

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

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ELEVENTH PARLIAMENT – FOURTH SESSION  
THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE

REPORT ON THE CONSIDERATION OF PUBLIC PETITION TO AMEND ARTICLE 231(4) OF  
THE CONSTITUTION REGARDING THE PORTRAITS ON NOTES AND COINS ISSUED BY  
THE CENTRAL BANK OF KENYA

DIRECTORATE OF COMMITTEE SERVICES  
CLERKS CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

SEPTEMBER, 2016

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**ABBREVIATIONS**

- CBK - Central Bank of Kenya
- SO - Standing Order

## **CHAIRPERSON'S FOREWORD**

The Public Petition to amend Article 231(4) of the Constitution regarding the portraits on notes and coins issued by the Central Bank of Kenya was conveyed to the House by the Speaker of the National Assembly on 27<sup>th</sup> August, 2015 and was committed to the Departmental Committee on Finance, Planning & Trade and pursuant to provisions of Standing Order 227(1) and the Petition to Parliament (Procedure) Act, 2012. The petition was dated 24<sup>th</sup> August, 2015 and signed by seven (7) petitioners.

The prayers of the petition was that the National Assembly, through the Departmental Committee on Finance, Planning & Trade:

1. immediately commences the process of amending Article 231 of the Constitution by deleting clause 4; and
2. amends section 22 of the Central Bank of Kenya Act, Cap 491 to either –
  - i. mandate the Central Bank of Kenya to determine the portraits, symbols or images to appear on the front face of coins and notes issued by the Bank; or
  - ii. specifically provide that the front part of notes and coins shall bear the portrait of the First President of the Republic of Kenya whereas the rear side shall bear symbols, portraits of images that shall be determined by the Central Bank of Kenya.

In considering the petition, the Committee invited and held a meeting with the representative of the petitioners, Mr. Mithamo Muchiri. This report was compiled having incorporated the view of the petitioner.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

I take this opportunity to thank all the Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules which enabled us to complete the tasks within the stipulated period.

The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Finance, Planning & Trade to present this report to the House pursuant to the provisions of Standing Order 227 (2).

**Hon. Benjamin Langat, CBS, M.P.**

## **EXECUTIVE SUMMARY**

This report contains the committee's proceedings during the hearing of the Public Petition to amend Article 231(4) of the Constitution regarding the portraits on notes and coins issued by the Central Bank of Kenya. The petition was conveyed to the House by the Speaker of the National Assembly on 27<sup>th</sup> August, 2015 and was committed to the Departmental Committee on Finance, Planning & Trade.

On analysis of the petition, the Committee observed that it generally complies with the Standing Orders and the Petitions to Parliament (Procedure) Act, 2012.

The Committee further observed that:-

1. The process of printing notes with portraits that depict the face of Kenya is a gradual process; thus the cost will be spread over a wider period of time. Further, the Central Bank of Kenya had already made arrangements of printing new notes that will start circulating this year.
2. The drafters of the Constitution felt it was important to include the Article in the Constitution to avoid change of portraits on the currency every time by a new President who might want his/her portrait to appear on the currency. This will address cost implications.
3. The amendment of Article 231 as stated by the petitioner might bring tribal issues since every community would wish that their forefathers who fought for this country are recognized by their portraits appearing on the Kenyan currency as well.
4. It was important to have portraits that depict the image of the country and to brand Kenya.

