue Act (2022)

Intergovernmental Relations Act, 2011

National Government Constituencies Development Fund Act (cap 414A) — section 3(k),(l), 4(8), 8, 11, 14, 15(4), 16, 19, 22, 23(1), 24(b), 25(5);(7);(8);(10), 26(2), 27(10), 31, 36(2);(3), 43, 48, 50, 52, 53; part IV, V, VI, VII

National Government Constituencies Development Fund (Amendment) Act (2022)

National Government Constituencies Development Fund (Amendment) Act (2023)

National Government Co-Ordination Act (cap 127)

Public Finance Management Act, 2012

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DDC 14/05/25

OUR REF:	YOUR REF:	DATE:
PLO/PER/GEN/2025	TBA	8th May, 2025

Abenayo Wasike
For the attention of JLAC.
DM 14/05/25

1. Mr. Samuel Njoroge, CBS
The Clerk Of The National Assembly
Parliament Buildings
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NAIROBI – KENYA

2. Mr. Jeremiah M. Nyegenye, CBS
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CNA
pass the document to the JLAC committee

NATIONAL ASSEMBLY RECEIVED 9 MAY 2025 CLERK'S OFFICE P.O. BOX 41842, NAIROBI

CNA 13/5/25

14 MAY 2025

Ahmed Salim
Pls bring to attention of Committee
14/05/25

Sir,

RE: SUBMISSION OF MEMORANDUM ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL NO. 4 OF 2025

On Wednesday, the 12th day of March, 2025, the Constitution of Kenya (Amendment) Bill No. 4 of 2025 was read for the first time in the National Assembly. The Bill, co-sponsored by the Hon. Samuel Chepkong'a and the Hon. Otiende Amollo, seeks, *inter alia*, to entrench in the Constitution a fund known as the *National Government Constituencies Development Fund (NG-CDF)*; a fund that has repeatedly been declared unconstitutional by the superior Courts of the Republic of Kenya.

The proposal to constitutionalise a fund that offends the very structure and logic of the Constitution of Kenya, 2010 is not merely a legislative misstep, it is an affront to the principle of separation of powers, an erosion of the doctrine of devolution, and a blatant attempt to overrule judicial authority by legislative fiat. It risks reducing the Constitution to a convenience of incumbents; a tool to serve short-term political ends, rather than a charter for enduring constitutionalism.

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The Courts of this country, most notably in *Institute of Social Accountability & Another v National Assembly & 4 Others [2015] and Petition No. 284 of 2016*, have declared NG-CDF and its legislative frameworks to be incompatible with the Constitution. Their reasoning is unimpeachable: Parliament is a law-making body, not an implementing agency. Members of Parliament are not to manage funds but to oversee those who do.

It is my humble submission that to entrench NG-CDF, in spite of these judgments, is to sow the seeds of institutional anarchy. It is to say that Parliament may disregard court rulings at will, and that the Constitution is to be amended not to strengthen governance but to sanitise what has already been ruled unlawful.

The enclosed memorandum explains, in detail, the historical, legal, and constitutional objections to this Bill. It offers not only critique but constructive recommendations, on how to restructure local development financing within the constitutional framework; how to strengthen Parliament's legitimate oversight role; and how to rescue public participation from the theatre of tokenism. For if this amendment succeeds, it will mark the first time in our nation's history that Parliament moved, not to defend the Constitution, but to disfigure it.

I respectfully urge that this memorandum be brought to the attention of all Members of Parliament, The National Assembly and The Senate, before any vote is cast or decision made on the Constitution of Kenya (Amendment) Bill No. 4 of 2025.

Thank you,

Yours

PROF. PLO-LUMUMBA

ENCLOSURE

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3. **Hon. Amason Jeffah Kingi, EGH**
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MEMORANDUM ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

PRESENTED BY:

PROFESSOR PLO-LUMUMBA
LL. D, D.Litt. (hc), D.Sc. (hc), FCPS (K), FKIM, FAAS (hon)

TO:

MR. SAMUEL NJOROGE, CBS, CLERK OF THE NATIONAL ASSEMBLY

AND

MR. JEREMIAH M. NYEGENYE, CBS, CLERK OF THE SENATE

AND

ALL MEMBERS OF THE NATIONAL ASSEMBLY & THE SENATE

DATED AT NAIROBI THIS 8TH DAY OF MAY, 2025

A. History of the Constituency Development Fund (CDF)

The Constituency Development Fund (CDF) was initiated through a private members Bill by Hon. Senator (Eng.) Muriuki Karue, the then Member of Parliament for Ol Kalou Constituency, and subsequently became the Constituencies Development Fund Act, CAP. 414, Laws of Kenya (the CDF Act). The move followed mounting pressure for decentralisation of resources amid growing inequalities between urban and rural regions, a legacy of centralised development planning since independence. At the time, development projects were often concentrated in areas politically aligned to the government of the day, creating vast disparities.

The CDF emerged against a backdrop of several failed or underperforming centralised planning frameworks, such as the District Focus for Rural Development (DFRD) strategy launched in 1983,[1] which was itself a response to earlier post-independence central planning models. These strategies were often riddled with inefficiencies, elite capture, and limited citizen involvement. The establishment of the CDF was seen as a radical departure from this tradition, offering each of Kenya's then 210 constituencies direct access to national development funds and local decision-making.

The CDF Act created a system whereby 2.5% of all national government ordinary revenue was allocated to constituencies. The fund was disbursed and managed by Constituency Development Committees (CDCs), under the stewardship of Members of Parliament (MPs). While the fund was initially lauded for quickly delivering tangible development projects—especially schools, health centres, rural roads, and water infrastructure—it soon attracted criticism. Allegations of corruption, nepotism, political patronage, lack of transparency, and duplicity with central government roles were widespread.

The fund also entrenched a form of micro-level distributive politics, where MPs began using CDF allocations to reward loyalists and punish political dissenters. Audits conducted

[1] District Focus for Rural Development (DFRD) Strategy, 1983

by the Office of the Auditor-General and reports by the International Budget Partnership (IBP) between 2006 and 2012 revealed significant accountability gaps and misuse of funds in numerous constituencies.[2]

Following the promulgation of the Constitution of Kenya, 2010, two major legislative iterations sought to align the fund with the new constitutional order: the CDF Act and the National Government Constituencies Development Fund Act, CAP. 414A, Laws of Kenya (NG-CDF Act). The latter renamed the fund to restrict its scope to national government functions only, attempting to sidestep devolution-related objections. Yet, even these reforms fell short of constitutional compliance. The framework remained fundamentally flawed by virtue of embedding MPs in an executive role, violating key principles such as separation of powers, transparency in public finance, and the exclusive mandate of county governments over local development.

B. Constitutional Role of Members of Parliament

The constitutional transformation introduced by the Constitution of Kenya, 2010 restructured the functions of the Legislature to enhance democratic accountability, institutional specialisation, and citizen participation in governance. Under Article 94, legislative authority is vested in Parliament and shall be exercised in accordance with the Constitution. The same Article clarifies that Parliament shall not exercise executive authority, nor shall it perform functions assigned to the Executive.

Article 95 outlines the functions of the National Assembly as follows:

1) The National Assembly represents the people of the constituencies and special interests in the National Assembly.
2) The National Assembly deliberates on and resolves issues of concern to the people.

[2] International Budget Partnership, 'Review of Constituency Development Fund Projects' (2013)

3) The National Assembly enacts legislation in accordance with Part 4 of this Chapter.

4) The National Assembly—

a) determines the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve;

b) appropriates funds for expenditure by the national government and other national State organs; and

c) **exercises oversight over national revenue and its expenditure.**

5) The National Assembly—

a) reviews the conduct in office of the President, the Deputy President and other State officers and initiates the process of removing them from office; and

b) **exercises oversight of State organs.**

Historically, before the 2010 constitutional reforms, MPs operated in a blurred framework where oversight and execution often coexisted. The CDF reinforced this dysfunction by embedding MPs in both legislative and executive roles, contributing to the erosion of checks and balances. The Constitution of Kenya, 2010 corrected this anomaly by reaffirming Parliament's supervisory and policy-making roles, supported by institutions such as the Auditor-General (Article 229) and the Controller of Budget (Article 228).

The attempt to entrench NG-CDF thus represents not merely a legislative proposal, but a constitutional regression—an attempt to revive a discredited model that the current Constitution explicitly sought to dismantle. Embedding MPs in fund administration undermines their capacity to exercise impartial oversight, introduces bias in allocation of resources, and politicises development priorities.

Comparative studies—such as those by the Inter-Parliamentary Union and the Westminster Foundation for Democracy[3]—note that legislators globally are most effective when they focus on shaping policy, ensuring executive accountability, and enabling civic engagement

[3] Inter-Parliamentary Union and Westminister Foundation for Democracy Reports on Legislative Oversight (2017)

rather than acting as development agents. The Kenyan constitutional model embraces this international best practice, and any deviation would weaken its foundational integrity.

The Constitution of Kenya, 2010 articulates the roles and responsibilities of the National Assembly and Senate under Articles 95 and 96 respectively. Broadly, MPs are tasked with legislation, representation, and oversight. These functions are grounded in the doctrine of separation of powers (Articles 1(3), 93, and 129), which ensures that no arm of government overreaches into the domain of another.

Article 95(2) states that the National Assembly represents the people of the constituencies and special interests. Article 95(4)(c) mandates the Assembly to "exercise oversight over national revenue and its expenditure." These roles are inherently distinct from project implementation, which is the preserve of the Executive.

Comparative examples from countries like South Africa, Ghana, and India reveal similar delineations. In Ghana, for instance, Members of Parliament are expressly prohibited from participating in the implementation of development projects funded through the **District Assemblies Common Fund (DACF)**. The Ghanaian Constitution and relevant legislation vest the responsibility for project execution in district assemblies, with MPs limited to consultative roles only.[4] In India, the **Members of Parliament Local Area Development Scheme (MPLADS)** has faced repeated constitutional scrutiny, with legal scholars and civil society arguing that the scheme allows MPs to exercise executive-like functions in violation of the separation of powers. The Indian Supreme Court in Bhakti Charu Swami v Union of India and public finance watchdogs such as the Comptroller and Auditor General (CAG) have raised concerns about accountability, misuse, and jurisdictional overlap.[5]

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[4] Constitution of Ghana 1992, Article 252(3); see also *Local Governance Act*, 2016 (Act 936), s 33(2); Centre for Democratic Development (CDD-Ghana), '*Parliamentary Oversight and the District Assemblies Common Fund*' (2020)

[5] See for example PRS Legislative Research, '*MPLADS: Guidelines and Criticisms*' (2016); Sgubhankar Dam, '*Parliamentary Control and Executive Responsibility in India*' (OUP 2014); Bhakti Charu Swami v Union of India [2010] AIR SC 136; Comptroller and Auditor General of India, *Performance Audit Report on MPLADS*, Report No. 31 of 2011-12

When legislators assume the role of fund administrators, they compromise their own ability to provide impartial oversight. They become players in processes they are supposed to audit, blurring lines of accountability, eroding transparency, and creating incentives for political manipulation of development resources.

C. Legal Status and Judicial Pronouncements on the CDF

The legal status of the CDF has evolved significantly over time, reflecting deep constitutional tensions. From its inception, the fund operated in a legal grey zone—created through statute but exercising roles that closely resembled executive authority. These tensions were exacerbated after the promulgation of the Constitution of Kenya, 2010 which introduced a more refined and rigid separation of functions among the arms of government, as well as a more robust public finance framework.

One of the most pivotal legal milestones was the 2015 High Court decision in ***Institute of Social Accountability & Another v National Assembly & 4 Others [2015] KEHC 6975 (KLR).*** The petitioners challenged the constitutionality of several provisions of the Constituencies Development Fund Act, 2013, arguing that they allowed Members of Parliament to participate directly in the planning, approval, and implementation of development projects—functions constitutionally reserved for the Executive and, post-2010, county governments.

The High Court agreed, holding that the Act violated the principle of separation of powers by embedding legislators in executive roles. It further found that the Act blurred the lines between national and devolved functions contrary to the structure of governance under the Constitution of Kenya, 2010. The Court emphasized that Parliament cannot usurp executive functions, and reaffirmed that the separation of powers is a foundational feature of Kenya's transformative constitutional framework. This judgment laid the groundwork for subsequent legal challenges to the NG-CDF and underscored the constitutional incompatibility of legislator-administered development funds.

The debate culminated in the 2023 High Court judgment in *Institute of Social Accountability (TISA) & Another v NG-CDF Board & 5 Others (Petition No. 284 of 2016)*, where the petitioners challenged the constitutionality of the National Government Constituencies Development Fund Act, 2015 in its entirety. They argued that despite amendments purporting to align the Fund with national government functions, the law still entrenched Members of Parliament in executive roles—particularly in the identification, prioritization, and oversight of development projects.

The three-judge bench, Mativo J (as he then was), Thande J, and Ong'udi J found that the NG-CDF Act, 2015 remained fundamentally flawed. The Court declared the entire statute unconstitutional, holding that it violated multiple provisions of the Constitution including the doctrine of separation of powers (Articles 1, 93, and 129), public finance principles (Article 201), and the devolved system of government under Chapter Eleven. The judges emphasized that the involvement of MPs in project execution created an irreconcilable conflict with their oversight function, distorted intergovernmental roles, and facilitated political capture of public resources.

The Court also noted that the NG-CDF operated outside the legal and institutional framework established under the Public Finance Management Act and lacked adequate safeguards for accountability and transparency. Importantly, the ruling reaffirmed that executive functions cannot be performed by legislators under any guise, and any attempt to do so—whether by statute or amendment—was repugnant to the Constitution. This judgment, grounded in both legal reasoning and Kenya's post-2010 constitutional ethos, cemented the jurisprudential position that legislator-controlled development funds are incompatible with the current constitutional framework.

Importantly, under Article 163(7), such judicial interpretations of the Constitution are binding across all courts and institutions. To attempt to reintroduce the NG-CDF via constitutional amendment, without addressing the substantive defects identified by the

Judiciary, is to erode the institutional authority of the courts and undermine the very essence of constitutional supremacy under Article 2(1).

Thus, judicial pronouncements have consistently reinforced the view that CDF, in its historical and contemporary forms, is legally and constitutionally untenable. Any reform must begin by respecting these rulings and building from within the constitutional framework—not circumventing it.

Kenya's judiciary has taken a firm stance on the constitutional invalidity of the CDF in its various forms:

(i) *TISA & Another v. National Assembly & 4 Others [2015] eKLR*: The High Court found various sections of the CDF Act, 2013 unconstitutional. The Court emphasised that MPs exercising control over funds and project implementation violated the principle of separation of powers and usurped functions reserved for the Executive.

(ii) *Gikonyo & another v National Assembly of Kenya & 4 others; Council of Governors & 3 others (Interested Parties) [2024] KEHC 10886 (KLR)* in 2024, a three-judge bench declared the NG-CDF Act, 2015 unconstitutional in its entirety. The judgment cited violations of Chapter Eight (Legislature), Chapter Eleven (Devolved Government), and Chapter Twelve (Public Finance).

The courts underscored that MPs' involvement in fund administration inherently creates a conflict of interest, negating their oversight role under Article 95(4). Moreover, they held that funds cannot be created or operated outside the framework prescribed in the PFM Act and the Constitution's architecture on public funds (Article 206).

These judgments form part of Kenya's constitutional jurisprudence under Article 163(7) and have not been overturned or stayed. Attempts to now entrench NG-CDF via constitutional amendment risk undermining the legitimacy and authority of the Judiciary, in direct contravention of the rule of law under Article 10 and the supremacy of the Constitution under Article 2.

D. Unconstitutionality of the Constituency Development Fund (CDF)

The unconstitutional nature of the CDF—and its reincarnations under the NG-CDF Acts of 2013 and 2015—emerges not only from jurisprudence but from a textual and structural reading of the Constitution. Its flaws are both procedural and substantive, rooted in the fund's design and the political economy of its administration.

Kenya's constitutional order rests on a fundamental doctrine of separation of powers. Article 1(3) delegates sovereign power to the three arms of government—Legislature, Executive, and Judiciary—each exercising distinct and complementary roles. The CDF model, by entrenching MPs in planning, implementing, and overseeing development projects, breaches this delicate balance. Article 93 vests legislative authority in Parliament, while Article 129 explicitly states that executive authority shall be exercised by the national Executive, in accordance with the Constitution.

This dual role of MPs creates a classic conflict of interest. Parliament is meant to audit and hold to account the Executive for its expenditure and development outcomes. Yet, when legislators also function as implementers, this accountability loop collapses. There is no institutional check when oversight and execution lie in the same hands.

From a public finance perspective, the fund also violates principles enshrined in Chapter Twelve. Article 201 lists key public finance principles—transparency, accountability, public participation, equity, and fiscal prudence. In practice, the NG-CDF often lacks transparent project selection criteria, and disbursements are frequently influenced by political loyalties. Community participation is often reduced to a formality or excluded altogether.

Furthermore, Articles 206 and 207 establish the Consolidated Fund and Contingencies Fund as the primary repositories for all national revenues, with strict criteria for the establishment and operation of other public funds. NG-CDF is administered through a separate board and secretariat, often without full integration into the public financial management ecosystem governed by the PFM Act.

The Judiciary has pronounced itself clearly and consistently. Yet, attempts to entrench the NG-CDF in the Constitution represent not a solution, but a legal and political bypass. If adopted, such amendments would institutionalise constitutional violations under the veneer of legitimacy. They would also set a dangerous precedent where actors can avoid constitutional scrutiny by simply elevating illegal structures into the Constitution. As noted by former Attorney General and Public Service Cabinet Secretary Justin Muturi, "NG-CDF is a corrupt, illegal and unconstitutional slush fund to unjustly enrich the MPs, their families and cronies and should, therefore, be scrapped. This aligns with the Judiciary's findings and reflects concern at the highest levels about the fund's legitimacy.

Ultimately, the NG-CDF's design is inconsistent with the logic and structure of the Constitution of Kenya, 2010 which prioritises checks and balances, fiscal transparency, and the devolution of power. To retain or entrench the fund in its current form is to reverse the democratic and legal gains of the Second Republic.

The NG-CDF violates several express provisions and foundational doctrines of the Constitution:

I. **Doctrine of Separation of Powers (Articles 1, 93, and 129):** MPs are vested with lawmaking and oversight responsibilities. When they engage in project identification, fund allocation, and implementation oversight of their own activities, they collapse the boundaries between legislature and executive.

II. **Public Finance Principles (Article 201):** These include transparency, openness, equity, and accountability. NG-CDF structures operate without sufficient integration into the national budgetary process, and often with minimal public participation, violating Article 201(a)-(d).

III. **Establishment and Administration of Public Funds (Articles 206 and 207):** These Articles stipulate that all money raised or received by or on behalf of the national government shall be paid into the Consolidated Fund or other public fund established by law. NG-CDF, administered independently and outside the PFM framework, lacks proper legal grounding.

IV. **Violation of Judicial Pronouncements (Article 2(5), 10, and 163(7)):** Disregarding court decisions undermines constitutionalism. Institutional independence of the Judiciary, guaranteed under Article 160, must be respected.

In addition, the political economy of development in Kenya reveals that CDF has historically been prone to patronage. A report by the IBP found that up to 34% of CDF projects between 2008 and 2013 were non-compliant with procurement regulations, and up to 20% were ghost projects. This speaks to structural incapacity for transparent administration.

E. CDF in the Context of Devolution

The Constitution of Kenya, 2010 established devolution as a central pillar of Kenya's governance structure, premised on the principles of equitable resource distribution, local participation, and accountable service delivery. Devolution sought to redress the legacy of marginalisation by transferring powers and resources from the central government to 47 county governments. Articles 174 and 175 provide the normative foundations for devolution, emphasising democratic and accountable exercise of power, self-governance, and economic development.

The NG-CDF fundamentally disrupts this constitutional framework. Although renamed to focus on national government functions, the nature of most NG-CDF projects—such as school construction, roads, water boreholes, and market stalls—overlaps extensively with county functions enumerated under Part 2 of the Fourth Schedule. This overlap creates legal confusion, administrative duplication, and a disjointed development process. Former

Prime Minister Raila Odinga has similarly called for NG-CDF functions to be fully transferred to county governments, emphasizing that MPs should not engage in execution but focus on representation and oversight

NG-CDF undermines Article 189, which calls for cooperation and consultation between national and county governments. Instead of facilitating synergy, the fund fosters competition and undermines institutional clarity. MPs, operating outside county planning and budgeting processes, often direct projects without reference to the County Integrated Development Plans (CIDPs), contravening the principles of coordinated development planning under the County Governments Act, CAP 265, Laws of Kenya.

Moreover, the fund violates Article 187, which permits the transfer of functions between levels of government only by mutual agreement and where capacity exists. NG-CDF operates without any formal delegation or intergovernmental agreement. By allowing MPs—who are national government officers—to oversee local development, the fund recentralises authority and erodes the local autonomy devolution sought to promote.

From a fiscal perspective, the Commission on Revenue Allocation (CRA), in multiple reports[6], has expressed concern over the fragmentation of public finance created by extra-constitutional funds like NG-CDF. Article 203 outlines the criteria for equitable sharing of revenue, and any allocation outside this structure undermines both predictability and transparency in fiscal policy. In effect, NG-CDF creates a parallel fiscal regime, immune from county oversight and accountability mechanisms.

Finally, the principle of subsidiarity, embedded within Article 174(h), is breached when functions that can be performed by counties are executed by MPs. This diminishes the responsiveness of government, compromises citizen participation, and undermines the constitutional design of decentralised service delivery.

[6] Commission on Revenue Allocation (CRA) Annual Recommendations and Reports

F. Reaffirming the Constitutional Role of MPs

The Constitution assigns MPs a central role in lawmaking, representation, and oversight. These roles are critical in upholding the separation of powers and ensuring that each arm of government remains accountable to the public. Yet, by entrenching the NG-CDF, Parliament risks institutionalising the very conflict the Constitution was designed to eliminate.

Under Article 94, Parliament is tasked with lawmaking—not implementation. Article 95 entrusts the National Assembly with representing the people, enacting laws, allocating resources, and overseeing the Executive. MPs who manage development funds violate this scheme by stepping into execution roles that properly belong to ministries and county governments.

This overreach distorts the role of Parliament and invites perverse incentives. MPs may prioritise visible infrastructure projects that yield political mileage over long-term policy oversight or legislative innovation. As they control projects and recommend contractors, their capacity to scrutinise the same projects is compromised. Moreover, many MPs have faced accusations of nepotism, conflict of interest, and embezzlement relating to NG-CDF administration, weakening public trust in Parliament.

Reforms must therefore reaffirm Parliament's constitutional role and strengthen its internal capacities. This includes:

(i) **Professionalising Constituency Offices:** These offices should serve as information centres for citizens, collecting views on laws and policies rather than administering development funds.

(ii) **Enhancing Parliamentary Research and Budget Units:** The Parliamentary Budget Office and legislative research departments should be capacitated to offer MPs real-time analysis on bills, economic policies, and budget performance.

(iii) **Strengthening Oversight Committees:** Committees such as the Public Accounts Committee (PAC), Public Investments Committee (PIC), and departmental

committees must receive adequate resources and legal authority to conduct performance audits and summon witnesses.

International best practice shows that strong parliaments do not execute development—they shape it. In the UK, Canada, and Germany, MPs influence development through budget debates and committee reviews, not by distributing resources. Kenya must not revert to outdated frameworks that burden Parliament with responsibilities beyond its constitutional remit.

G. Recommendations

The following recommendations are offered in light of the constitutional, legal, institutional, and fiscal issues raised in this memorandum:

I. Parliament should reject the entrenchment of the National Government Constituencies Development Fund (NG-CDF) and similar funds in the Constitution. The Constitution of Kenya is not a vehicle for entrenching interests of specific institutions or officeholders but a charter for democratic governance, accountability, and constitutionalism. Embedding funds that have been declared unconstitutional by the Judiciary would not only undermine the integrity of the Constitution itself but also erode public trust in constitutional institutions and the doctrine of the rule of law.

II. Devolution must be reinforced as the primary vehicle for delivering development at the grassroots. All national government support to local areas should be channelled through county governments via conditional or unconditional grants in accordance with Articles 190 and 202 of the Constitution. This approach ensures consistency with devolved development priorities, coordination across government levels, and equitable distribution of resources.

III. The government should consider establishing an Executive-managed National Development Support Program (NDSP) to address the development needs currently targeted by NG-CDF. Such a program could be housed within the Ministry of Planning or relevant line ministries and would allow MPs to engage in identifying local priorities through structured, consultative processes.

IV. The legal framework for development funding must be strengthened by institutionalising citizen participation and enforcing transparency. Public vetting of projects, participatory budgeting forums, and disclosure through open contracting platforms should be mandatory. The enforcement of existing laws such as the Access to Information Act and the Public Procurement and Asset Disposal Act must be prioritized to ensure that development spending is transparent, competitive, and corruption-resistant.

V. Parliament must respect the independence and authority of the Judiciary. Judicial decisions—particularly those from the High Court and Supreme Court—are binding under Article 163(7) of the Constitution. Circumventing court judgments through constitutional amendments amounts to an abuse of legislative power and a betrayal of constitutional fidelity. The rule of law requires all state organs to act in good faith and within the bounds of judicial pronouncements.

VI. Rather than administering funds, Members of Parliament should be supported to strengthen their oversight role in public finance. Parliamentary committees should be equipped with technical expertise to analyse national and county budgets, monitor expenditure, and investigate cases of misuse of public funds. This is a more constitutionally sound way of empowering MPs than giving them control over funds.

VII. The government must facilitate intergovernmental coordination, planning, and fiscal harmonisation. The Intergovernmental Budget and Economic Council (IBEC), the Council of Governors (COG), and the Commission on Revenue Allocation (CRA) must be central in designing equitable and efficient development frameworks. Development planning and funding must be approached as a shared responsibility, not a competitive mandate between levels of government.

VIII. A bold and necessary structural reform should be considered: reducing the number of counties from the current Forty-seven (47) to Fourteen (14). This rationalisation would promote administrative efficiency, reduce duplication of functions, and enhance service delivery. The proliferation of county governments has significantly increased the recurrent expenditure burden, with many counties struggling to achieve basic development targets due to bloated bureaucracies and limited own-source revenue. In this revised structure, Nairobi should be designated a national capital with special constitutional status, distinct from county governance, akin to models in other jurisdictions such as Washington, D.C. in the United States or the Federal Capital Territory in Nigeria. Nairobi's centrality to national commerce, diplomacy, and administration requires a governance framework that reflects its unique role while ensuring accountability, inclusive representation, and functional autonomy. Such a reform would necessitate a constitutional amendment under Chapter Eleven of the Constitution, but would align with the broader objective of making devolution more effective, sustainable, and development-oriented. This proposal is made although the writer is aware that Kenya is a Unitary system of government and not a Federal one.

The spirit of the Constitution of Kenya, 2010 demands decentralisation, transparency, and constitutional fidelity. Reverting to models that centralise control and politicise

development will unravel the very fabric of participatory governance the Constitution sought to enshrine.

The Constitution of Kenya (Amendment) Bill No. 4 of 2025 risks reversing the gains of the Constitution of Kenya, 2010 by entrenching a fund repeatedly declared unconstitutional, administratively duplicative, and fiscally inefficient. It offends the principles of devolution, transparency, separation of powers, and judicial authority.

What Kenya needs is not legislative retrogression but a renewed commitment to constitutional governance, equity in development, and institutional integrity. National development must be aligned with the Constitution, empowered through devolution, and accountable to the people.

Subject CONSTITUTION AMENDMENT BILL 2025

(1) DOC 8 13/5/25

From Nderitu Nduba <ndubanderitu09@gmail.com>

To
constitutionamendment@parliament.go.ke <constitutionamendment@parliament.go.ke>, cna@parliament.go.ke <cna@parliament.go.ke>, clerk senate <clerk.senate@parliament.go.ke>, clerk nationalassembly <clerk.nationalassembly@parliament.go.ke>

Cc bungesays@gmail.com <bungesays@gmail.com>, programmes@mzalendo.com <programmes@mzalendo.com>

Date Monday May 12, 2025 11:30:29 AM

As a taxpaying citizen of Kenya,

1. The entire Bill is constitutionally superfluous, and the Funds it seeks to create are inconsistent with the letter and spirit of the Constitution. The Bill and any associated processes, including the scheduled public participation, are unnecessary and violate the Constitutional requirement for prudence and responsibility in public spending
2. Furthermore, the Bill contains provisions that will need to be approved in a referendum. Therefore, Parliament should be compelled to enact a referendum law, which it has failed to do for the past 14 years, before embarking on any constitutional amendment process.

The amendments are unnecessary because all that they are trying to do can still be lawfully done under the Constitution as it is.
The proposed NGAAF is currently being implemented through the Public Finance. Management Act (National Government Affirmative Action Fund) Regulations, 2016. Article 206(1)(a) of the Constitution allows for the creation of special-purpose Funds.
Various court decisions, including that of the Supreme Court, have emphasised that the proposed NGCF can be lawfully implemented within the confines of the current Constitution.
The idea behind the proposed SOF is presently implemented through the budgetary provisions relating to Parliament under the Constitution.
The Bill and any expenditure related to it are therefore unnecessary and a waste of the scarce public resources that could otherwise be redirected to provide basic services.
that unless other related provisions of the Constitution are amended, the proposed amendments will conflict with those provisions and the principles that they establish. This will undermine the intention of the drafters of the Constitution and the Kenyan people.
The Constitution confers functions on State Organs, establishes structures for their implementation and provides for how these organs will be financed to carry out these functions.
The NGCF is stated to be seeking to implement functions belonging to the national government. The national executive bears the obligation to implement these functions, and the annual budget provides funding for them. Establishing a separate Fund and structures to implement these functions under NGCF conflicts with this constitutional structure. This will be like amending the Constitution to establish separate Funds and structures through which counties will implement their functions.
The Senate exists to carry out four (4) main functions under Article 96 of the Constitution. Two of these functions are to oversee county spending of national revenue and to oversee State officers. To enable the Senate to perform these functions, the Parliamentary Service Commission is required to independently ensure the Senate is adequately resourced through the annual budget. Establishing a separate Fund financed from the National executive's money to facilitate Senate oversight duplicates Senate funding (which means wastage) and interferes with the constitutional intention to fund parliament independently from the executive to facilitate the separation of powers.
Going ahead with these amendments will, therefore, undermine the letter and spirit of the Constitution.

Kind regards,

Nderitu Nduba,
concerned citizen.

Abenayo Kasikey HOD
To place before JLAC.
DM 14/05/25

NATIONAL ASSEMBLY
RECEIVED
13 MAY 2025
CLERK'S OFFICE
P.O. Box 41842, NAIROBI

Ahmed Salim
Pls bring to attention of Committee
14/05/25

DIRECTORATE OF DEPARTMENTAL COMMITTEES
RECEIVED
14 MAY 2025

Subject Opposition to the Proposed Constitution Amendment Bill 2025

(1) DDC
13/5/25

From victor kamau <vkamau60@gmail.com>

To
constitutionamendment@parliament.go.ke <constitutionamendment@parliament.go.ke>, cna@parliament.go.ke <cna@parliament.go.ke>

Cc bungesays@gmail.com <bungesays@gmail.com>, programmes@mzalendo.com <programmes@mzalendo.com>

Date Monday May 12, 2025 10:02:44 AM

Greetings,
Hope this email finds you well. I am writing this email with dismay in my heart to express my full-throated opposition to the proposed constitution amendment bill 2025.
This bill seeks to entrench the National Government Constituency Development Fund (NGCDF) into the Constitution of Kenya (CoK), with its operation falling under the purview of Members of Parliament (MPs).
I am opposed to this NGCDF since it would end up providing a parallel to and ultimately weaken devolution which is anchored in and is one of the key aspects of the CoK 2010. Much of what NGCDF is envisioned to provide is already put under the mandate of county governments. Should we not protect and empower devolution, including fully devolving tasks mandated to it, e.g. education, instead of weakening by introducing contradictory funds?
Additionally, placing it under MPs makes it susceptible to misuse by corruption. The Kenyan MP has been highlighted as one of the worst-performing in the globe. Some MPs have even bragged in public about not attending parliamentary sessions or reading Bills brought before the House. Can we surely hope to have a positive outcome from such a dismal team?
Finally, the NGCDF was already ruled as being unconstitutional by the High Court in September 2024 and reaffirmed that the role of MPs is purely legislative. Why this push to contravene the constitution and the mentioned ruling? Let MPs carry out their laws of making laws and overseeing expenditure instead of picking up more responsibilities that have not been assigned to them.
Thank you for your time.
Sincerely,
Kenyan Citizen

(2) Abenayo Wasike, HOD
To place before JLAC.
14/05/25

NATIONAL ASSEMBLY
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13 MAY 2025
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P.O. Box 41842, NAIROBI

Ahmed Salim
Pls bring to attention of Committee
14/05/25

DIRECTORATE OF DEPARTMENTAL COMMITTEES
RECEIVED
14 MAY 2025

PUBLIC PARTICIPATION AT BURA CONSTITUENCY (NG - CDF)

From: Osman Abdi (osmanawako@yahoo.com)

To: cna@parliament.go.ke

Cc: cdfbura@ngcdf.go.ke

Date: Tuesday, May 6, 2025 at 08:47 AM GMT+3

DDC
14/05/25

Mr Ahmed Salim

PLS TWA:
Aware 15/5/25

The Bura Tana constituency residents led by Hon. Osman Wako a resident of Bura Constituency (Bura Town) Supporting the enactment of law to entrench the National government constituency development fund(NG-CDF) according to the constitution.

I my own constitutional rights to public participation on the bill that seeks to safeguard the fund.

These funds from the kitty built police station ,health centers and classrooms amongst many other social activities.