## 1.1.MANDATE OF THE COMMITTEE

The Departmental Committee on Finance, Planning & Trade is one of the twelve Departmental Committees of the National Assembly established under SO 216 and mandated to:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (c) study and review all legislation referred to it;
- (d) study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary and as may be referred to them by the House;
- (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*); and
- (g) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

## 1.2.COMMITTEE MEMBERSHIP

The committee comprises of the following members:-

<b>Chairperson</b>	The Hon. Benjamin Langat, MP
<b>Vice Chairperson</b>	The Hon. Nelson Gaichuhie, MP
<b><u>Members</u></b>	The Hon. Dr. Oburu Oginga, MP
	The Hon. Jimmy Nuru Angwenyi, MP
	The Hon. Eng. Shadrack Manga, MP
	The Hon. Ahmed Shakeel Shabbir, MP
	The Hon. Sammy Koech, MP
	The Hon. Sammy Mwaita, MP
	The Hon. Tiras N. Ngahu, MP
	The Hon. Abdikadir Ore Ahmed, MP
	The Hon. Abdullswamad Sheriff, MP
	The Hon. Abdul Rahim Dawood, MP
	The Hon. Alfred W. Sambu, MP
	The Hon. Anyanga Andrew Toboso, MP
	The Hon. Daniel E. Nanok, MP
	The Hon. Dennis Waweru, MP
	The Hon. Joash Olum, MP
	The Hon. Iringo Cyprian Kubai, MP
	The Hon. Jones M Mlolwa, MP
	The Hon. Joseph Limo, MP
	The Hon. Kirwa Stephen Bitok, MP
	The Hon. Lati Lelelit, MP
	The Hon. Mary Emase, MP
	The Hon. Ogendo Rose Nyamunga, MP
	The Hon. Patrick MakauKing'ola, MP
	The Hon. Ronald Tonui, MP
	The Hon. Sakaja Johnson, MP
	The Hon. Sakwa John Bunyasi, MP
	The Hon. Sumra Irshadali, MP

### **1.3.COMMITTEE SECRETARIAT**

First Clerk Assistant	Evans Oanda
Third Clerk Assistant	Nicodemus Maluki
Third Clerk Assistant	Fredrick Otieno
Legal Counsel II	Emma Essendi
Research Officer III	Erick Ososi
Research Officer III	Sharon Rotino



#### **1.4.RECOMMENDATION**

In response to the Prayers of the Petitioners, the Committee recommends that the status quo be retained and accordingly do not recommend any amendments.

Further, the Committee encourages the Central Bank of Kenya (CBK) to adopt portraits that depict the national image of the country.

## 2.0. INTRODUCTION

### 2.1. The Speakers Communication

The Speaker of the National Assembly informed the Honourable Members, that he had received a petition signed by Mr. Mithamo Muchiri, on behalf of seven (7) concerned citizens, regarding the imminent removal of the portrait of Kenya's first President from the face of the country's currency.

The petitioner prayed that the National Assembly amends Article 231 of the Constitution which provides that:

*“Notes and coins issued by the Central Bank of Kenya may bear images that depict or symbolise Kenya or an aspect of Kenya but shall not bear the portrait of any individual”.*

The petitioners are concerned that the implementation of this Article would occasion the removal of the portrait of the founding President from the face of the Kenyan currency.

The petitioner cited a number of jurisdictions whose currencies have portraits of their founding presidents, as an honour for their distinguished contribution to their countries. They further opposed the huge cost that would be incurred in effecting this change and advised that the same be re-allocated to other development projects.

The petitioners prayed that the National Assembly, through the Departmental Committee on Finance, Planning and Trade:-

- i. initiates the process of amending Article 231 of the Constitution by deleting clause 4; and
- ii. amends section 22 of the Central Bank of Kenya Act, Cap 491 so as to provide for symbols, portraits or images to appear on Kenya's currency and the manner in which such symbols, images or portraits would be determined.

Pursuant to the provisions of Standing Order 227(1), the petition stands committed to the Departmental Committee on Finance, Planning and Trade for consideration.

## 2.1. Background Information

Article 119(1) of the Constitution provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation. This Particular provision is operationalized by the Petition to Parliament (Procedure) Act, 2012 and Standing Orders 219 and 220.

The Public Petition to amend Article 231(4) of the Constitution regarding the portraits on notes and coins issued by the Central Bank of Kenya was conveyed to the House by the Speaker of the National Assembly on 27<sup>th</sup> August, 2015 on behalf of seven (7) concerned citizens. Pursuant to provisions of Standing Order 227(1) and the Petition to Parliament (Procedure) Act, 2012 the petition was committed to the Departmental Committee on Finance, Planning & Trade. The Committee considered the petition pursuant to the provisions of Standing Order 227.