Am suggesting that ,mechanism should be put in place to check against mps misappropriation of the funds, so that cowboys contractors ,Kerra and Kura roads should not be determined by the Mps to the contractly,the Governors should approve ward development funds to make sure that revolution is realized at the lowest level (ward).

Regards
Hon Osman Wako
Bura Constituency
Tana River County
0721284887

NATIONAL ASSEMBLY
RECEIVED
13 MAY 2025
CLERK'S OFFICE
P.O. Box 41842, NAIROBI

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09 MAY 2025
SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.

DIRECTORATE OF DEPARTMENTAL COMMITTEES
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15 MAY 2025

TORCH AFRICA
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PO BOX 447-50204, Kimilili-Bungoma
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Email: nyukuribarasa@yahoo.com/torchafrica@gmail.com

Dated 8th June 2025

TO THE CLERK
NATIONAL ASSEMBLY OF THE REPUBLIC OF KENYA
P.O Box 41842-00100
Email: constitutionamendment@parliament.go.ke & @cna@parliament.go.ke

A MEMORAMDUM ON THE CONSTITUTIONAL AMENDMENT BILL, 2025

SUBMITTED BY:
TORCH AFRICA HUMAN RIGHTS AND CIVIL SOCIETY ORGANIZATION

About Torch Africa

Torch Africa is a human rights and civil society organization that has been operating in Bungoma County since its inception in 2008. The Organization has been involved in numerous public interest litigation cases various courts of law, human rights defense and advocacy on behalf of individuals and groups that are vulnerable, exploited and oppressed by the state, law enforcement agencies and other agencies in the County and Country.

Overview of the Memorandum

This Memorandum by **TORCH AFRICA** analyses the history of the various funds created by Parliament of the Republic of Kenya and others established under the Public Finance Management Act, 2012 by the Cabinet Secretary for Finance. The main focus is on the Constituency Development Fund Act 2003, which was amended in 2013, 2015, 2022 & 2023 the extent to which the Act and Fund activities complied with the directive principles and provisions of the Constitution of Kenya, 2010 or otherwise. The Memorandum analyses the National Government Affirmative Fund (NGAAF) and the Senate Oversight Fund (SOF). The Memorandum also reviews the various litigations and judgments by the High Court of Kenya, Court of Appeal and the Supreme Court of Kenya and their implications on the existence, operation and management of the three funds.

The Memorandum finally provides an overview and analysis of the Constitutional Amendment Bill, 2025 and its attempts to entrench the three funds in the Constitution through a parliamentary initiative as opposed to a mixed initiative of both parliament and the popular approach vide a referendum. It outlines the reasons for TORCH AFRICA's' Objection to the proposed amendments and its position and viewpoint on matters pertaining to the current and future amendments of the Supreme Law of the Land (i.e., Constitution of Kenya, 2010). The Memorandum contains TOACH AFRICA's Position Statement and Recommendations on the ongoing debate regarding the Constitutional Amendment Bill, 2025 and its implications to the principle of separation of power, devolution and prudent utilization and management of public resources.

A Review of the High Court of Kenya Judgment against NG-CDF

The High Court of Kenya in *In the Constitutional and Human Rights Constitutional Petition 178 of 2016 (September 2024)* declared that the National Government Constituency Development Fund (NG-CDF) is unconstitutional. However, elected members of the National Assembly have been granted about two years to finish pending projects across their constituencies before the NG-CDF ceases to exist at midnight. This is in light of the *High Court declaring* the NG-*CDF* Act *unconstitutional* last year, whereby the *High Court* held that the Fund and all its projects and programmes shall cease to operate next year.

In a significant ruling, the High Court of Kenya recently declared the National Government Constituencies Development Fund (NG-CDF) unconstitutional. The ruling was based on several grounds, primarily the violation of the principle of separation of powers and the lack of Senate involvement when the NG-CDF Act was enacted. The Court emphasized that Members of Parliament should not be involved in the management of funds meant for development projects, as this infringes upon the executive branch's responsibilities.

The three judge bench, composed of *Justices Kanyi Kimondo, Mugure Thande and Roselyne Aburili*, based their decision on the belief that by concentrating both legislative and executive roles in MPs, the NG-CDF disrupted the balance of power and accountability that is essential for good governance.

The bench ruled that the National Government Constituencies Development Fund (NG-CDF) Act 2015 was unconstitutional with the Fund's operations set to wind down in June 2026. In a significant ruling, the High Court of Kenya recently declared the National Government Constituencies Development Fund (NG-CDF) unconstitutional. The ruling was based on several grounds, primarily the violation of the principle of separation of powers and the lack of Senate involvement when the NG- CDF projects are initiated.

The National Government Constituency Development Fund (NG-CDF) was declared unconstitutional by the High Court and Court of Appeal primarily because it infringed upon constitutional principles of devolution, separation of powers, and prudent financial

management. Specifically, the fund was seen as improperly involving Members of Parliament (MPs) in oversight roles that were more appropriately handled by county governments, and as duplicating county functions, creating inefficiencies and potentially wasteful use of public resources. The courts also found that the NG-CDF bypassed required Senate consultation and failed to ensure proper oversight of financial management.

The main reasons why the High Court for declaring the NG-CDF as unconstitutional are as follows:

Violation of Devolution: The court argued that the NG-CDF, by allowing MPs to oversee projects within their constituencies, effectively intruded into the functions of county governments, which are constitutionally responsible for local development. The Court found that the NG-CDF created a parallel system of development administration, which overlapped with the County Governments' functions. According to the Constitution, development projects at the local level should fall under the purview of County Governments. The involvement of MPs in these matters interfered with the responsibilities assigned to County Administrations, further violating the separation of powers between the National and County Governments.

Infringement of Separation of Powers: The Members of Parliament (MPs') involvement in oversight was seen as a violation of the principle of separation of powers, as the legislative branch (Parliament) was taking on executive functions related to project implementation and financial management. The Court found that MPs were deeply involved in selecting and managing projects funded by the NG-CDF, roles that should be carried out by the executive branch of government. The Court ruled that this amounted to MPs exercising executive power. This contradicts the idea of separation of powers, a principle found in the Constitution that is meant to ensure that the Legislative, the Executive and the Judicial arms of the government remain distinct.

Lack of Senate Involvement: The Act establishing the NG-CDF was criticized for failing to involve the Senate in its enactment, which is required for certain legislative matters related to the allocation of national government resources. The Court found that the NG-CDF Act was passed without the consultation of the Senate, something that is constitutionally required whenever a law impacts the Counties. This oversight effectively bypassed the legislative procedures designed to ensure checks and balances, thereby undermining the legislative process and contributing to the violation of Constitutional Provisions.

Lack of Prudent Financial Management: The court also found that the NG-CDF's structure did not adequately ensure the prudent and efficient use of public funds, potentially leading to wastage and accountability issues.

TORCH AFRICA's Position on the NG-CDF

TORCH AFRICA is of the considered viewpoint that while it appreciates the concerns of Members of the National Assembly that motivated the creation of the CDF and public support

for it as illustrated by the media reports from the engagements between the 5th and 7th May2025, there are more effective ways of decentralizing funding to the local level without compromising on key constitutional principles like those of public finance. For example, it is possible to channel the funding through the two governmental structures provided in the Constitution, for example, to the county governments as conditional or unconditional grants as envisaged in article 202(2); or, through the structures of the national government at the local levels as contemplated in Article 6(3).

TORCH AFRICA hereby state that the NGCDF Act 2023 (amended 2015, 2022 & 2023) and the proposed Constitutional Amendment Bill, 2025 undermines devolution, causes conflicts between county and national governments and between the Members of Parliament and governors. Further that the 2015 Act and the activities of the Fund compromises the principles of fair elections, sustains corruption, intrudes on the functions of the national and county governments and in turn causes a wastage of resources.

TORCH AFRICA observes that since its inception the NG-CDF to date the Fund has been allocated over 500 Billion for projects activities that could otherwise be implemented by the National Government through its line ministries and agencies and those that could directly be implemented by the County Government Executive structures that are devolved to the lowest levels of sub counties and wards.

TORCH AFRICA observes that both national and county governments have elaborate offices and bodies to implement their respective functions. The structures for implementing executive functions at both levels of government are stipulated in statutory instruments including the National Government Co-ordination Act and the County Governments Act. As such, assert that the 2015 Act creates unnecessary, parallel and duplicative structures for conceptualization, management, coordination and implementation of projects.

TORCH AFRICA submits that the NG-CDF Act 2013, amended in 2015, 2022 &2023 and its activities offends the principles of public finance contained in Article 201. The Act violates the principles of equitable share of resources, prudent use of public money, responsible financial management and clear fiscal planning.

TORCH AFRICA echoes the declaration of the High Court and Supreme Court that as long as the NGCDF, as established, involves aspects of service delivery, however well intended by the Members of the National Assembly, has the effect of creating structures that are incompatible with the nature of the distribution of functions between the two levels of government. The Supreme Court went on to say as follows, concerning the structure of the Fund: The functions of service delivery which is the character and nature of "community-based" projects targeted by the CDF Act 2013 are by nature executive functions. Accordingly, by nature they should be discharged by the executive structures of the appropriate level of government in terms of Article 1(3) (b) of the Constitution which vests executive functions in "the national executive and the executive structures in the county governments.

According to the history and significance of devolution as captured in the advisory opinion by the Supreme Court in *In the Matter of the Speaker of the Senate & another [2013] eKLR* where Mutunga CJ in his concurring opinion stated:(182) The current devolution provisions in Chapter 11 of the new Constitution are a major shift from the fiscal and administrative decentralization initiatives that preceded it. It encompasses elements of political, administrative and fiscal devolution. There is a vertical and horizontal dispersal of power that puts the exercise of State power in check. Importantly, the Constitution has created a Senate, an institution that enjoys direct legitimacy and a popular mandate, commanding it to be the protector of devolution.

TORCH AFRICA observes that the 2015 Act is structurally similar to the CDF Act 2013" and undermines devolution, causes conflict between county and national governments and between the Members of Parliament and Governors. It is further argued that it violates the constitutional principle of division of functions between the two levels of government. Reliance was placed on the decision in *The Council of Governors v Speaker of the Senate & Others [2015] eKLR* where the court held. Thus, the constitutional mandate of both the National Assembly and Senate are circumscribed by the Constitution and limited to those areas expressly placed within their mandate. With respect to the Senate, its constitutional mandate is that of representation of counties and protection of the interests of counties at the national level; law-making in relation to matters concerning counties at the national level; and allocation of revenue to counties, and oversight over national revenue allocated to counties. Its mandate, like that of the National Assembly, does not extend to matters or functions reserved by the Constitution to counties at the county level.

TORCH AFRICA further observes that even though the CDF (Amendment) Act, 2013 provides that the monies under the Act shall be considered as funds allocated under article 206 (2) (c), under Section 10 of the CDF Act 2013, the Cabinet Secretary in allocating the fund for each financial year must seek concurrence of the relevant Parliamentary Committee. This clearly violates the principles of accountability and integrity due to likely conflict of interest. This is because a Member of Parliament cannot oversee the implementation or coordination of the projects and at the same time offer oversight over the same projects.

The Organization maintains that the CDF as structured under the CDF Act 2013 violates the constitutional principles on public finance, particularly the principle of prudent and responsible management of public funds as enshrined in Article 201(d) of the Constitution may be considered as development projects for purposes of this Act provided that the allocation to such activities does not exceed five per centum of the total allocation to the constituency in that financial year.

TORCH AFRICA is of the informed position that the ***Supreme Court in its judgment sealed the fate of NGCDF by declaring it unconstitutional and parliament cannot resurrect it through a Constitutional Amendment Bill, 2025 or any other without a Referendum.*** Unfortunately, the same Parliament for the last 14 years failed to enact a Referendum law that

could guide the Vote by Kenyan citizens pursuant to the directive principles of their sovereign power and supremacy of the Constitution stipulated Articles 1 and 2.

National Government Affirmative Action Fund and Implications of Court Judgments

The National Government Affirmative Action Fund (NGAAF) was established in 2014/2015 FY through Legal Notice No. 52 of the Public Finance Management Act No 18 of 2012. The primary objective is to empower affirmative action groups namely, women, youth, persons with disabilities(pwds), vulnerable children, and elderly persons through expanding access to financial facilities for the promotion of enterprise development and provision of social development services at the constituency and county levels.

The Cabinet Secretary in charge of Finance made the Public Finance Management (Affirmative Action Social Development Fund) Regulations to give women county representatives in parliament their own fund. This had a structure like the CDF one, and the Woman Representative was to be the county committee patron. The funds were to be used at county level to complement the CDF with a special focus on certain groups who required special attention or affirmative action—such as women, youth, and persons with disabilities, children and the elderly.

The NGAAF plays a crucial role in advancing social and economic equity in Kenya. Its history reflects the country's broader commitment to affirmative action and inclusive development, as it continues to support vulnerable and marginalized groups in achieving their potential.

The National Government Affirmative Action Fund supports vulnerable children by providing essential resources and services to improve their well-being. Through targeted programs, it ensures access to education, healthcare, and protection from exploitation. This initiative aims to empower children from marginalized backgrounds, fostering their growth and integration into society.

The National Government Affirmative Action Fund empowers women by providing resources for education, healthcare, and economic opportunities. It supports table banking initiatives, enabling women to save, borrow, and invest together. This initiative promotes financial independence and gender equality, fostering women's active participation and leadership in society.

The National Government Affirmative Action Fund assists people with disabilities by promoting inclusivity and accessibility. It provides resources for education, healthcare, and vocational training, enabling individuals to lead independent and fulfilling lives. This initiative advocates for equal opportunities and rights, ensuring that people with disabilities are fully integrated into society.

The National Government Affirmative Action Fund supports the elderly by enhancing their quality of life through targeted programs. It provides resources for healthcare, social services, and community engagement, ensuring their well-being and dignity. This initiative aims to empower the elderly, promoting their active participation and integration into society.

The National Government Affirmative Action Fund supports youth by providing resources for education, entrepreneurship, and sports. It offers grants and loans, promotes table banking, and fosters the creative economy. This initiative empowers young people with opportunities for financial independence, skill development, and active participation in society.

The National Government Affirmative Action Fund (NGAAF) in Kenya was established to address the needs of vulnerable groups such as women, youth, and persons with disabilities (PWDs), children, and the elderly. Its creation is tied to Kenya's commitment to promoting social justice and inclusivity, as outlined in the 2010 Constitution. This Constitution emphasized affirmative action as a means to ensure equity and reduce the disparities that have historically affected marginalized groups.

NGAAF was officially created in 2015 through the Public Finance Management (Affirmative Action Social Development Fund) Regulations, 2015. The fund falls under the Ministry of Public Service, Youth, and Gender Affairs and is focused on addressing social and economic inequalities. It is designed to be a tool for empowering vulnerable communities and operates through county-based programs. The National Government has been allocated over Kshs 17 billion since its inception in the Financial Year 2014/15 to the financial 2024/25. The County Women Members of the National Assembly are lobbying and advocating for the amount allocated per year to be doubled from the current annual allocation of 1.5 Billion to at least 3 Billion.

The fund's main objectives are centered on implementing projects that uplift the welfare of targeted groups. NGAAF supports initiatives in education, health, economic empowerment, and social protection. These projects are managed by County Women Representatives, who oversee the fund's distribution and ensure that the programs align with the needs of their communities. This again causes confusion and duplication of resources contrary provisions of Article 201 of the Constitution of Kenya, 2010. The Women Members of the National Assembly are overstepping their constitutional mandate and functions of representation, legislation and oversight roles and responsibilities.

Since its inception, NGAAF has supported various projects across Kenya's 47 counties. This includes providing bursaries for needy students, funding small and medium enterprises (SMEs), and supporting infrastructure development in education and health. Through these efforts, the fund has helped bridge gender disparities and empower marginalized communities.

Litigation and Judgment against NGAAF

Despite its successes, NGAAF has faced several legal challenges. Concerns have been raised over the transparency and accountability of the fund, as well as the equitable distribution of resources. Some stakeholders have called for better oversight and increased community involvement in the decision-making processes to ensure the fund meets its intended goals

The High Court of Kenya on 29th August 2023 *In Mutuma & another v National Government Affirmative Action Fund,* found that the Public Finance Management Act, 2012 (National Government Affirmative Action Fund) Regulations 2016 were unconstitutional. The court acknowledged the unconstitutionality of the Regulations, but it also considered the practical implications of immediately ending the Fund. The court noted that bringing the Act to an abrupt end would not be in the interest of the nation, and that the principle of justifiability prohibited it from entertaining hypothetical issues. The court also considered the fact that funds had been allocated to projects under the Fund in the current financial year.

The 2015 Act, under which the NGAAF was established, was declared unconstitutional, and it ceased to operate at the stroke of midnight on June 30, 2026. The court noted that the Division of Revenue Act had lapsed at the end of the financial year, and there was no live issue for determination by the court.

Despite the court's decision, there is ongoing debate about the NGAAF and whether it aligns with the Constitution. Some argue that the NGAAF is constitutionally superfluous and inconsistent with the principles of public spending. Others argue that the NGAAF has provided valuable services and should be protected by the Constitution.

Since its inception, NGAAF has supported various projects across Kenya's 47 counties. This includes providing bursaries for needy students, funding small

In essence, while specific regulations related to the NGAAF have been declared unconstitutional, the fund itself has continued to operate, though under a sunset clause. There are ongoing debates about its future and whether it should be entrenched in the Constitution.

The National Government Affirmative Action Fund (NGAAF) has been subject to legal challenges, and some aspects of it have been declared unconstitutional. Specifically, the Public Finance Management Act, 2012 (National Government Affirmative Action Fund) Regulations 2016 were deemed unconstitutional in a 2023 court case. However, the court also recognized that bringing the Act to an abrupt end wouldn't be in the best interest of the nation.

TORCH AFRICA's Position on NGAAF

TORCH AFRICA is of the informed view that since the custodians of NGAAF are the 47 elected County Women Members of the National Assembly, they like their counterparts of the 290 single Constituency Members of the National Assembly are engaged in conflict of interest.

That the projects under NGAAF not only cause confusion and duplication but also undermines and offends the principle of separation of powers enshrined in the constitution of Kenya, 2010.

That although NGAAF draws its mandate from Articles 27, 54, 55 and 56 and 57 of the Constitution and it offends the principle of prudence, transparency and accountability of accountability in the management of public resources stipulated in Article 201 of the same Constitution. The Women Members of the National Assembly are also overstepping their constitutional mandate and functions of representation, legislation and oversight roles and responsibilities.

Senate Oversight Fund and Implications of Court Judgments

The County Oversight and Accountability Bill, 2021 (Senate Bill No. 17 of 2021) further outlines the procedures and processes for the Senate's oversight role, according to the Parliament of Kenya.

The objective of the Senate Oversight Fund (SOF) is to ensure accountability and transparency in the use of public funds at the county level, contributing to good governance and the efficient delivery of public services. That ccertain aspects of the Senate Oversight Fund in Kenya have been declared unconstitutional. Specifically, the exclusion of Nominated Senators from receiving these funds has been deemed unconstitutional. The High Court, in a consolidated petition, ruled that the decision to exclude Nominated Senators was null and void.

The Consolidated Petitions (Petition E340 & E363 of 2023) before Justice LN Mugambi of the High Court of Kenya stemmed from the establishment and operationalization of the Senate Oversight Function Fund, which allocated Kshs. 500,000,000 for senators to perform their oversight roles. The Parliamentary Service Commission allocated 90% of the funds to elected senators and 10% to the nominated senators. The petitioners argued that the exclusion violated articles 10, 27, 96 and 201 of the Constitution of Kenya, emphasizing principles of inclusivity, non-discrimination and public finance accountability.
This matter calls for an interpretation of constitutional provisions. This Court was guided by the principles of constitutional interpretation stipulated under Article 259 of the Constitution of Kenya, 2010.

The High Court of Kenya found no fault in the introduction to facilitate Senators carry out a Parliamentary function falling within the scope of the Respondent's responsibilities. However, the manner of implementation and/or operationalization raises serious constitutional questions, namely: the exclusion of nominated senators who represent special interests from being facilitated to undertake a constitutional function thereby offending the principle of inclusivity under article 10(2) (b) of the Constitution, and for the lack of a properly defined scheme spelling out the activities that this money can be applied to, the extent and the nature of

In the High Court of Kenya Judgment delivered on 26th April, 2024 on the Senate Oversight Fund, by Justice LN. Mugambi declared that its implementation is thus wanting on grounds of violating the inclusivity principle under Article 10(2) (b) and for the failure to espouse the principles of openness and accountability under article 201(a) of the Constitution of Kenya, 2010 on public finances. He also declared that the decision to exclude Nominated Senators

from the Senate Oversight Fund is unconstitutional, null and void. Further, to ensure inclusivity, openness and accountability in the implementation process, an order be and is hereby issued directing the Respondent to immediately stop any further disbursements in respect of "Senate Oversight Fund" until it formulates, subjects to public participation and publishes regulations outlining the activities that money may be applied to, includes all the Senators, defines distribution criteria, sets out an accountability process including general control and management to facilitate prudent utilization.

The High Court of Kenya temporally declared that no disbursement of funds under the Senate Oversight Funs (SOF) till case lodged by six nominated senators is determined. The case is pending hearing and determination by the court.

The membership of the Senate is provided for in **Article 98(1)** of the Constitution of Kenya as follows:

> *The Senate consists of--i. forty-seven members each elected by the registered voters of the counties, each county constituting a single member constituency;ii.sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate elected under clause (a) in accordance with article 90;iii.two members, being one man and one woman, representing the youth;iv.two members, being one man and one woman, representing persons with disabilities; and v.the Speaker, who shall be an ex officio member.*
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> While discussing the senate's oversight role *in Council of Governors & 3 others v Senate & 53 others [2015] eKLR*, the 3-judge bench observed as follows:
>
> *"....The Senate's role, as is evident from the provisions of article 96, is to represent the counties at the national level, and to protect their interests and governments; to participate in the law-making function of Parliament by considering, debating and approving Bills concerning counties, and to determine the allocation of national revenue to and among counties. Further, and more importantly, the Senate plays a critical oversight role with respect to the functioning of counties. In The Council of Governors and others v. The Senate (supra), a three-judge bench of this Court considered the meaning of the term "oversight" and stated as follows:*
>
> *...while the Senate has an oversight role over national revenue allocated to County Governments, the issue in that regard, as we understand it, is the scope, extent and nature of the said oversight role. In answering that question, we must first explain the meaning of the word, "oversight", in its ordinary English meaning before we determine the extent of its applicability. The plain English meaning of the word "oversight" as defined in the Concise Oxford English Dictionary, 10th Edition is; "the action of overseeing". "Oversee" has then been defined by the same dictionary as, "supervise" or "look at from above".*

From a Constitutional view-point, the High Court held that role of oversight is exercised by the Senate collectively and indivisibly the Senators. The role of oversight by the Senate is not assigned to the elected Senators only. The setting aside money for sharing out only to the elected Senators purportedly to exercise the oversight mandate does not therefore align with our Constitutional design, object or intent. The oversight function is collectively exercisable by all the Senators in the Senate and facilitation criteria that omits the Nominated Senators cannot be constitutionally justified as the oversight is not a preserve of elected Senators only.

The Supreme Court then concluded as follows with respect to the oversight role of the Senate:

> *"Taking the above meanings and as can be seen in the context of article 96(3) of the Constitution, in our interpretation, oversight implies a procedural and substantive function for the Senate. Procedural in the sense that the Senate is involved in the process leading to division and sharing of national revenue as between the National and County Governments as envisaged.*

In the Speaker of the Senate & Another v Attorney General, Advisory Opinion no 2 of 2013, the Court stated that after allocation of national revenue to Counties, the Senate exercises what we would call substantive oversight by ensuring that the revenue so allocated has been disbursed to the Counties in accordance with the law and that County financial operations are going on as normally as possible. Substantive oversight would also, in our view, mean that the Senate would be mandated to get explanations on how Counties spend the National revenue allocated to them in the event audit queries are made by the Auditor General in his report made pursuant to the provisions of article 229 of the Constitution."

Equally the Supreme Court in *Senate & 2 others v Council of County Governors & 8 others (Petition 25 of 2019) [2022] KESC 7 (KLR) (Constitutional and Human Rights) (17 February 2022) (Judgment)* stated that: "

> *Under Article 96(1), the Senate represents the counties and serves to protect their interests. The Senate participates in the law-making function of Parliament by considering and approving Bills concerning counties. It has the power to determine the allocation of national revenue among counties, and to oversight over the use of those resources. To discharge these responsibilities, the Senate is not expected to relocate to the counties to exercise supervisory powers at that level. That would be intrusive into the functional and institutional integrity of the county government and unacceptable overreach. It must not be involved in the administrative nitty-gritty details of the counties. Its oversight as indeed its legislative roles, are to be exercised in accordance with the Constitution and the law.*

While at it, it important to reflect on the Supreme Court Judgment *in Senate v. Council of Governors case (supra)* where the Court remarked thus: "the Senate is not expected to relocate to the counties to exercise supervisory powers under Article 127(6) of the Constitution of Kenya, 2010 at that level. That would be intrusive into the functional and institutional integrity of the county government and unacceptable overreach. It must not be involved in the

administrative nitty-gritty details of the counties. Its oversight as indeed its legislative roles, are to be exercised in accordance with the Constitution and the law."

> *The question of the 'manner, the extent or the nature of the oversight function that is to be performed by the Senators through this facilitation' is of important concern. While it is within the mandate of the respondent to facilitate the Senators to carry out their Parliamentary mandate, it equally important to do so in deference to the constitutional mandate given to the County Governments. Consequently, an implementation strategy that does not have a defined framework that outlines the scope, extent and the nature of the said oversight may be a potential risk for the devolution function by bringing in uninhibited interference with the County functions.*

OVERVIEW OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2025

The National Assembly is considering the Constitution of Kenya (Amendment) Bill, 2025. The Bill is sponsored by **MPs Hon. Otiende Amollo and Hon. Samuel Chepkonga**. It was first introduced in the National Assembly on 12 March 2025, when it was read for the first time. The National Assembly has since scheduled and called for public participation across all the 290 constituencies in Kenya between **5th and 7 May 2025**. This was done through various newspaper adverts and the National Assembly's website. The members of the national assembly led the entire process with the assistance of parliamentary staff and their allies in the 290 constituencies.

The ultimate objective of the Constitutional Amendment Bill, 2025 is to entrench three (3) Funds in the current Constitution of Kenya, namely: the National Government Constituency Fund (NGCF), the Senate Oversight Fund (SOF), and the National Government Affirmative Action Fund (NGAAF) through a Parliamentary Initiative without requiring a Referendum.

TORCH AFRICA is of the considered view that the ***entire Constitutional Amendment Bill, 2025 is constitutionally defective and unwarranted, and the Funds it seeks to create are inconsistent with the spirit and letter of the Constitution of Kenya, 2010***, particularly the Doctrine and Principle of Separation of Powers between the three Arms of Government (Executive, Legislature and Judiciary). It undermines the structure and functions of the devolved system of government stipulated in Article 6, 10, 174, 186, 187 as read together with the Fourth Schedule of the Constitution. It also violates the Principle of prudent management of public resources stipulated in Chapter 12 of the Constitution, particularly Article 201. The so called Public Participation was stage managed by the Members of Parliament in their respective constituencies. They who had leading questions and appeals to the participants as illustrated by their biased and reckless pronouncements over the media during the engagements.

Furthermore, the said Bill contains provisions that will need to be approved in a Referendum and yet Parliament has failed to enact a Referendum Law, for the last 14 years since the

promulgation of the Constitution of Kenya, on the 27th of August 2010. Therefore, Parliament should be compelled to enact a referendum law, which it has failed to do for the past 14 years, before embarking on any constitutional amendment process. The High Court of Kenya and Supreme Court of Kenya in their respective Judgments sealed the fate of all the aforementioned funds by declaring them unconstitutional

One of the greatest aspirations of Kenyans before the new order was to devolve power from the centre to the periphery. Hitherto the new constitutional order all government administration was concentrated in the Nairobi, the Capital City. Not even local government was effective as it was in the strong grip of the then Ministry of Local Government. The absence of devolved system of government in terms of power, resources, services and the desire for equitable distribution of resources led to the creation of the Constituency Development Fund in 2003: intended for development at constituency level, with each Member of Parliament playing a crucial role in management, implementation and oversight of the fund. So important was the fund that it came to be used as a yardstick for measuring the effectiveness of the leadership of a member of parliament. This type of development paradigm is no longer tenable under the Constitution of Kenya, 2010 which created two tier system of government consisting of one (1) National Government and Forty Seven (47) County Governments as stipulated in Article 6 of the Constitution with district functions for the two levels stipulated in the Fourth Schedule.

The Constitution of Kenya, 2010 precipitated a complete paradigm shift in governance and use of public resources. Resources and responsibility for using them are supposed to be shared between the national and the county governments.

CRITICAL ANALYSIS OF THE PROPOSED CONSTITUTIONAL AMENDMENT BILL, 2025

- That the Constitution of Kenya (Amendment) Bill, 2025 is unnecessary and that it violates the constitutional requirement for prudent and responsible use of public resources, good governance and sustainable development stipulated in Article 201 of the Constitution of Kenya, 2010 as read together with several sections of the Public Finance Management Act, 2012 and PFM Regulations 2025.

- That the proposed constitutional amendments under Articles 204A and 204B of the Constitution of Kenya, 2010, seeking to entrench National Government Constituency Development Fund (NGGCF) and SOF are inconsistent with the letter and spirit of the Constitution of Kenya, 2010.

- That is not necessary and a waste of valuable time and public resources for the National Assembly to introduce an Amendment under Article 204C of the Constitution of Kenya, 2010 as the same is being implemented lawfully through Article 2026(1) (a) of the Constitution.

- That the constitutional imperatives under Articles 201(d) & (e), as read with Article 10 (2) (c) & (d), require that constitutional amendments should not be initiated to provide for issues that the Constitution already sufficiently considers and provides for.

- Declare that Parliament should habitually scrutinize proposed constitutional amendments and ensure that the issues sought to be addressed are only those that cannot be adequately addressed under the existing Constitution so as to preserve the sanctity of the Constitution and ensure the prudent and responsible use of public resources.

- **TORCH AFRICA** is of the informed opinion that the proposed Constitutional Amendments to entrench the aforementioned funds in the Constitution requires a Referendum conducted by IEBC and yet we do not have a Referendum Act of Parliament.

- The Bill seeks to, among other things, entrench the Senate Oversight Fund. This is stated to be aimed at facilitating the Senate's oversight functions. The Senate serves as a critical institutional structure of devolved government. Based on these two facts, the Bill touches on the entrenched provisions under Article 255(1) (h) & (i) of the Constitution: the functions of Parliament and the structure of devolved government.

- **TORCH AFRICA** observes that whereas the Senate Oversight Fund was a noble initiative , its suggestions of giving 90% of the 500,000,000 to elected Senators and 10% to Nominated Senators is discriminative and unconstitutional as it does not put into consideration the directive principles of Articles 10(2)(b), 27 and 100 of the Constitution of Kenya, 2010. We submit that nominated Senators represent special interests within the Senate through which the principle of inclusivity under Article 10 (2) (b) is actualized by bringing on board persons who would otherwise have not had representation. Denying them the facilitation accorded to the elected Senators is to perpetuate the culture of exclusion which is contrary to the purposes, values and principles of the Constitution, and in particular, it is a direct violation of article 10 (2) (b) and 27(8).

- The sanctity and uniquely important nature of constitution-making and remaking processes demand a high level of clarity and certainty of the applicable rules and procedures. To achieve this, the Constitution explicitly directs parliament to pass a referendum law.

- That the lack of legislation has created a gap in how referenda are to be understood and conducted is a violation of the right to vote in referenda. This means Parliament has since the Promulgation of the Constitution of Kenya, 2010 violated various provisions including Articles 10, 38, 47, 82, 94, 95, 201, 259(8) and 261 of the Constitution.

- That the Constitutional Amendment Bill, 2025 touches on the entrenched provisions under Article 255 of the Constitution of Kenya, 2010. The role of the Senate and National Assembly cannot be altered without a Referendum.

- That no constitutional amendment can be considered and/or effected solely by Parliament on the National Government Constituency Development Fund (NGCDF), Senate Oversight Fund (SOF) and National Government Affirmative Action Fund (NGAF) without enacting a Referendum Law to guide the process as stipulated in Articles 255, 256 and 257 of the Constitution of Kenya, 2010.

- The Constitution of Kenya Amendment Act, 2025 is unconstitutional for failing to explain in its memorandum of objects whether the proposed amendments touch on provisions of the Constitution whose amendment would require approval in a referendum.

- This means that unless other related provisions of the Constitution are amended, the proposed amendments will conflict with those provisions and the principles that they establish. This will undermine the intention of the drafters of the Constitution and the Kenyan people.

- The Constitution confers functions on State Organs, establishes structures for their implementation and provides for how these organs will be financed to carry out these functions.

- The NGCDF is stated to be seeking to implement functions belonging to the national government. The national executive bears the obligation to implement these functions, and the annual budget provides funding for them. Establishing a separate Fund and structures to implement these functions under NGCDF conflicts with this constitutional structure. This will be like amending the Constitution to establish separate Funds and structures through which counties will implement their functions.