### The petition

The petitioner on behalf of the other 7 concerned citizens, wished to draw the attention of the House to the following:

1. **THAT**, Article 231 (2) of the Constitution stipulates that the Central Bank of Kenya (CBK) shall, among other functions, issue notes and coins as legal tender for the country;
2. **THAT**, Kenya's currency bears the portrait of the founding president of Kenya, Mzee Jomo Kenyatta, in honour of his unarguable contribution as the founding father of the nation;
3. **THAT**, this practice is also replicated in a number of leading world economies and jurisdictions like the United States of America, India, Republic of South Africa and China, which have portraits of their founding fathers on their currencies;
4. **THAT**, by providing that notes and coins issued by CBK may bear images that depict or symbolize Kenya or an aspect of Kenya but shall not bear the portrait of any individual, Article 231(4) of the Constitution seeks to remove the portrait of the first president of Kenya;

5. **THAT**, the move has huge cost implications as this change is likely to load the taxpayers unnecessary financial burden, while a saving on such could easily be re-directed and utilized for national development;
6. **THAT**, in most jurisdictions, such mundane details, in regard to the portraits, images or symbols to appear on currencies are provided for in national legislation and not in the Constitution;
7. **FURTHER**, that the selection of symbols and images to be put on coins and notes may generate unnecessary political tension due to country's political diversity;
8. **THAT**, the matter in respect of which this petition is made is not pending before any court of law or constitutional body.

The Petitioners therefore prayed that, Parliament, through the Departmental Committee on Finance, Planning & Trade:-

1. Immediately commences the process of amending Article 231 of the Constitution by deleting clause 4; and
2. Amends section 22 of the Central Bank of Kenya Act, Cap 491 to either –
  - i. Mandate the Central Bank of Kenya to determine the portraits, symbols or images to appear on the front face of coins and notes issued by the Bank; or
  - ii. Specifically provide that the front part of notes and coins shall bear the portrait of the First President of the Republic of Kenya whereas the rear side shall bear symbols, portraits of images that shall be determined by the Central Bank of Kenya.

### **3.0.SUBMISSIONS AND EVIDENCE**

#### **3.1.Mr. Mithamo Muchiri, Petitioner**

Having been seized of the Petition, the Committee invited the petitioner, Mithamo Muchiri for a briefing session on 28<sup>th</sup> January, 2016. During the meeting, the petitioner informed the Committee as follows:-

1. Article 231 (2) of the Constitution stipulates that the Central Bank of Kenya (CBK) shall, among other functions, issue notes and coins as legal tender for the Country;
2. Kenya's currency bears the portrait of the founding President of Kenya Mzee Jomo Kenyatta, in honour of his unarguable contribution as the founding father of the nation;
3. The practice is also replicated in a number of leading world economies and jurisdictions like the United States of America, India, the Republic of South Africa and China, which have portraits of their founding fathers on their currencies;
4. By providing that notes and coins issued by the CBK may bear images that depict or symbolize Kenya but shall not bear the portrait of any individual, Article 231 (4) of the Constitution seeks to remove the portrait the first President of Kenya;
5. The move has a huge cost implication as this change is likely to load the taxpayers with unnecessary financial burden, while a saving on such could easily be redirected and utilized for national development;
6. In most jurisdictions, such mundane details in regard to the portrait, images or symbols to appear on currencies are provided for in national legislation and not in the Constitution;
7. Selection of symbols and images to be put on coins and notes may generate unnecessary political tensions due to the country's political diversity.