REASONS FOR OBJECTION TO THE PROPOSED CONSTITUTIONAL AMENDMENT BILL, 2025

TORCH AFRICA observes that the system of checks balances was well discussed *in Francis Maliti v County Assembly of Machakos & 2 others; Governor, Machakos County (Interested Party) [2019] eKLR* , where the Court observed that: "The broad principle of "separation of powers", certainly, incorporates the scheme of "checks and balances"; but the principle is not to be applied in theoretical purity for its ultimate object is good governance, which involves phases of co-operation and collaboration, in a proper case. This perception emerges from

Commission for the Implementation of the Constitution v. National Assembly of Kenya, Senate & 2 Others [2013] eKLR where Njoki, SCJ opined that:

> "The system of checks and balances that prevents autocracy, restrains institutional excesses and prevents abuse of power apply equally to the Executive, the Legislature and the Judiciary. No one arm of Government is infallible, and all are equally vulnerable to the dangers of acting ultra vires the Constitution. Whereas, the Executive and the Legislature are regularly tempered and safeguarded through the process of regular direct elections by the people, the discipline of an appointed and unelected judicial arm of Government is largely self-regulatory. The parameters of encroachment on the powers of other arms of Government must be therefore clearly delineated, [their] limits acknowledged, and restraint fully exercised. It is only through the practice of such cautionary measures, that the remotest possibility of judicial tyranny can be avoided."

This was as well appreciated by the *Court of Appeal in Mumo Matemu v Trusted Society of Human Rights Alliance & 5 Others (2013) eKLR* where it was stated that: "Separation of powers does not only proscribe organs of government from interfering with the other's function, but also entails empowering each organ of government with countervailing powers which provide checks and balances on actions taken by other organs of government. It also warned that such powers are, however, not a license to take over functions vested elsewhere, and recommended that there must be judicial, legislative and executive deference to the repository of the function."

Under the principle of separation of powers, courts refrain from interfering with the operations of other arms of government only to the extent that the Organ operates within the confines of the Constitution. Where a Constitutional organ gets off-track, it becomes the Constitutional duty of the Court to remind and it get back to the track. This principle was elaborately discussed *in the South African case of Doctors for Life International v Speaker of the National Assembly and Others (CCT12/05) [2006] ZACC 11* where the Court stated thus:

> *"The constitutional principle of separation of powers requires that other branches of government refrain from interfering in parliamentary proceedings. This principle is not simply an abstract notion; it is reflected in the very structure of our government. The structure of the provisions entrusting and separating powers between the legislative, executive and judicial branches reflects the concept of separation of powers. The principle 'has important consequences for the way in which and the institutions by which power can be exercised'.*

Chapter 12 of the Constitution sets out the principles that guide public finance. Article 201 of the Constitution of Kenya, 2010 provides: The following principles shall guide all aspects of public finance in the Republic-**i**. There shall be openness and accountability, including public participation in financial matters;ii.the public finance system shall promote an equitable society, and in particular—ii.The burden of taxation shall be shared fairly**;(ii)**revenue raised

nationally shall be shared equitably among national and county governments; and (iii)expenditure shall promote the equitable development of the country, including by making special provision for marginalized groups and areas;**(c)**the burdens and benefits of the use of resources and public borrowing shall be shared equitably between present and future generations;**(d)**public money shall be used in a prudent and responsible way; and**(e)**financial management shall be responsible, and fiscal reporting shall to the relevant authority.

TORCH AFRICA is of the informed viewpoint that the Public Finance Management Act, 2012, makes provisions on how the government at both the national and county levels can raise and spend public funds. Furthermore, the Act guides the national and county governments in the management of public finances while providing for the oversight authority of Parliament and county assemblies in public finance management. This objective is set out under section 3 of the Act as follows:

> *The object of the PFM Act, 2012 is to ensure that—i. Public finances are managed at both the national and the county levels of government in accordance with the principles set out in the Constitution; and ii.public officers who are given responsibility for managing the finances are accountable to the public for the management of those finances through Parliament and County Assemblies.*

TORCH AFRICA's OBSERVATIONS AND RECOMMENDATIONS ON CONSTITUTIONAL AMMENDMENTS

TORCH AFRICA hereby submit that the Constitution of Kenya, 2010 is the Supreme Law of the land and must be treated as such. It should not be subjected to unnecessary amendments by any individual, Parliament and/or any other organ of the state. It safeguards our most fundamental rights and freedoms that are enshrined across various chapters apart from those specified and domiciled under the Bill of Rights -Chapter 4. State Organs, such as Parliament, have a solemn obligation to ensure that the discharge of their functions does not undermine the Constitution, violates its basic structure or negate constitutional gains.

TORCH AFRICA further submits of the considered viewpoint that the push by the National Assembly of the Republic of Kenya to amend the Constitution vide the Constitutional Amendment Bill, 2025 is unconstitutional, illegal, irregular and unprocedural. It is a parliamentary initiative characterized by conflict of interests geared to serve the selfish interests of Members of Parliament. This can be discerned and inferred from their skewed public pronouncements during the much publicized and stage managed public participation across the 290 constituencies between 5th and 7th May, 2025.

The Organization observes that what took place on the aforementioned dates doesn't not amount to meaningfully public participation because the participants did not get prior

sensitization and objective civic education on the pros and cons of the envisaged funds before they were convened to air their views on the same.

TORCH AFRICA state that innocent Kenyans are being manipulated and misused by self-centered MPs, their servants, agents and their allies to support the entrenchment of the funds without regard to the constitutional implications as severally pronounced by the High Court of Kenya and the Supreme Court of Kenya. The establishment of numerous funds for legislators is not only a waste of public resources but a violation of the doctrine and principle of separation of powers between the Executive, Legislature and the Judiciary. The members of Parliament (National Assembly & Senate) should not be allowed to deviate from their cardinal constitutional mandate and roles namely; Representation, Legislation and Oversight.

TORCH AFRICA further states that the National Affirmative Action Fund (NGAAF) is currently being implemented through the Public Finance Management Act (National Government Affirmative Action Fund) Regulations, 2016. Article 206(1) (a) of the Constitution allows for the creation of special-purpose Funds. This therefore does not require any constructional amendment vide the current Constitutional Bill No 4 of 2025.

Under the Constitution of Kenya, 2010, the Senate exists to carry out four (4) main functions stipulated in Article 96. The two of these functions are to oversee county spending of national revenue and to oversee State officers. To enable the Senate to perform these functions, the Parliamentary Service Commission is required to independently ensure the Senate is adequately resourced through the annual budget. It is ENAF's considered opinion that establishing a separate Fund financed from the National executive's money to facilitate Senate oversight duplicates Senate funding (which means wastage) and interferes with the constitutional intention to fund parliament independently from the executive to facilitate the separation of powers. Indeed, the purpose and objective of the proposed Senate Oversight Fund (SOF) is presently implemented through the budgetary provisions relating to Parliament under the Constitution.

TORCH AFRICA strongly recommends that Parliament ought instead to redirect its efforts to its legislative role to enact a Referendum Law as required under the Constitution to provide guidelines for when the Kenyan people have real issues that would necessitate the exercise of their sovereignty in favour of a constitutional amendment.

That it is paramount that the Constitution of Kenya, 2010 and its constitutional directive principles are preserved, upheld, respected, cherished and promoted in the spirit and letter of Article 3, given that it is the Supreme Law of the Land. Indeed, under Kenya's constitutional democracy, the Constitution is the Supreme Law and any other law that contradicts is null and void. It is binding on all branches of government and no less on Parliament. When it exercises its legislative authority, Parliament 'must act in accordance with, and within the limits of, the Constitution', and the supremacy of the Constitution requires that 'the obligations imposed by it must be fulfilled'. Courts are required by the Constitution 'to ensure that all branches of government act within the law' and fulfil their constitutional obligations.

TORCH AFRICA categorically state that the Kenyan Courts have been given the responsibility of being the ultimate guardian of the Constitution and its values'. Article 167(4) (e), in particular, entrusts the Courts with the power to ensure that Parliament fulfils its constitutional obligations. This section gives meaning to the supremacy clause, which requires that 'the obligations imposed by the Constitution must be fulfilled'. It would therefore require clear language of the Constitution to deprive this Court of its jurisdiction to enforce the Constitution."

TORCH AFRICA echoes the pronouncement by the High Court of Kenya that "*Courts have traditionally resisted intrusions into the internal procedures of other branches of government. They have done this out of comity and, in particular, out of respect for the principle of separation of powers. But at the same time they have claimed the right as well as the duty to intervene in order to prevent the violation of the Constitution.*"

TORCH AFRICA observes that the proposed constitutional amendment Bill, 2025 is inconsistent with the spirit and letter of the Constitution of Kenya, 2010. The Amendment Bill and its related process be discarded by Parliament, its members, servants, agents and allies. The members of Parliament should respect the Judgment and orders issued by the High Court of Kenya and the Supreme Court of Kenya regarding the three (3) Funds; National Constituency Development Fund (NGCDF), National Government Affricative Action Fund (NGAAF) and Senate Oversight Fund (SOF) for the sake of nurturing, maintaining and sustaining our constitutional democracy and good governance.

TORCH AFRICA observes that Parliament as a legislative arm of government under the Constitution consists of the Senate and the National Assembly. The legislative remit of the National Assembly falls under the national government in the vertical division of powers between the national government and the county governments. This is evident from article 95 of the Constitution.

TORCH AFRICA categorically states that the Judgment of the Supreme Court of Kenya is binding on this court and by dint of article 163(7) of the Constitution which provides that "all courts, other than the Supreme Court, are bound by the decisions of the Supreme Court". This applies to the declaration that NGCDF is unconstitutional, *null and void abnitio.*

REFERENCES:

The Constitution of Kenya, 2010 — articles 1(3);(4), 2(1);(2);(4), 3(2), 4(1), 6(1), 10, 24, 53(1), 89(1), 93, 95, 96, 109 (3), (4),(5), 110(1), 125, 129, 130, 131, 163 (7), 165(4),174, 175, 176(2), 183(1)(b), 186, 187(1), 189, 201, 202(2), 203, 205(2), 206, 208(2), 216, 218, 234(2)(iii), 259; Schedule IV; part 2; Chapter 12; part 1

Constituency Development Fund Act, 2003

Contingency and County Emergency Funds Act (No.17 of 2011) — section 10(2); part 3

County Governments Act 2012)

Division of Revenue Act (2022)

Intergovernmental Relations Act, 2011

National Government Constituencies Development Fund Act (cap 414A) — section 3(k),(l), 4(8), 8, 11, 14, 15(4), 16, 19, 22, 23(1), 24(b), 25(5);(7);(8);(10), 26(2), 27(10), 31, 36(2);(3), 43, 48, 50, 52, 53; part IV, V, VI, VII

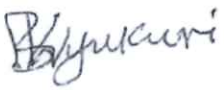
National Government Constituencies Development Fund (Amendment) Act (2022)

National Government Constituencies Development Fund (Amendment) Act (2023)

National Government Co-Ordination Act (cap 127)

Public Finance Management Act, 2012

Torch Africa reviewed and analyzed Various High Court of Kenya, Court of Appeal of Kenya and Supreme Court of Kenya Judgments on National Government Constituency Development Fund (NG-CDF), National Affirmative Action Fund (NGAAF) & Senate Oversight Fund (SOF).



Submitted by
Barasa K. Nyukuri
Executive Director
TORCH AFRICA Human Rights and Civil Society Organization
PO BOX 447-50204, Kimilili-Bungoma Cellphone: 0720369518/0736133441
Email: nyukuribarasa@yahoo.com/torchafrica@gmail.com

10/6/2025

TO: CHAIR AND MEMBERS OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS
CC: OFFICE OF THE CLERK OF THE NATIONAL ASSEMBLY, KENYA

FROM: KENYA CONFERENCE OF CATHOLIC BISHOPS -CATHOLIC JUSTICE AND PEACE DEPARTMENT **(PARLIAMENTARY LIAISON DESK)**

DATE: 9TH JUNE 2025

Dear Chair,

RE: MEMORANDUM ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

We, the Kenya Conference of Catholic Bishops- Catholic Justice and Peace Department through our Parliamentary Liaison Desk, submit this memorandum to the Clerk of the National Assembly regarding the above-referenced Amendment (National Assembly Bill No. 4 of 2025).

We recognize the intent to support grassroots development, social inclusion, and national unity through the establishment of funds such as the National Government Constituency Development Fund (NG-CDF), the Senate Oversight Fund (SOF), and the National Government Affirmative Action Fund (NGAAF). However, we believe that elevating these funds to constitutional status is neither necessary nor advisable at this time.

We are guided by our faith's call to serve the common good and to uphold integrity, equity, and accountability in public life. As such, we offer this memorandum to raise concerns, suggest alternatives, and encourage decisions that reflect the spirit and letter of our Constitution.

The Parliamentary Liaison Desk submits the below Memorandum highlighting key issues for consideration.

Clause/Article Proposed	Provision	Issues with the Clause/Article	Recommendation	Justification
Article 204A National Government Constituency Development Fund **(NG-CDF)**	Seeks to entrench NG-CDF into the Constitution as a fund directly supporting development at constituency level.	NG-CDF already exists under legislation, entrenching it risks bypassing county governments and could complicate how resources are shared nationally.	Do not entrench NG-CDF in the Constitution.	Avoids duplication and preserves the balance between national and county governments. Promotes flexibility and accountability.
Article 204B Senate Oversight Fund (SOF)	Proposes a fund to facilitate the Senate's oversight work.	Senate oversight is currently funded through PSC allocations as part of general budget. Entrenching SOF risks creating budget rigidity and bypassing established oversight procedures may lead to misuse or overlapping roles.	Withdraw the proposal to entrench SOF. Instead, define and fund Senate Oversight via clear, ordinary legislation, aligned with public finance management laws.	Preserves the financial flexibility and accountability. Ensures any dedicated oversight funding is appropriately reviewed, transparent, and adjustable through parliament, not locked in constitutionally.

Article 204C National Government Affirmative Action Fund **(NGAAF)**	Aims to provide a constitutionally protected fund to promote gender and social inclusion through NGAAF.	NGAAF already functions under the existing laws. Making it part of the Constitution may reduce flexibility and increase public spending.	Retain NGAAF under existing legal frameworks. Strengthen its implementation without constitutional entrenchment.	Keeps governance agile while continuing to support women, youth, and marginalized groups effectively. Preserves parliament's ability to adjust resource allocation based on needs and impact.

Subject Fwd: Reject the Amendment of the amendement

From Clerk of the National Assembly <cna@parliament.go.ke>

To Ahmed Salim Abdalla <ahmed.salim@parliament.go.ke>, abenayowasike <abenayowasike@gmail.com>

Date Monday April 28, 2025 10:02:30 AM

Kind Regards
OFFICE OF THE CLERK
THE NATIONAL ASSEMBLY
P . O. Box 41842-00100
NAIROBI.
Tel: +254202848000 ext 3300 / +254790494055
Email: cna@parliament.go.ke
website: www.parliament.go.ke/the-national-assembly

X:@NAssemblyKE
Facebook: Parliament of Kenya

From: Stephen <srugumi@gmail.com>
To: cna <cna@parliament.go.ke>
Cc: constitutionamendment <constitutionamendment@parliament.go.ke>
Date: Friday, 25 April 2025 6:08 PM EAT
Subject: Reject the Amendment of the amendement

CAUTION:This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

To parliament of Kenya.

I reject the amendment seeking to enshrine the NG-CDF, Senate oversight fund, and NGAAF into the constitution of Kenya. the work of parliament its only oversight, legislation and representation.

kind regards
Stephen

Subject Fwd: AMENDMENT BILL. NATIONAL ASSEMBLY BILL NO. 4 OF 2025

From Clerk of the National Assembly <cna@parliament.go.ke>

To Ahmed Salim Abdalla <ahmed.salim@parliament.go.ke>

Date Thursday April 24, 2025 12:57:27 PM

Kind Regards
OFFICE OF THE CLERK
THE NATIONAL ASSEMBLY
P . O. Box 41842-00100
NAIROBI.
Tel: +254202848000 ext 3300 / +254790494055
Email: cna@parliament.go.ke
website: *www.parliament.go.ke/the-national-assembly*

X:@NAssemblyKE
Facebook: Parliament of Kenya

From: Simon <mbuguasimonmwangi@gmail.com>
To: constitutionamendment <constitutionamendment@parliament.go.ke>; clerk <clerk.senate@parliament.go.ke>; cna <cna@parliament.go.ke>; clerk <clerk@parliament.go.ke>
Date: Wednesday, 23 April 2025 1:41 PM EAT
Subject: AMENDMENT BILL. NATIONAL ASSEMBLY BILL NO. 4 OF 2025

CAUTION:This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

To:
Clerk of the National Assembly,
P.O. Box 41842-00100, Nairobi
Dear Sir/Madam,

As part of the ongoing constitutional review process, I wish to formally object to the inclusion of the three proposed amendments currently under consideration. These proposals do not align with the pressing priorities of the Kenyan public and risk diverting attention and resources from more urgent national needs.

There is no justification for allocating additional public funds to Members of Parliament. If legislators are genuinely committed to serving the interests of Kenyans, they should consider sponsoring a bill to abolish the positions of Women Representatives and Nominated Members of Parliament. These roles currently occupy nearly 59 seats and contribute significantly to the public wage bill. Eliminating them would create room for increased investment in critical sectors such as healthcare, education, and infrastructure.

Kenya has already demonstrated notable progress in gender representation. Leaders like Hon. Millie Odhiambo,

Hon. Gathoni Wamuchomba, and several elected female governors are clear evidence that Kenyan voters are willing to elect women based on merit. This progress makes the continued need for affirmative action seats increasingly questionable.

Moreover, Parliament must urgently refocus on its constitutional role of oversight. To date, there has been insufficient accountability regarding the documented 2024 youth abductions and extrajudicial killings during public protests. Likewise, widespread reports of public fund mismanagement—highlighted in audits by the Auditor General—remain unresolved. Rather than introducing amendments that appear self-serving or redundant, legislators should direct their efforts toward restoring public trust through accountability and transparent governance.

The current proposals appear to serve as a distraction from critical issues affecting Kenyans. We urge Parliament to place citizens' welfare at the center of its legislative agenda.

NB:
Data Protection Act
The Constitution of Kenya, 2010(Article 33,Article 31)

"Please do not limit visibility to only a few proposals—all bills needing public participation must be publicized promptly and clearly to uphold democratic involvement."

Thank you,
Kind Regards.
Simon Mwangi Mbugua.

Attachments
PUBLIC VIEWS TEMPLATE.pdf (194 kB)

THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2025)

PUBLIC VIEWS TEMPLATE

(Pursuant to Articles 118(1)(b) and 256(2) of the Constitution)

Section A—Personal Information

1. Name: _____
2. Sex: _____
3. Constituency: _____
4. County: _____
5. Identification Number (*National ID/Passport*): _____

Section B—Object of the Bill

The **Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025)** is a Bill that seeks to amend the Constitution to provide for the following Funds in the Constitution—

(a) The **National Government Constituencies Fund** for purposes of ensuring reasonable access to exclusive national government functions in all constituencies as envisaged in Article 6(3) and ensure the participation of the people in the identification and implementation of priority national government programmes;

(b) The **Senate Oversight Fund** to ensure that the Senate is adequately empowered and resourced to perform its oversight functions; and

(c) The **National Government Affirmative Action Fund** to enhance the measures of the national government on affirmative action.

Section C—Views on the provision for the Funds

(a) **What are your views on the proposed provision for the National Government Constituencies Fund in the Constitution?**

I strongly condemn the proposal. **It is a NO.** The proposal to include the NG-CDF in the Constitution is deeply flawed and should be strongly opposed. Kenya's experience with this fund demonstrates a clear pattern of corruption, mismanagement, and lack of accountability that cannot be ignored.

In 2018, the Auditor General reported that billions of shillings allocated to the NG-CDF were unaccounted for, with numerous cases of fictitious projects, inflated contracts, and outright theft by Members of Parliament (MPs) and their cronies. A 2020 report revealed that only 30% of NG-CDF projects were completed nationwide, while the remaining funds were either diverted or used inefficiently. This means taxpayers' money was squandered without delivering tangible benefits to the intended beneficiaries—ordinary Kenyans.

(b) **What are your views on the proposed provision for the Senate Oversight Fund in the Constitution?**

NO. The proposed Senate Oversight Fund is a thinly veiled attempt by parliamentarians to enrich themselves and consolidate power at the expense of accountability and good governance. It is redundant, financially irresponsible, and prone to abuse. Kenya does not need another fund to oversee county governments; what it needs is stricter enforcement of existing laws, greater transparency, and stronger penalties for corruption.

Instead of creating new avenues for graft, lawmakers should focus on reforming existing systems and holding themselves accountable. The Senate Oversight Fund must be rejected outright to protect taxpayers' money and preserve the integrity of Kenya's democratic institutions.

(c) **What are your views on the proposed provision for the National Government Affirmative Action Fund in the Constitution?**

NO. The proposed National Government Affirmative Action Fund is a reckless and unnecessary initiative that prioritizes political expediency over meaningful development. Strongly oppose the inclusion of the National Government Affirmative Action Fund in the Constitution due to its redundancy, high risk of corruption, and diversion of resources from critical sectors. The government should instead focus on strengthening existing funds, empowering marginalized communities through county governments, investing in education, enhancing social protection programs, and tackling systemic corruption

SIGNED _____ **DATE:** **23/04/2025**

Instruc ti o ns:

Fill *this Template.*

Filled Templates should be forwarded or submitted for onward transmission to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to consti t uti ona me ndm ent@p a rl i amen t. go .ke to be received on or before* ***Tuesday, 10th June, 2025 at 5.00 p.m.*

Subject Fwd: REJECTION OF AMMENDMENTS TO THE CONSTITUTION TO CREATE THREE FUNDS

From Clerk of the National Assembly <cna@parliament.go.ke>

To Ahmed Salim Abdalla <ahmed.salim@parliament.go.ke>

Date Tuesday April 22, 2025 11:38:21 AM

Kind Regards
OFFICE OF THE CLERK
THE NATIONAL ASSEMBLY
P . O. Box 41842-00100
NAIROBI.
Tel: +254202848000 ext 3300 / +254790494055
Email: cna@parliament.go.ke
website: www.parliament.go.ke/the-national-assembly

X:@NAssemblyKE
Facebook: Parliament of Kenya

From: Antony <jnrmaiyuku@gmail.com>
To: constitutionamendment <constitutionamendment@parliament.go.ke>; cna <cna@parliament.go.ke>
Date: Tuesday, 22 April 2025 11:11 AM EAT
Subject: REJECTION OF AMMENDMENTS TO THE CONSTITUTION TO CREATE THREE FUNDS

CAUTION:This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear sir,

After careful consideration I wish to tender my **rejection** for the proposed 3 Funds. They need to be subjected to a popular vote by all Kenyans. Moreso, the NG-CDF is an illegality because it goes against the mandate of the MPs which is enshrined in the constitution.

Thank you

Justus Kipkoech Kurgat, PhD
P. O BOX 389-2406
SOTIK-BOMET COUNTY
27th April, 2025

The Clerk Of the National Assembly Parliament Buildings Nairobi, Kenya
P.O BOX 41842-00100

Subject: Urgent Concerns Regarding The Proposed Entrenchment Of The National Government Constituencies Fund (NG-CDF), The Senate Oversight Fund and the National Government Affirmative Action Fund (NGAAF)In Constitution of Kenya

I am writing to express my strong reservations and objections regarding the proposed entrenchment of the National Government Constituencies Fund (NG-CDF), the Senate Oversight Fund, and the National Government Affirmative Action Fund (NGAAF) within the Constitution of Kenya. While I acknowledge the purported objectives of these funds, I believe their constitutional entrenchment raises significant concerns and may contravene several principles and provisions of our supreme law.
Here are several points, grounded in the Constitution of Kenya, that warrant careful consideration:

1. Violation of the Principle of Separation of Powers (Articles 95 and 96): The Constitution clearly delineates the functions of the Legislature (National Assembly and Senate) as primarily law-making, oversight, and representation. Entrenching these funds, which are essentially mechanisms for the Executive to disburse resources at the constituency and county levels, blurs the lines of separation of powers. It risks involving legislators directly in executive functions, potentially compromising their oversight role and creating conflicts of interest.
2. Undermining the Principles of Public Finance Management (Article 201): Article 201 outlines the principles governing public finance, including transparency, accountability, and the equitable sharing of resources. Entrenching specific funds with predetermined allocations could rigidify the budget-making process, making it less responsive to changing national priorities and potentially hindering the equitable distribution of resources based on need and national development plans.

3. Infringement on the Role and Authority of County Governments (Chapter Eleven): The Constitution establishes a devolved system of government with distinct functions and revenue sources for both the national and county governments. Entrenching funds that directly finance projects at the local level, particularly the NG-CDF and NGAAF, could encroach upon the functions and planning authority of county governments, potentially leading to duplication of efforts and undermining the spirit of devolution. Article 186 and the Fourth Schedule clearly outline the distribution of functions.

4. Compromising the Integrity of Elections and Representation (Articles 81 and 91): The direct involvement of Members of Parliament in managing and overseeing constituency-level funds can create an uneven playing field during elections. Incumbent MPs may use these funds to gain an unfair advantage, potentially compromising the principles of free and fair elections and the equality of the vote. Furthermore, it could shift the focus of representation from national policy-making to local project management.

5. Lack of Flexibility and Responsiveness to Future Needs (Preamble and Article 1): The Constitution is intended to be a framework that adapts to the evolving needs and circumstances of the nation. Entrenching specific funds could make it difficult for future generations to adjust resource allocation based on emerging priorities and challenges. The sovereignty of the people, as enshrined in Article 1, implies the right to adapt governance structures as needed.

6. Potential for Mismanagement and Lack of Accountability (Article 10 and Chapter Six): While existing laws govern the management of these funds, their constitutional entrenchment does not automatically guarantee improved accountability and transparency. Indeed, it could make it more difficult to reform or abolish these funds if they are found to be inefficient or prone to mismanagement, potentially contravening the national values and principles of governance outlined in Article 10 and the leadership and integrity provisions of Chapter Six.

7. Duplication and Fragmentation of Development Efforts: The existence of these national-level funds alongside county government development budgets could lead to a fragmented approach to development, potentially resulting in duplication of projects and inefficient use of public resources. A more integrated and coordinated approach, respecting the roles of both levels of government, is preferable.

In conclusion, while the intentions behind these funds may be well-meaning, their proposed entrenchment in the Constitution of Kenya raises serious constitutional concerns related to the separation of powers, public finance management, the integrity of devolution, electoral fairness, adaptability to future needs, accountability, and the potential for duplication. I urge the

National Assembly to carefully reconsider this proposal and instead focus on strengthening existing legal and institutional frameworks to ensure equitable development and effective service delivery through the established structures of both the national and county governments.

Thank you for your time and consideration of this critical matter.

Yours sincerely,

Justus Kipkoech Kurgat-Manaret Location,Mabwaita Sublocation,Chilgotwet Village.

8/5/2025
Email

Subject Fwd: Constitution Amendment and public view.

From Clerk of the National Assembly <cna@parliament.go.ke>

To Ahmed Salim Abdalla <ahmed.salim@parliament.go.ke>

Date Tuesday April 22, 2025 10:29:12 AM

Kind Regards
OFFICE OF THE CLERK
THE NATIONAL ASSEMBLY
P . O. Box 41842-00100
NAIROBI.
Tel: +254202848000 ext 3300 / +254790494055
Email: cna@parliament.go.ke
website: www.parliament.go.ke/the-national-assembly

X:@NAssemblyKE
Facebook: Parliament of Kenya

From: Victor <victodwuor04@gmail.com>
To: constitutionamendment <constitutionamendment@parliament.go.ke>
Cc: cna <cna@parliament.go.ke>
Date: Monday, 21 April 2025 10:59 PM EAT
Subject: Constitution Amendment and public view.

CAUTION:This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

I hereby submit my view on the amendment bill 2025 on the NG- CDF,Affirmative action funds among others.

Attached below pdf is my views and recommendations on the same.

Thank you.

Regards,
Victor.

Attachments
My submission 2025.pdf (237 kB)

Victor Nundu.

victodwuor04@gmail.com,

Homabay.

To

The Thirteenth Parliament - 4th Session(2025)

The National Assembly,

P.O. Box 41842-00100,

Nairobi.

In consideration of the Matters of Articles118(1)(b) and 256(2) of the Constitution and following the notification of public hearings and invitation to submit views on amendment of the NA Bill NO. 4 OF 2025, touching on the bellow funds;

a) the National Government Constituencies Funds,

b) the Senate Oversight Find.

c) the National Government Affirmative Action Fund,

I hereby submit my personal views on the same in regards to my understanding of the roles of the NA, the Senate, and the 2010 Constitution.

Introduction.

While the National Assembly has been the mother house in policy and law making in the country, its roles have been very key and impactful to the public. However with the recent developments including the introduction of the 2010 constitution and birth of the Senate as the upper house, there has been deviations of the members of the house from performing their primary and fundamental role- oversight.

While I support the idea of taking away the NG-CDF from the members of parliament, and the Affirmative Action Fund from women reps, from their absolute monopoly and control which existed before, I am quite skeptical about the credibility of the said funds being managed in accordance with the public expectations, from where and to whom they be diverted; with dire hopes the funds will NOT be transferred to county governments accounts.

While I appreciate the roles of the Senate in regards to discharging it's duties to the public,

which include scrutiny of county public funds, the roles have been of positive impacts to some extent, nonetheless not satisfactory. The Senate is only heard and active when after a governor has been accused of embezzling county public funds. Such cases are 99% done deals such that retrieving the stolen monies always proves futile.

As things are today, and in accordance with the state of the nation, any effort to fight corruption is highly welcome in the public and/or in the youth arena. Unemployment rate being out of control by the governments in charge, amending the constitution to help fight corruption from any fronts is highly embraced. However, both the parliaments must prove to the public that the amendments will be of worthy because the NG-CD funds have had significant impacts to the common citizens way better than the County funds and development projects. Right now if you take a walk in every constituency, you will able to easily point developments made possible through the CDF, while hardly will the same apply to County development projects despite 10+ years of devolution- most the shown county developments on cameras and televisions are funded by the national government and for PR to maintain the status quo.

The primary role of the National Assembly

The primary role of the NA being oversight to the executive and policing, not implementation. Overtime, certain MPs have found their ways into the house of parliament, with the intention of bringing developments to the electorates through the NG-CDF thereby assuming their key roles as members of parliament. On this, I SUPPORT the amendment of the NG-CDF to the national government,hoping the monies won't be channelled to counties to manage.

The Senate.

The upper house has as well existed since 2010, and is charged with oversighting counties among other functions. Despite the existence, scandals and misappropriations of public funds by the county governments have been witnessed ever since. In my on opinion, this oversight authority has never been successful because of the inability to access the counties for the purposes of scrutiny. In every county there is only one Senator whose office in in Nairobi, and discahrges duties in confluence with other senators while in the city. This in the view of fighting faruds by the counties, it a reactive role rather than a proactive one. (Senators only become active after the actual embezzlement had occured long time ago) ,thus rendering the oversighting a mere formerly, almost and always useless. The best people who can do the oversight to the counties are the Members of County Assemblies(MCA). they are the ones nearest to the most of counties activities including project implementations and with the people on the ground. They are in positions to be able to assess key needs of the people .On the Senate Oversight Fund amendment I strongly OPPOSE. Let the MCAs be empowered equally as the National Assembly. How I wished County Assemblies had similar structural and Functional responsibilities as the National Assembly, in a bid to oversighting the counties.

The NG- Affirmative Acton Fund.

I have never appreciated the importance of this fund neither have I witnessed any impacts brought about by the fund. Now similar to the recommendations on NG- CDF, let the women reps do the policy works as their MP counterparts. I PROPOSE this.

Conclusion and recommendations.

Overlapp and /or neglect in discharging duties by the Members of Parliament as enshrined in the constitution 2010, who are more of implementers rather than law, policy making and the executive oversight roles, has made members of the national assembly be seen as the development bull-dozers for many Kenyans and thus the dependancy. Am not refuting the fact that such developments aren't useful but this initiative has made MPs to neglect the oversight roles and have been quick in considering certain dangerous policies, bills and laws which later burden the common citizen. In short, most MPs have been trading Kenyans lives through policing and law making with the NG-CF.....a case of 'BORA MSIGUZE NG-CDF!' This has rendered them such descriptions as "MPigs." The Parliament has used the NG-CD Funds to derail, thwart and overturn the will of the people by passing policies which are detrimental to the public, and at times subbotage and hold hostage the executive in implementing key projects by issuing threats , for such case, any idea or policy that would touch on their monopolies of the Constituencies fund allocation.

Additionally, and as much as the CDF has some countable development records, which solely depends on an individual MP, nepotism, favouritism and thus CORRUPTION have been witnessed with regards to the funds allocation. If for example a certain ward or a region within the constituency never voted in the sitting member of parliament, the people are rest assured not eligible to benefitting from any developments funded by the MP through NG-CDF., unfortunately this cuts across to the counties-the governor, through to the national government - the president!

I therefore encourage the Members of the National Assembly to pass policies that will save Kenya from CORRUPTION(selfishness, favoritism, tribalism, nepotism manipulations, economic and financial subbotage by those in power) and benefit Kenyans at large, not some few selfish individuals leaving other citizens in the ever poor status. Let NA support any course to uniting Kenya by fostering for equality, equity and prioritizing on projects that will help creat jobs. #KENYA MBELE PAMOJA.

Kenyan citizens are aware of the right to equitable national resource allocation and benefiting from development projects any time from any government.

My humble request to the NATIONAL ASSEMBLY MEMBERS AND ITS LEADERSHIP, kindly bring forth a bill that will enable the country soar beyond the grips of party politics, which has turned into business schemes to benefit those whose parents and grandparents got recognized by the colonial rules, inherited or formed certain political parties, thus took advantage over other Kenyans. And if possible, let the the whole 2010 constitution be redrafted and amended through REFERUNDUM. Thank you.