### **3.2. Legislative provisions regarding the portraits on notes and coins**

Article 231 (4) of the Constitution of Kenya 2010 provides that:

*"Notes and coins issued by the Central Bank of Kenya may bear images that depict or symbolise Kenya or an aspect of Kenya but shall not bear the portrait of any individual".*

Section 22 (2) the Central Bank of Kenya Act, Cap 491 provides that:

*"The denominations, inscriptions, forms, material and other characteristics of the notes and coins issued by the Bank shall be determined by the Bank in consultation with the Minister, and shall be notified in the Gazette and in other media of public information likely to bring them to the attention of the public".*

#### 4.0. COMMITTEE OBSERVATIONS

Upon analyzing the petition and through interaction with the Petitioner, the Committee made the following observations:-

1. On the cost, the process of printing notes with portraits that depict the face of Kenya was not going to be an overnight but gradual process, hence the cost will not be an issue. Further, the CBK had already made arrangements for printing new notes that will start circulating this year.
2. The drafters of the Constitution felt it was important to include Article 231 in the Constitution to avoid change of portraits on the currency every time by a new President who might want his or her portrait to appear on the currency. This will address cost implications.
3. The amendment of Article 231 as stated by the petitioner might bring tribal issues, since every community would wish that their forefathers who fought for this country are recognized by their portraits appearing on the Kenyan currency as well.
4. It was important to have portraits that depict the image of the country and to brand Kenya.

**5.0. COMMITTEE'S RECOMMENDATIONS**

In response to the Prayers of the Petitioners, the Committee recommends that the status quo be retained and accordingly do not recommend any amendments.

Further, the Committee encourages the Central Bank of Kenya (CBK) to adopt portraits that depict the national image of the country.

Signed: ..... Date: 1<sup>st</sup> September 2016

**(THE HON. BENJAMIN LANGAT, (M.P.) E.B.S**

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING &  
TRADE**

DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE

MEMBERS ATTENDANCE REGISTER

DATE 11/08/2016 TIME 10:00 AM

AGENDA (1) Meeting the National Treasury to consider Financial Bill, 2016  
 (2) Consideration of Pending Petitions.

NAME TITLE SIGNATURE

1 HON. SAKWA BUNYATI Ag. Chair

2 Hon Shakeel Shabbir Member

3 Hon. Kuba Longo Member

4 Hon. Mary Eburu Member

5 Hon. A. Kalim Lawood member

6 Hon. Patricia Makau "

7 Hon. Rose Nyamanga "

8 Hon. Jati Leleht "

9 Hon. Joseph Oton "

10 Hon. RONALD TOROI "

11 Hon. SAMMY KOBUI "

12 Hon. Jony Mlolwa "

13 Hon. Joseph Lino "

14 Hon. Dr. Eburu Eginga "

15 Hon. Kinza S. B. Kola "

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**MINUTES OF THE 71<sup>ST</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE HELD ON TUESDAY 11<sup>th</sup> AUGUST, 2016 IN THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 10.00AM**

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**PRESENT**

1. Hon. Sakwa John Bunyasi, MP
  2. Hon. Shakeel Shabbir, MP
  3. Hon. Iringo Cyprian Kubai, MP
  4. Hon. Ronald Tonui, MP
  5. Hon. Mary Emase, MP
  6. Hon. Abdul Rahim Dawood ,MP
  7. Hon. Lati Lelelit, MP
  8. Hon. Dr. Oburu Oginga, MP
  9. Hon. Patrick Makau King'ola, MP
  10. Hon. Ogendo Rose Nyamunga, MP
  11. Hon. Sammy Koech, MP
  12. Hon. Joash Olum, MP
  13. Hon. Kirwa Stephen Bitok, MP
  14. Hon. Joseph Limo, MP
  15. Hon. Jones Mlolwa, MP
- Ag. Chairperson