Regards,

Victor

Kenyan

victodwuor04@gmail.com

Subject Fw: NGCDF AMMENDMENT BILL

From cna@parliament.go.ke <cna@parliament.go.ke>

To abenayowasike <abenayowasike@gmail.com>, ahmed salim <ahmed.salim@parliament.go.ke>

Date Monday May 5, 2025 12:27:18 PM

From: Peter Ngetich <peterngetic@gmail.com>
Sent: Sunday, May 4, 2025 8:40 AM
To: cna@parliament.go.ke <cna@parliament.go.ke>
Subject: NGCDF AMMENDMENT BILL

CAUTION:This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Am writing in support of the bill. Since the inception of CDF in 2003 it has seen development in several areas roads, learning institutions, learners from vulnerable families have managed to complete their Studies, I being a beneficiary in 2007, 2008 managed to complete my P1 studies, I Peter Kiplangat Ngetich, ID Number 24377337, Mogogosiek ward, Konoin Constituency, Bomet County , fully support the Bill. Secondly I propose that the allocation be increased from 2.5% to 3% as it steer up development in our constituencies.
Thanks in advance
Peter Kiplangat Ngetich
ID. 24377337
Konoin Constituency
Signed.

Subject
Fw: PETITION TO DISREGARD THE APPOINTED CENTRES FOR FAILING ON PRINCIPAL OF INCLUSIVITY AND ACTING TO INFLUENCE OUTCOME

From cna@parliament.go.ke <cna@parliament.go.ke>

To
Peter Chemweno <peter.chemweno@parliament.go.ke>, abenayowasike <abenayowasike@gmail.com>, ahmed salim <ahmed.salim@parliament.go.ke>

Date Monday May 5, 2025 11:34:25 AM

From: Titus Kim <tituskim22@gmail.com>
Sent: Thursday, May 1, 2025 4:48 PM
To: constitutionamendment@parliament.go.ke <constitutionamendment@parliament.go.ke>; cna@parliament.go.ke <cna@parliament.go.ke>
Subject: PETITION TO DISREGARD THE APPOINTED CENTRES FOR FAILING ON PRINCIPAL OF INCLUSIVITY AND ACTING TO INFLUENCE OUTCOME

CAUTION:This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Parliament of Kenya,

Pursuant to article 1 of the CoK, I present my dissenting view under the article, in that your representation power belongs to us, the Kenyans of the Republic of Kenya and our voice can not be ignored.
Under article 3, of the CoK, I am empowered and implored by the spirit of the Constitution to defend and any threat by all means against it's mutilation by one person(s), group of persons or any agency, legal or illegal system.
In accordance to article 95 of the CoK, the members of parliament have an oversight obligation granted at law, and the drafters of our constitution understood clearly that one can not oversight his own actions and responsibilities. The separation of powers given by our constitution does not confer a member of parliament a financial kitty. The National Constituency Development Fund is illegal and this is a serious miscarriage of law. Therefore, this pursuit by Members of Parliament is against the law and the wishes of law abiding Kenyans. It should be aborted immediately.

Nevertheless, I am privy to articles 255 and 256 of the CoK, whereas, it's within your bound to legislate accordingly, that law must be within the confines of the spirit of the Constitution and law.

Therefore, I wish to make the following requests to your able offices;

One, the offices for the public participation are too narrow and neglecting majority of Kenyan population opportunity to participate in this exercise. This is simply a smokescreen to confuse us into an illegal law. For instance, there are many sub counties negllawed for participation. I have gone through the list and this appears like a joke, taking into consideration this is constitutional amendment, a very serious legal action.

Two, listing CDF offices as centres for public participation to allow a law granting members of parliament CDF fund is directly influencing a positive action and therefore, this lacks credibility. It is discriminatory and unethical action by your esteemed office, if this is allowed to surface.

I am imploring you to set aside this advertisement and review centres for public participation that are inclusive taking into account all Sub County centres and away from CDF centres.
Take notice, this communication may serve as a record in a court if law, should you disregard my voice among many other voices of the same opinions.

Thank you.

Yours faithfully
Titus Kimala
Mombasa, Kenya.
Cell phone 0725657627.

Attachments
ADVERT 30.4.25 .pdf (342 kB)

Subject Fw: Rejecting the NGCDF ammendments

From cna@parliament.go.ke <cna@parliament.go.ke>

To abenayowasike <abenayowasike@gmail.com>, ahmed salim <ahmed.salim@parliament.go.ke>

Date Monday May 5, 2025 12:29:33 PM

From: Mark Maina <markmaina55@gmail.com>
Sent: Sunday, May 4, 2025 3:05 PM
To: cna@parliament.go.ke <cna@parliament.go.ke>
Subject: Rejecting the NGCDF ammendments

CAUTION:This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Sir/Madam,
I am writing to express my strong objection to the proposed amendments concerning the National Government Constituencies Development Fund (NGCDF). As a concerned citizen, I am deeply worried about the potential for increased misuse of public funds should these amendments be enacted.
My primary concern stems from the significant risk that these amendments could provide Members of the National Assembly with greater control over NGCDF funds, which could lead to mismanagement, lack of transparency, and ultimately, the misallocation of resources intended for development.
The history of NGCDF has, unfortunately, been marred by instances of alleged impropriety and lack of accountability. Granting further unchecked authority over these substantial funds to individual Members of Parliament could exacerbate these issues. It is crucial that mechanisms are in place to ensure the proper oversight and utilization of public funds, and I fear that the proposed amendments may weaken these safeguards.
At a time when Kenya needs to maximize the impact of every shilling spent on development, it is imperative that NGCDF is managed with the highest levels of transparency and accountability. The proposed amendments, in my view, move in the opposite direction and could undermine the very purpose of the fund, which is to bring development to our constituencies.
I urge you to carefully reconsider these proposed amendments and prioritize the establishment of stronger, more independent oversight mechanisms for the NGCDF to protect public funds and ensure they are used effectively for the benefit of all Kenyans.
Thank you for your time and consideration of this critical matter.

Outlook

(No subject)

From WANYOIKE JOHN KAMAU <kamau_wanyoike@students.uonbi.ac.ke>
Date Mon 2025-06-09 7:34 PM
To SPEAKER OF THE NATIONAL ASSEMBLY <sna@parliament.go.ke>
Cc clerk@parliament.go.ke <clerk@parliament.go.ke>; Clerk of the National Assembly Kenya <cna@parliament.go.ke>; info@cohesion.or.ke <info@cohesion.or.ke>

KAMAU WANYOIKE

0719508998

9/06/2025

To:
The Hon. Speaker of the National Assembly
Parliament of Kenya
Parliament Buildings, Nairobi

Cc:

The Clerk of the National Assembly

The Chairperson, Departmental Committee on Administration and National Security

The Chairperson, National Cohesion and Integration Commission (NCIC)

The Kenya National Commission on Human Rights (KNCHR)

RE: Formal Complaint and Demand for Action on Remarks by Hon. Kimani Ichung'wah Regarding the Death of Mr. Ojwang' Under Police Custody

Hon. Speaker,

As a concerned citizen of the Republic of Kenya, I write to formally register my deep concern and condemnation regarding public remarks made by Hon. Kimani Ichung'wah, Majority Leader of the National Assembly, following the tragic death of Mr. Ojwang' under police custody.

This were the utterances of kimani Ichugwah on 09/06/2025,
" The death of a single Kenyan must never be used to advance politics.As a nation we must be remorseful when we lose one single life to advance parachoial selfish politics "

It is with profound alarm that I noted statements by the Majority Leader which, whether through intent or recklessness, appear to condone violence and incite the targeting of Kenyan youth who exercise their constitutional right to peaceful protest and dissent. Such utterances from a senior Member of Parliament are gravely irresponsible and risk further eroding public trust in state institutions, while emboldening acts of extrajudicial violence. My emphasis are based on what the Honourable member mean when he talks of a single life. Does it mean it would be much better when more youths are killed by police? Does it imply a single life isn't sacred,it is not worth living? Justice Delayed is Justice Denied

As Parliament is a custodian of our democratic values and the rule of law, I respectfully call upon your office to:

1. Cause the Committee on Powers and Privileges to investigate whether Hon. Kimani Ichung'wah's remarks violate the ethical conduct expected of Members of Parliament under Article 73 of the Constitution and the Parliamentary Leadership and Integrity Code.

2. Require Hon. Kimani Ichung'wah to publicly retract and apologize for his statements, which dishonor the memory of the deceased and undermine Kenya's commitment to human rights and justice.

3. Recommend guidelines and training for Members of Parliament on responsible public communication, especially in sensitive contexts involving deaths in state custody and matters of national cohesion.

Further, I urge Parliament to reaffirm its commitment to protecting the rights of all Kenyans, especially youth, to peacefully express dissent without fear of state-sanctioned violence or intimidation. The tragic death of Mr. Ojwang' demands a thorough, transparent investigation and justice for his family — not rhetoric that stokes division and fear.

I trust that your office will treat this matter with the urgency and seriousness it deserves.

Sincerely,
John Kamau wanyoike

The University of Nairobi is ISO 9001:2015 certified.

URGENT RADICAL CONSTITUTION AMENDMENT SURGERY BILL 2025 UNDER ARTICLE 256

Theme: to amend specific article(s) that affect the following in;

Table Of Content:

1. Free sanitary pads to girls (monthly period are human nature hence must be free) not optional.
2. Gen z demonstration ought to yield something meaningful legally and democratically.
3. To tame: doctrine of: cult, charlatan, hypocrisy and fallacies: Shakahola issue
4. Sexual and mannerism (decency in intimacy) also LGBTQ issue.
5. Guide line for demonstration, assembly, picketing and petition.
6. Free education to all- bursary / funding model / university -menace
7. Land ownership vs squatters' menace.
8. Wage bill and over representation.
9. Leadership vs education.
10. Post election aftermath -taming winner takes all, opposition leader (position) or winer take it all.
11. Term limit reduces from 5 to 4 years (subject it to voting in the event of controversy) – USA-example.
12. DP and DG -position menace -Hon. Gachagua issue.
13. Women rep: - women rep at ward level (failure to introduce pads -free pads to girls).
14. CDF- (Ward Development Fund- WDF) Amendments strategies.
15. Constitution amendments strategies.

Consider; BBI report.
NADCO report.
} Need for constitutional amendment(s)

Hon. Cherargei motion- term limit.

Article 1. Sovereignty of the people

(1) All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this constitution.

(2)(i) the people may exercise their sovereign power either directly or through their democratically elected representatives.

(ii)in the event that an elected representative(s)neglected its people, registered voters shall initiate the right to call article 104(1), at least two (2) registered voters in each ward in an alleged neglected constituents shall give details how member(s) of parliament has neglected them by writing and forwarded (the allegation(s)) to Independent Electoral and Boundaries Commission and copy to speaker of national assembly for effect recall with immediate effect once the speaker of national assembly received it at national assembly.

(3) Sovereign power under this Constitution is delegated to the following State organs, which shall perform their functions in accordance with this Constitution--

(a) Parliament and the legislative assemblies in the county governments;

(b)the national executive and the executive structures in the county governments; and

(c)the Judiciary ang independent tribunals

(4) The sovereign power of the people is exercised at --

the national level; and

the county level.

8. State and religion

(a)There shall be no State religion.

(b)state shall regulate mode of religion that exist and how it operates to tame misleading doctrine of: fallacy, cult, charismatic witchcraft, hypocrisy and charlatans; parliament shall enact an act (religious regulation act).

(c)parliament shall enact a law to deal with above mentioned doctrine(s)

26.Right to life

(1) Every person has right to life.

(2) The life of a person begins at conception.

(3)A person shall not be deprived of life intentionally, except to the extent authorized by this constitution or other written law.

(4) Abortion is not permitted unless, in opinion of trained health professional, there is need for emergency treatment, or the life or health of the mother is in danger, or if permitted by any other written law

(5)(a) There shall be no extra judicial killing.

(i) in the event of extrajudicial killing, inspector General of police shall be removed from office through impeachment by members of parliament. In the event that members of parliament failed deliberately to impeach inspector General of police, it shall be interpreted that they have unanimously impeached themselves plus the inspector general of police hence they shall never hold public office for life.

(ii)criminal proceeding may be initiated by member of public against impeached inspector General of police.

27. Equality and freedom from discrimination

(1)**(i) Every person is equal before the law and has the right to equal protection and equal benefit of the law.**

(ii)parliament shall enact a law that compel those with viral or contentious disease to voluntarily disclose their status as a protective measure to innocent and health, article 27(1) as mentioned above 27(1) and (4) health status.

(2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms.

(3) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.

(5)A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).

(6) To give full effect to the realization of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programs and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

(7) Any measure taken under clause (6) shall adequately provide for any benefits to be on the basis of genuine need.

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.

37.Assembly, demonstration, picketing and petition

(i)Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

(ii)in the event that police have issued notice through media, press conference giving detailed reasons why the right mentioned above article 37(i) has to be paused and therefore, police shall serve/issue the notice to the petitioner(s) or group(s) intending to carry out right mentioned; article37(i)and shall not exceed 7days.

45. Family

(1)**(i)** The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State.

(ii)Homosexuality and lesbianism is criminal act and it is punishable by life imprisonment or with an option of his/her citizenship revoked and leave the republic forever.

(2)(i) Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties.

(ii)Any adult who wish to marry from different religion, partner intending to marry, both shall initiate the process of changing their religion without prejudice.

(3) Parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage.

(4) Parliament shall enact legislation that recognizes--

(a) marriages concluded under any tradition, or system of religious, personal or family law; and

(b) any system of personal and family law under any tradition, or adhered to by persons professing a particular religion, to the extent that any such marriages or systems of law are consistent with this Constitution

55. Youth

(1) state shall provide free sanitary bads to all girls and women, it shall be availed at public hospitals and schools.

(i)state shall ensure that education is free to all Kenyans from primary to university - (public schools) and all bursary funds shall be channeled to the ministry of education.

(ii)state shall empower innovation and technologies of youth and ensure they are in front line in matters of nation.

(2) The State shall take measures, including affirmative action programs, to ensure that the youth-

access relevant education and training;

have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;

access employment; and

are protected from harmful cultural practices and exploitation.

64. Private land

Private land consists of --,

(a)**(i)** registered land held by any person under any freehold tenure;

(ii) nobody shall own land more than 100 hectares of land in the republic of Kenya.

(iii)state shall ensure that there shall be no squatter(s) except those who sold their land(parcel) and determined by greed for money.

(iv)squatter(s)who are extremely poor, state shall secure them grave or cemetery during their demise or death (proof of extreme poverty ground must be provided or availed).

(b)land held by any person under leasehold tenure; and

(c)any other land declared private land under an Act of Parliament.

65. Landholding by non-citizens

(1)A person who is not a citizen may hold land on the basis of leasehold tenure only, and any such lease, however granted, shall not exceed **forty (40)** years.

(2) If a provision of any agreement, deed, conveyance or document of whatever nature purports to confer on a person who is not a citizen an interest in land greater than **forty (40)** year lease, the provision shall be regarded as conferring on the person a **forty (40)** year leasehold interest, and no more.

(3) For purposes of this Article --

a body corporate shall be regarded as a citizen only if the body corporate is wholly owned by one or more citizens; and

property held in trust shall be regarded as being held by a citizen only if all of the beneficial interest of the trust is held by persons who are citizens.

(4) Parliament may enact legislation to make further provision for the operation of this Article.

89. Delimitation of electoral units

(1)**(i)** There shall be **two hundred and ten (210)** constituencies for the purposes of the election of the members of the National Assembly provided for in Article 97 (1) (a).

(ii)constituencies shall not be added or reduced.

(iii)counties may be reduced and wards shall be added based on population quota only.

(2) The Independent Electoral and Boundaries Commission shall review the names and boundaries of constituencies at intervals of not less than eight years, and not more than twelve years, but any review shall be completed at least twelve months before a general election of members of Parliament.

(3) The Commission shall review the number, names and boundaries of wards periodically.

(4) If a general election is to be held within twelve months after the completion of a review by the Commission, the new boundaries shall not take effect for purposes of that election.

(5) The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota, but the number of inhabitants of a constituency may be greater or lesser than the population quota in the manner specified in clause (6) to take account of--

(a)geographical features and urban centers;

(b)community of interest, historical, economic and cultural ties; and

(c)means of communication.

(6) The number of inhabitants of a constituency or ward may be greater or lesser than the population quota by a margin of not more than--

(a) forty per cent for cities and sparsely populated areas; and

(b) thirty per cent for the other areas.

(7) In reviewing constituency and ward boundaries the Commission shall--

(a)consult all interested parties; and

(b)progressively work towards ensuring that the number of inhabitants in each constituency and ward is, as nearly as possible, equal to the population quota.

(8) If necessary, the Commission shall alter the names and boundaries of constituencies, and the number,

names and boundaries of wards.

(9) Subject to clauses (1), (2), (3) and (4), the names and details o:(the boundaries of constituencies and wards determined by the Commission shall be published in the Gazette, and shall come into effect on the dissolution of Parliament first following their publication.

(10)A person may apply to the High Court for review of a decision of the Commission made under this Article.