**APOLOGIES**

1. Hon. Benjamin Langat, MP
  2. Hon. Nelson Gaichuhie, MP
  3. Hon. Jimmy Nuru Angwenyi, MP
  4. Hon. Sumra Irshadali, MP
  5. Hon. Sammy Mwaita, MP
  6. Hon. Abdikadir Ore Mohammed, MP
  7. Hon. Abdullswamad Shariff, MP
  8. Hon. Anyanga Andrew Toboso, MP
  9. Hon. Daniel Epuyo Nanok, MP
  10. Hon. Eng. Shadrack Manga, MP
  11. Hon. Alfred Sambu, MP
  12. Hon. Tiras Ngahu, MP
  13. Hon. Dennis Waweru, MP
  14. Hon. Sakaja Johnson, MP
- Chairperson**  
**Vice-Chairperson**

## **KENYA NATIONAL ASSEMBLY**

- |                         |   |                       |
|-------------------------|---|-----------------------|
| 1. Mr. Nicodemus Maluki | - | Third Clerk Assistant |
| 2. Mr. Fredrick Otieno  | - | Third Clerk Assistant |
| 3. Ms. Emma Esendi      | - | Legal Counsel         |
| 4. Mr. Eric Ososi       | - | Research Officer      |

### **MIN.NO. DCF/272 /2016: PRELIMINARIES**

Pursuant to Standing Order 188 the Committee nominated Hon. Sakwa Bunyasi, MP as the Ag. Chairperson. He then called the meeting to order at 10. 30 am followed by a word of prayer from Hon. Patrick Makau King'ola, MP.

### **MIN.NO. DCF/273/2016: CONSIDERATION OF THE PETITION REGARDING CONFINING OF THE NATIONAL AND COUNTY TREASURIES TO EXCLUSIVE USE OF LOANS AND OTHER FINANCIAL LENDING THAT DO NOT ATTRACT INETRESTS BY MR. DAVID GESICHO**

The Committee considered the petition and noted that:-

- i) The petitioner submits that the Republic of Kenya has over the years been operating unbalanced annual National Budget with recurring budget deficits.
- ii) He states that the domestic borrowing by the National Treasury may have contributed to the high interest rates by the Commercial banks in the domestic financial market.
- iii) The Petitioner further submits that the only effective solution to control the budgetary deficit was by cutting government spending.
- iv) The petitioner requests the National Assembly to enact the legislation to confine the National and County Treasuries to the exclusive use of specific Interest Free loans and other financial lending instruments that do not charge interest rate like Islamic lending options such as Sukuk Murabaha, Sukuk al- Ijarah and Sukuk al- Istisna.

### **Committee Resolutions**

The Committee resolved to invite the petitioner at an opportune time to consider the petition before tabling its report.

### **MIN.NO. DCF/274/2016: ADOPTION OF THE REPORTS ON PETITIONS**

The Committee considered and unanimously adopted the reports on the petitions by Mr. Mithamo Muchiri regarding Amendment of Article 231 of Constitution on Images on notes and coins issued by the Central Bank of Kenya and by Mr. Wachira Kairuki Musa regarding the Amendment of the Accountants Act No. 15 of 2008

**MIN.NO. DCF/275 /2016: ADJOURNMENT**

The Ag. Chairperson adjourned the meeting at 12.05pm

**Signed**.....

**Chairperson**

**Date**.....

**MINUTES OF THE 5<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE HELD ON THURSDAY 28<sup>TH</sup> JANUARY, 2016 IN COMMITTEE ROOM, 5<sup>TH</sup> FLOOR CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:00AM.**

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**PRESENT**

1. Hon. Nelson Gaichuhie, MP
2. Hon. Dr. Oburu Oginga, MP
3. Hon. Jimmy Nuru Angwenyi, MP
4. Hon. Shakeel Shabbir, MP
5. Hon. Timothy Bosire, MP
6. Hon. Mary Emase, MP
7. Hon. Patrick Makau, MP
8. Hon. Sakwa John Bunyasi, MP
9. Hon. Ronald Tonui, MP
10. Hon. Sammy Mwaita, MP

**Vice-Chairperson**

**ABSENT WITH APOLOGIES**

1. Hon. Benjamin Langat, MP
2. Hon. Abdullswamad Shariff, MP
3. Hon. Eng. Shadrack Manga, MP
4. Hon. Alfred Sambu, MP
5. Hon. Kirwa Stephen Bitok, MP
6. Hon. Anyanga Andrew Toboso, MP
7. Hon. Abdul Rahim Dawood, MP
8. Hon. Daniel Epuyo Nanok, MP
9. Hon. Ogendo Rose Nyamunga, MP
10. Hon. Joseph Limo, MP
11. Hon. Joash Olum, MP
12. Hon. Lati Lelelit, MP
13. Hon. Tiras Ngahu, MP
14. Hon. Sumra Irshadali, MP
15. Hon. Sakaja Johnson, MP
16. Hon. Dennis Waweru, MP
17. Hon. Sammy Koech, MP
18. Hon. Iringo Cyprian Kubai, MP
19. Hon. Jones Mlolwa, MP

**Chairperson**

**IN ATTENDANCE**

**STAFF**

1. Mr. Fredrick Otieno - Third Clerk Assistant
2. Mr. Nicodemus Maluki - Third Clerk Assistant
3. Ms. Annceta Gacheri - Research Officer
4. Mr. Eric Ososi - Research Officer
5. Mr. Stephen Nyakuti - Audio Recoder

## **PETITIONER**

Mr. Mithamo Muchira

## **MIN.NO. DCF/016/2016: PRELIMINARIES**

The Chairperson called the meeting to order at 11:40am followed by a word of prayer from Hon. Rahim Dawood.

## **MIN.NO. DCF/017/2016: CONSIDERATION OF THE PETITION REGARDING PORTRAITS ON NOTES AND COINS ISSUED BY THE CENTRAL BANK OF KENYA BY MR. MITHAMO MUCHIRI**

Mr. Mithamo Muchiri appeared before the Committee and made the following presentation on above said petition. That;

1. Article 231 (2) of the Constitution stipulates that the Central Bank of Kenya (CBK) shall, among other functions, issue notes and coins as legal tender for the Country;
2. Kenya's currency bears the portrait of the founding President of Kenya Mzee Jomo Kenyatta, in honour of his unarguable contribution as the founding father of the nation;
3. The practice is also replicated in a number of leading world economies and jurisdictions like the United States of America, India, Republic of South Africa and China, which have portraits of their founding fathers on their currencies;
4. By providing that notes and coins issued by the CBK may bear images that depict or symbolize Kenya but shall not bear the portrait of any individual, Article 231 (4) of the Constitution seeks to remove the portrait the first President of Kenya;
5. The move has huge cost implication as this change is likely to load the taxpayers unnecessary financial burden, while a saving on such could easily be redirected and utilized for national development;
6. In most jurisdictions, such mundane details in regard to the portrait, images or symbols to appear on currencies are provided for in national legislation and not in the Constitution;
7. Selection of symbols and images to be put on coins and notes may generate unnecessary political tensions due to the country's political diversity;
8. The matter in respect of which this Petition is made is not pending before any court of law or constitutional body;

The petitioners prayed that the National Assembly, through the Departmental Committee on Finance Planning and Trade;

- a) Immediately commences the process of amending Article 231 of the Constitution by deleting Sub-Article 4; and
- b) Amends section 22 of the Central Bank of Kenya Act, Cap 491 to either-
  - i. Mandate the Central Bank of Kenya to determine the portraits, symbols or images to appear on the front face of coins and notes issued by the bank; or
  - ii. Specifically provide that the front part of notes and coins shall bear the portrait of the First President of the Republic of Kenya whereas the rear side shall bear symbols, portraits or images that shall be determined by the Central Bank of Kenya.