(11) An application for the review of a decision made under this Article shall be filed within thirty days of the publication of the decision in the Gazette and shall be heard and determined within three months of the date on which it is filed.

(12) For the purposes of this Article, "population quota" means the number obtained by dividing the number of inhabitants of Kenya by the number of constituencies or wards, as applicable, into which Kenya is divided under this Article.

97. Membership of the National Assembly

(1) The National Assembly consists of--

(a)**two hundred and ten (210)** members, each elected by the registered voters of single member constituencies;

(b)deleted and transferred to article 177(a(ii).

(c)twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons

with disabilities and workers; and

(d)the Speaker, who is an ex officio member.

(2) Nothing in this Article shall be construed as excluding any person from contesting an election under clause (1) (a).

99. Qualifications and disqualifications for election as member of Parliament

(l)**(i)** Unless disqualified under clause (2), a person is eligible for election as a member of Parliament if the person.

(ii)Must have /possess K.C.S.E/O level certificate and above.

(iii)must speak fluent Kiswahili and English articulately.

(a)is registered as a voter;

(b)satisfies any educational, moral and ethical requirements prescribed by this Constitution or by an act of parliament; and

(c)is nominated by a political party, or is an independent candidate who is supported--

(i)in the case of election to the National Assembly, by at least one thousand registered voters in the constituency; or

(ii)in the case of election to the Senate, by at least two thousand registered voters in the county.

(2)A person is disqualified from being elected a member of Parliament if the person--

(a)is a state officer or other public officer, other than a member of Parliament;

(b)has, at any time within the five years immediately preceding the date of election, held office as a member of the Independent Electoral and Boundaries Commission;

(c)has not been a citizen of Kenya for at least the ten years immediately preceding the date of election;

(d)is a member of a county assembly;

(e)is of unsound mind;

(f)is an undischarged bankrupt;

(g)is subject to a sentence of imprisonment of at least six months, as at the date of registration as a candidate, or at the date of election; or

(h)is found, in accordance with any law, to have misused or abused a state office or public office or in any way to have contravened Chapter Six.

(3)A person is not disqualified under clause (2) unless all possibility of appeal or review of the relevant sentence or decision has been exhausted.

101. Election of members of Parliament

(1) A general election of members of Parliament shall be held on the second Tuesday in August in every **fourth** year.

(2) Whenever a vacancy occurs in the office of a member of the National Assembly under Article 97 (1) (c), or of the Senate under Article 98 (1) (b), (c) or (d), the respective Speaker shall, within twenty-one days of the occurrence of the vacancy, give notice in writing of the vacancy to--

(a)the Independent Electoral and Boundaries Commission; and

(b)the political party on whose party list the member was elected or nominated.

(3)A vacancy referred to in clause (2) shall, subject to clause (5), be filled in the manner prescribed by an Act of Parliament within twenty-one days of the notification by the respective Speaker.

(4) Whenever a vacancy occurs in the office of a member of the National Assembly elected under Article 97 (1) (a) or (b), or of the Senate elected under Article 98 (1) (a)--

(a)the respective Speaker shall, within twenty-one days after the occurrence of the vacancy, give notice in writing of the vacancy to the Independent Electoral and Boundaries Commission; and

a by-election shall be held within ninety days of the occurrence of the vacancy, subject to clause (5).

(5) A vacancy referred to in clause (4) shall not be filled within the three months immediately before a general election.

108. Party leaders

(1) There shall be a **leader of government business** and **official leader of opposition nominated by second largest or coalition of parties.**

(2) **The leader of government business** shall be the person who is the leader in the National Assembly of the largest party or coalition of parties.

(3) The **official opposition** shall be the person with second largest party or coalition parties.

(4) The following order of precedence shall be observed in the National Assembly--

(a)the Speaker of the National Assembly;

(b)**leader of government business; and**

(c)**the leader of official opposition.**

117. Powers, privileges and immunities

(1) There shall be freedom of speech and debate in Parliament.

(2) Parliament may, for the purpose of the orderly and effective discharge of the business of Parliament, provide for the powers, privileges and immunities of Parliament, its committees, the **leader of government business**, the **leader of official opposition**, the chairpersons of committees and members.

136. Election of the President

(1) The President shall be elected by registered voters in a national election conducted in accordance with this Constitution and any Act of Parliament regulating presidential elections.

(2) An election of the President shall be held--

(a)on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every **fourth** year; or

(b)in the circumstances contemplated in Article 146.

138. Procedure at presidential election

(1) If only one candidate for President is nominated, that candidate shall be declared elected.

(2) If two or more candidates for President are nominated, an election shall be held in each constituency.

(3) In a presidential election--

(a)all persons registered as voters for the purposes of parliamentary elections are entitled to vote;

(b)the poll shall be taken by secret ballot on the day specified in Article 101 (1) at the time, in the places and in the manner prescribed under an Act of Parliament; and

(c)after counting the votes in the polling stations, the Independent Electoral and Boundaries Commission shall tally and verify the count and declare the result.

(4)A candidate shall be declared elected as President if the candidate receives--

(a)more than half of all the votes cast in the election; and

(b)at least twenty-five per cent of the votes cast in each of more than-half of the counties.

(5) If no candidate is elected, a fresh election shall be held within thirty days after the previous election and in that fresh election the only candidates shall be: -

(a) the candidate, or the candidates, who received the greatest number of votes; and

(b) the candidate, or the candidates, who received the second greatest number of votes.

(6) If more than one candidate receives the greatest number of votes, clause (5) (b) shall not apply and the only candidates in the fresh election shall be those contemplated in clause (5) (a).

(7) The candidate who receives the most votes in the fresh election shall be declared elected as President.

(8)A presidential election shall be cancelled and a new election held if--

(a)no person has been nominated as a candidate before the expiry of the period set for the delivery of nominations;

(b)a candidate for election as President or **nominee Deputy President** dies on or before the scheduled election date; or

(c)a candidate who would have been entitled to be declared elected as President, dies before being declared elected as President.

(9)A new presidential election under clause (8) shall be held within sixty days after the date set for the previous presidential election.

(10) Within seven days after the presidential election, the chairperson of the Independent Electoral and Boundaries Commission shall--

(a)declare the result of the election; and

(b)deliver a written notification of the result to the Chief Justice and the incumbent President.

140. Questions as to validity of presidential election

(1)A person may file a petition in the Supreme Court to challenge the election of the President- elect within seven days after the date of the declaration of the results of the presidential election.

(2) Within fourteen days after the filing of a petition under clause (1), the Supreme Court shall hear and determine the petition and its decision shall be final.

(3)(i) in the event the Supreme Court determines the election of the President- elect to be invalid, Head of military (CDF)shall take over the power of presidency after resigning, hence shall appoint deputy president from civilian (elected leaders) as deputy president.

(ii)Immediately after supreme court verdict (CDF) shall resign while in state house and immediately deputy chief justice shall swear in (former cdf) after he/she has resigned as new president. New president shall announce when will he/she appoint his or her deputy. New president shall have 7days to name the name of the nominee pursuant to (article 149)

141. Assumption of office of President

(l)(i) The swearing in of the President-elect shall be in public before the Chief Justice, or in the absence of the Chief Justice, the Deputy Chief Justice.

(ii)in the event of election petition, swearing of new president shall be conducted at the state house before chief justice or deputy chief justice (presence or before) (article 140)

(2) The President-elect shall be sworn in on the first Tuesday following--

(a) the fourteenth day after the date of the declaration of the result of the presidential election, if no petition has been filed under Article 140; or

(b) the seventh day following the date on which the court renders a decision declaring the election to be valid, if any petition has been filed under Article 140.

(3) The President-elect assumes office by taking and subscribing the oath or affirmation of allegiance, and the oath or affirmation for the execution of the functions of office, as prescribed in the Third Schedule.

(4) Parliament shall by legislation provide for the procedure and ceremony for the swearing-in of a President-elect.

142. Term of office of President

(1) The President shall hold office for a term beginning on the date on which the President was sworn in, and ending when the person next elected President in accordance with Article 136 (2) (a)(i) is sworn in.

(ii)a person shall not hold office as president more than one (1) term in the event of article 140(3)(i) and (ii)

(2) A person shall not hold office as President for more than two terms.

148. Election and swearing in of Deputy President

(1) Each candidate in a presidential election shall nominate a person who is qualified for nomination for election as President, as **nominee or appointee Deputy President**.it is prerogative of the president to nominate or appoint deputy.

(2) For the purposes of clause (1), there shall be separate and appointment for the Deputy President.

(3)(**i**) **The Independent Electoral and Boundaries Commission shall clear the name of nominee/appointee deputy president before national assembly conduct vote on nominee/appointee within six days after receiving it.**

(ii)nomination of deputy president shall be done after president elect has been declared validly elected by Independent Electoral and Boundaries Commission.

(4) The swearing in of the Deputy President-nominee shall be before the Chief Justice or, in the absence of the Chief Justice, the Deputy Chief Justice and in public.

(5) The Deputy President-**nominee/appointee** assumes office by taking and subscribing--

(a)the oath or affirmation of allegiance; and

(b)the oath or affirmation for the execution of the functions of office, as prescribed in the Third Schedule.

(6) The term of office of the Deputy President shall run from the date of the swearing in of the Deputy President, and shall end—

(a)when the person next elected President at an election under Article 136 (2)(a) is sworn in;

(b) on the Deputy President assuming the office of President; or

(c)on resignation, death, **dismissed, sacked** or removal from office of the Deputy President.

(7) The Deputy President may resign from office at any time by notice, in writing, addressed to the President and the resignation shall take effect on the date and at the time specified in the notice, if any, or if a date is not specified, at noon on the day after the notice is delivered.

(8) A person shall not hold office as Deputy President for more than two terms.

177. Membership of county assembly

(1)A county assembly consists of--

(a)(**i**) members elected by the registered voters of the wards, each ward constituting a single member

constituency, on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every **fourth** year;

(ii)one woman, elected by the registered voters of one single ward of each county. Every four years one constituency shall get MCA for special ward for women only to contest rotational every general election.

(b)the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender;

(c)the number of members of marginalized groups, including persons with disabilities and the youth, prescribed by an Act of Parliament; and

(d)the Speaker, who is an ex officio member.

(2) The members contemplated in clause (1) (b) and (c) shall, in each case, be nominated by political parties in proportion to the seats received in that election in that county by each political party under paragraph (a) in accordance with Article 90.

(3) The filling of special seats under clause (1) (b) shall be determined after declaration of elected members from each ward.

(4)A county assembly is elected for a term of **four** years.

180. Election of county governor and deputy county governor

(1) The county governor shall be directly elected by the voters registered in the county, on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every **fourth** year.

(2) To be eligible for election as county governor, a person must be eligible for election as a member of the county assembly.

(3) If only one candidate for county governor is nominated, that candidate shall be declared elected.

(4) If two or more candidates are nominated, an election shall be held in the county and the candidate who receives the greatest number of votes shall be declared elected.

(5) Each candidate for election as county governor shall **nominate/appoint** a person who is qualified for nomination for election as county governor as **nominee/appointee** deputy governor after county governor elect has been declared by Independent Electoral Boundaries Commission at county level as validly county governor-elect.

(6)**(i)** The Independent Electoral and Boundaries Commission shall conduct a separate election for the governor and **clearance of deputy governor nominee/appointee**. Independent Electoral Boundaries Commission shall declare the **nominee/appointee** eligible as deputy governor.

(ii)It is prerogative of governor to appoint, dismiss, sack his/her deputy.

(7)A person shall not hold office--

(a)as a county governor for more than two terms; or

(b)as a deputy county governor for more than two terms.

(8) For the purposes of clause (7), a person who has assumed the office of county governor shall be deemed to have served a full term, subject only to Article 182 (3) (b).

206. Consolidated Fund and other public funds

(1) There is established the Consolidated Fund into which shall be paid all money raised or received by or on behalf of the national government, except money that--

(a)is reasonably excluded from the Fund by an Act of Parliament and payable into another public fund established for a specific purpose; or

(b)may, under an Act of Parliament, be retained by the State organ that received it for the purpose of defraying the expenses of the State organ.

(2) Money may be withdrawn from the Consolidated Fund only--

(a)in accordance with an appropriation by an Act of Parliament;

(b)in accordance with Article 222 or 223; or

(c)**(i)** as a charge against the Fund as authorized by this Constitution or an Act of Parliament.

(ii)an act of parliament shall be enacted (ward development fund) as stipulated in article174(g), ward development fund (WDF)) which shall be divided among the villages within the ward and its priorities, additional fund to extremely poor/marginalized areas shall be considered by national treasury or county assembly treasury supported by an act of parliament or county assembly.

(3) Money shall not be withdrawn from any national public fund other than the Consolidated Fund, unless the withdrawal of the money has been authorized by an Act of Parliament.

(4) Money shall not be withdrawn from the Consolidated Fund unless the Controller of Budget has approved the withdrawal.

255. Amendment of this Constitution

(1)A proposed amendment to this Constitution shall be enacted in accordance with Article 256 or 257, and approved in accordance with clause (2) by a referendum, if the amendment relates to any of the following matters---

(a)the supremacy of this Constitution

(b)the territory of Kenya;

(c)the sovereignty of the people;

(d)the national values and principles of governance referred to in Article 10 (2) (a) to (d);

(e)the Bill of Rights;

(f)the term of office of the President;

(g)the independence of the Judiciary and the commissions and independent offices to which Chapter Fifteen applies;

(h)the functions of Parliament;

(i)the objects, principles and structure of devolved government; or

(j) the provisions of this Chapter.

(2)A proposed amendment shall be approved by a referendum under clause (1) if--

(a)at least twenty per cent of the registered voters in each of at least half of the counties vote in the referendum; And

(b) the amendment is supported by a simple majority of the citizens voting in the referendum.

(3) An amendment to this Constitution that does not relate to a matter specified in clause (1) shall be enacted either--

(a)by Parliament, in accordance with Article 256; or

(b)by the people and Parliament, in accordance with Article 257.

256. Amendment by parliamentary initiative

(1)A Bill to amend this Constitution--

(a)may be introduced in either House of Parliament;

(b)may not address any other matter apart from consequential amendments to legislation arising from the Bill;

(c)shall not be called for second reading in either House within ninety days after the first reading of the Bill in that House; and

(d)shall have been passed by Parliament when each House of Parliament has passed the Bill, in both its second and third readings, by not less than two-thirds of all the members of that House.

(2) Parliament shall publicise any Bill to amend this Constitution, and facilitate public discussion about the Bill.

(3) After Parliament passes a Bill to amend this Constitution, the Speakers of the two Houses of Parliament shall jointly submit to the President--

(a)the Bill, for assent and publication; and

(b)a certificate that the Bill has been passed by Parliament in accordance with this Article.

(4) Subject to clause (5), the President shall assent to the Bill and cause it to be published within thirty days after the Bill is enacted by Parliament.

(5)**(i)** If a Bill to amend this Constitution proposes an amendment relating to a matter specified in Article 255 (1)

(ii)a proposed amendment(s)of this constitution shall be initiated after 25 years of this constitution effect from the day of promulgation.

(iii)the proposed amendment(s) after 25 years,) shall indicate specific article(s) to be edited or changed to be better than before.

(a)the President shall, before assenting to the Bill, request the Independent Electoral and Boundaries Commission to conduct, within ninety days, a national referendum for approval of the Bill; and

(b)within thirty days after the chairperson of the Independent Electoral and Boundaries Commission has certified to the President that the Bill has been approved in accordance with Article 255 (2), the President shall assent to the Bill and cause it to be published.

265.State officers' salaries

(1) There shall be categories of remuneration;

(a)president, deputy president, Governors and deputy governors;

Their salaries shall be; 500,000-800,000 ksh exclusive allowance.

(b)Members of parliament and senators are; (i)100,000-500,000ksh inclusive allowance.

(ii)in the event of pressing specific travel allowance must be through court order with strict adherence on the economic status of the country.

(c) cabinet secretaries;

(i)l00,000-400,000 ksh inclusive allowance.

(ii)in the event of pressing special travel allowance must be through court orders with strict adherence on economic status of the country.

(d)members of county assemblies; (i)50,000-100,000 ksh inclusive allowance.

(ii)in the event of pressing travel allowance must be through court orders with strict adherence on economic status of the country.

(e)salaries for state officers and public service employees shall be increased based on improved living standards of ordinary citizens from informal sectors that is; below 2 dollars per day to 5 dollars per day in at least 23 counties out of 47 counties.

266. Food security measures

(1) state shall provide free fertilizer to all farmers (small scale) and subsidized fertilizer for large scale farmers.

(2) small scale farmers are those with less than 1 acre piece of land for agricultural food produce /Family consumption.

NOTE;

The following articles shall be subjected to voting due to anticipated controversy hence voting shall cure it democratically.

The articles are;101 and 265.

Therefore;(i)101- 5yrs term limit to be reduced to 4 yrs.

5yrs ☑
4yrs ☑
} Abstinence and spoiled shall be interpreted as supporting this document 100%

(ii)265- to adopt it ☑

To remain the same ☑

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