**MIN.NO. DCF/018 /2016: MEMBERS CONCERNS**

Having heard from the petitioner, Members raised the following concerns:

1. On the cost, the petitioner was informed that the process of printing notes with portraits that depict the face of Kenya was not going to be an overnight process but gradual, hence the cost will not be an issue. Further, the CBK had already made the arrangements of printing new notes that will start circulating this year.
2. The drafters of the Constitution felt it was important to include the Article in the Constitution to avoid change of portraits on the Currency every time by any new President who might want his/her portrait to appear on the currency. This will address cost implications.
3. The amendment of the Article 231 as stated by the petitioner might bring tribal issues, since every community would wish that their fore fathers who fought for this country to be recognized by their portraits appearing on the Kenyan currency as well.
4. It was important to have portraits that depict the image of Kenya and to sell Kenya.

**MIN.NO. DCF/019 /2016: RESOLUTIONS**

Members resolved that the matter be left as it is in the Constitution.

**MIN.NO. DCF/020 /2016: ANY OTHER BUSINESS**

Under this agenda item, Members sought to know whether there was any study session organized for the Members this year. Members were told that they will be informed appropriately in case of any study session.

**MIN.NO. DCF/021 /2016: ADJOURNMENT**

The Chairperson adjourned the meeting at 12:48 pm.

Signed..........date..... 8<sup>th</sup> 15<sup>th</sup> Dec 2016 .....

**Vice Chairperson**





ELEVENTH PARLIAMENT  
(THIRD SESSION)

THE NATIONAL ASSEMBLY

PUBLIC PETITION

(No. 21 of 2015)

CONVEYANCE OF A PETITION REGARDING PORTRAITS ON NOTES AND  
COINS ISSUED BY THE CENTRAL BANK OF KENYA

Honourable Members, I wish to convey to the House that I have received a petition, signed by one Mithamo Muchiri, on behalf of seven (7) concerned citizens, regarding the imminent removal of the portrait of Kenya's First President from the face of the country's currency.

Honourable Members, the Petitioners prays that the National Assembly to amend Article 231(4) of the Constitution, which provides that that "*Notes and coins issued by the Central Bank of Kenya may bear images that depict or symbolize Kenya or an aspect of Kenya but shall not bear the portrait of any individual*". The Petitioners are concerned that the implementation of this Article would occasion removal of the portrait of the founding President on Kenya's from the face of our currency. The Petitioners have cited a number of jurisdictions whose currencies have portraits of their founding Presidents, as an honour for their distinguished contribution to their countries. They are further proposing that the huge cost that would be incurred in effecting this change be re-allocated to other development projects.

The Petitioners are therefore praying that the National Assembly, through the Departmental Committee on Finance and Planning and Trade:-

1. Initiate the process of amending Article 231 of the Constitution by deleting Sub-Article 4; and;
2. Amends Section 22 of the Central Bank of Kenya Act, Cap 491 so as to provide for symbols, portraits or images to appear on Kenya's currency and the manner in which such symbols, images or portraits would be determined.



Honourable Members, pursuant to the provisions of Standing Order 227(1), this Petition stands committed to the Departmental Committee on Finance and Planning and Trade for consideration.

I thank you!



THE HON. JUSTIN MUTURI, E.G.H, MP  
SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, August 27, 2015

**MITHAMO MUCHIRI**

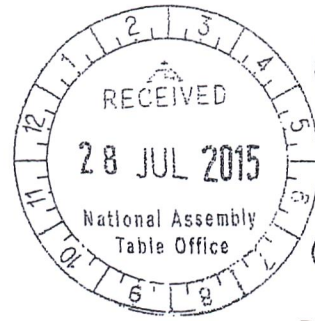
**P.O. BOX 785-00300**

**TEL: 0722 892 019/0722 373 741**

**E-mail: muchiri5@yahoo.com**

**NAIROBI.**

**28<sup>th</sup> July, 2015**



*Original  
Dropped in  
Office of the  
SMA.*

**TO HON. JUSTIN B. MUTURI EGH, MP  
SPEAKER OF THE NATIONAL ASSEMBLY  
PARLIAMENT BUILDINGS  
P.O. BOX 41842-00100  
NAIROBI**

Dear Hon. Speaker,

**RE: PETITION TO AMEND ARTICLE 231 (4) OF THE CONSTITUTION.**

The above matter refers;

Attached herewith, please find a petition to the National Assembly urging your Honourable House to amend Article 231 (4) of our constitution in respect to the portrait on our currency issued by the Central Bank of Kenya.

Thanks.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Mithamo Muchiri".

**MITHAMO MUCHIRI**

PUBLIC PETITION  
REGARDING THE PORTRAITS ON NOTES AND COINS ISSUED BY THE  
CENTRAL BANK OF KENYA

---

I, the undersigned, on behalf of concerned citizens of Kenya;

DRAW the attention of the House to the following:-

1. THAT, Article 231 (2) of the Constitution stipulates that the Central Bank of Kenya (CBK) shall, among other functions, issue notes and coins as legal tender for the country;
2. THAT, Kenya's currency bears the portrait of the founding President of Kenya, Mzee Jomo Kenyatta, in honour of his unarguable contribution as the founding father of the nation;
3. THAT, that this practice is also replicated in a number of leading world economies and jurisdictions like the United States of America, India, Republic of South Africa and China, which have portraits of their founding fathers on their currencies;
4. THAT, by providing that notes and coins issued by the CBK may bear images that depict or symbolize Kenya or an aspect of Kenya but shall not bear the portrait of any individual, Article 231(4) of the Constitution seeks to remove the portrait of the first President of Kenya;
5. THAT, the move has huge cost implication as this change is likely to load to the taxpayers unnecessary financial burden, while a saving on such could easily be re-directed and utilized for national development;
6. THAT, in most jurisdiction, such mundane details in regard to the portraits, images or symbols to appear on currencies are provided for in national legislation and not in the Constitution;
7. FURTHER, that the selection of symbols and images to be put on coins and notes may generate unnecessary political tensions due to the country's political diversity;

PUBLIC PETITION

REGARDING THE PORTRAITS ON NOTES AND COINS ISSUED BY THE  
CENTRAL BANK OF KENYA

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8. THAT, the matter in respect of which this Petition is made is not pending before any court of law or constitutional body.

THEREFORE, your humble Petitioners PRAY that the National Assembly, through the Departmental Committee on Finance, Planning and Trade:-

- (a) immediately commences the process of amending Article 231 of the Constitution by deleting Sub-Article 4; and
- (b) amends Section 22 of the Central Bank of Kenya Act, Cap 491 to either –
  - (i) mandate the Central Bank of Kenya to determine the portraits, symbols or images to appear on the front face of coins and notes issued by the bank; or
  - (ii) specifically provide that the front part of notes and coins shall bear the portrait of the First President of the Republic of Kenya whereas the rear side shall bear symbols, portraits or images that shall be determined by the Central Bank of Kenya.

And your PETITIONERS will ever pray.

PRESENTED BY,

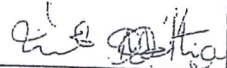

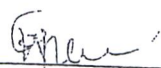
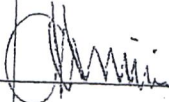

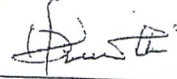



MR. MITHAMO MUCHIRI

DATE: 24<sup>TH</sup> August 2015

PUBLIC PETITION  
TO THE NATIONAL ASSEMBLY TO AMEND ARTICLE 231(4) OF THE  
CONSTITUTION REGARDING PORTRAITS ON COINS AND NOTES  
ISSUED BY THE CENTRAL BANK OF KENYA

LIST OF PETITIONERS

No.	Name	Address/Phone	Id. No.	Signature
1.	MITHAMO Mucheri	0722-892019	23744080	
2.	ALEX MACHARIA	0720-687307	20999212	
3.	GERARD MURAI	0720616433	11315449	
4.	Ramin Dnyanga Agunda	0726481318	3494880	
5.	LUCY WANJIRU	011-774982	21654888	
6.	DOMINIC MATHAY	0725148191	22541246	
7.	SILAS ARYO	0721979091	9594844	
8.				
9.				
10.				