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News Kenya Supreme Court overturns decision declaring Finance Act 2023 unconstitutional The Supreme Court of Kenya on Tuesday reversed the Court of Appeal ruling that had declared the Finance Act 2023 unconstitutional. President William Ruto signed the Finance Act into law on June 26, 2023, but it was later contested for unconstitutionality before the High Court.The 11 petitions filed in the High Court challenged the constitutionality of the Act based on its provisions, including the housing levy, and the legislative process employed to pass it. Some of the grounds relied on included inadequate public participation, dismissal of most input from the public, and introduction of new amendments that were not subjected to public participation. The High Court, in its decision, declared sections 76, 78, 84, 87, 88, and 89 of the Finance Act 2023 unconstitutional. A prohibition order was also issued to prevent the Act's housing levy from being collected.On appeal, the Court of Appeal affirmed that sections 76 and 78 were unconstitutional and void. It also held that section 21 introduced by the National Assembly after the public participation phase was unconstitutional for want of fresh public participation and violated the constitution. Finally, the court rendered the entire Act unconstitutional due to non-compliance. However, the Supreme Court issued an order staying the Court of Appeal's decision.The Supreme Court, deciding on the appeal from the Court of Appeal, maintained that Sections 76, 78, and 87 were unconstitutional as they "were neither incidental nor directly connected to the money bill". The court further held that the parliament was not required to undertake fresh public participation where new and substantive amendments are effected according to public participation due to the time-sensitive nature of a finance bill. The court also ruled that "The National Assembly…met the threshold of a reasonable measure for considering proposals, views, and suggestions from the public concerning the public participation exercise conducted on the Finance Bill, 2023."The court's ruling was met with disapproval from many, including Faith Odhiambo, president of the Law Society of Kenya, who wrote in her X (formerly Twitter) account saying, We respectfully disagree with the approach taken by the court... Nevertheless, we welcome the Court's recommendation for enactment of statute to guide public participation. We however hope that should the Court be invited to make future considerations on the subject of Public Participation, they will provide a more elaborate and purposive guidance on the modalities, scope and extent of Public Participation.The court recommended that the parliament guarantees public participation in the law-making process as provided by Article 118 of the Kenyan constitution, ensures citizens have access to every phase of a bill's creation and takes into consideration feedback received through public participation. The Judicial Service Commission (JSC) suspended processing petitions seeking the removal of Chief Justice Martha Koome and six Supreme Court judges At least eight High Court cases have been filed challenging the petitions, resulting in interim conservatory orders barring the JSC from proceeding with disciplinary hearingsCJ Koome and other Supreme Court judges, including Deputy CJ Philomena Mwilu, moved to court to block the petitions, which allege incompetence, misconduct, and misbehaviourThe JSC reaffirmed its commitment to upholding judicial independence and the rule of law, stating it will defend itself in court while exercising its constitutional mandateDidacus Malowa, a journalist at TUKO.co.ke, brings over three years of experience covering politics and current affairs in Kenya.Nairobi - The Judicial Service Commission (JSC) has suspended the processing of petitions seeking the removal of Chief Justice Martha Koome and six Supreme Court judges, citing multiple court orders restraining further action on the matter.JSC vice-chairperson Isaac Rutto confirmed that the commission had received petitions against CJ Koome and other Supreme Court judges. Photo: JSC.Source: TwitterIn a statement dated Tuesday, February 25, JSC vice-chairperson Isaac Rutto confirmed that the commission had received petitions calling for the removal of CJ Koome and other Supreme Court judges over allegations of incompetence, misconduct, and misbehaviour. However, Rutto explained that the commission is unable to proceed with the petitions due to ongoing legal battles in the High Court. As the JSC began processing the petitions, at least eight cases were filed in the High Court, challenging the process and seeking to block the commission from proceeding with disciplinary hearings. These cases, filed by different parties, including some of the affected judges, have resulted in the issuance of interim conservatory orders barring the JSC from taking any further action. "The petitions, among other orders, seek to restrain the JSC from further processing the petitions and/or requiring the Judges to submit responses to the various allegations as contained in the petitions. Consequently, interim conservatory orders were issued, barring the JSC from further processing the petitions," the statement read in part.Among the cases filed is Nairobi High Court Constitution Petition No. E83 of 2025, where Koome herself has challenged the petition against her. Other Supreme Court judges, including Deputy Chief Justice Philomena Mwilu, Justices Njoki Ndungu, Mohammed Ibrahim, William Ouko, and Isaac Lenaola, have also moved to court to block proceedings against them.Despite the ongoing legal battles, the JSC reaffirmed its commitment to upholding the rule of law and protecting judicial independence.Chief Justice Martha Koome and six Supreme Court judges have been accused of incompetence, misconduct, and misbehaviour. Photo: Martha Koome.Source: TwitterThe commission stated that it would defend itself in court while ensuring that it continues to exercise its constitutional mandate. The commission, however, refrained from commenting further on the cases, citing the legal restrictions imposed by the court orders. "In view of the foregoing, and in compliance with the prevailing court orders, the JSC is now restrained from processing the subject petitions or commenting on the ongoing court cases. The JSC, in promoting and facilitating the independence and accountability of the Judiciary, shall therefore defend the matters in court and assert its mandate to exercise its constitutional functions under Articles 168, 172 and 252 of the Constitution. We reiterate the Commission's commitment in respecting the rule of law and discharging its mandate without fear, favour or ill will," added Rutto.In a recent interview, former deputy president Rigathi Gachagua alleged that President William Ruto has been strategising to remove Koome to gain control over the Judiciary. Gachagua claimed that Ruto expressed frustration with Koome's independence and criticised him for not influencing her, despite their shared regional background. He further alleged that Ruto intends to restructure the entire Supreme Court by appointing judges aligned with his interests. Proofreading by Asher Omondi, current affairs journalist and copy editor at TUKO.co.ke. Source: TUKO.co.ke News Kenya Supreme Court overturns decision declaring Finance Act 2023 unconstitutional The Supreme Court of Kenya on Tuesday reversed the Court of Appeal ruling that had declared the Finance Act 2023 unconstitutional. 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It also held that section 21 introduced by the National Assembly after the public participation phase was unconstitutional for want of fresh public participation and violated the constitution. Finally, the court rendered the entire Act unconstitutional due to non-compliance. However, the Supreme Court issued an order staying the Court of Appeal's decision.The Supreme Court, deciding on the appeal from the Court of Appeal, maintained that Sections 76, 78, and 87 were unconstitutional as they "were neither incidental nor directly connected to the money bill". The court further held that the parliament was not required to undertake fresh public participation where new and substantive amendments are effected according to public participation due to the time-sensitive nature of a finance bill. The court also ruled that "The National Assembly...met the threshold of a reasonable measure for considering proposals, views, and suggestions from the public concerning the public participation exercise conducted on the Finance Bill, 2023."The court's ruling was met with disapproval from many, including Faith Odhiambo, president of the Law Society of Kenya, who wrote in her X (formerly Twitter) account saying, We respectfully disagree with the approach taken by the court… Nevertheless, we welcome the Court's recommendation for enactment of statute to guide public participation. We however hope that should the Court be invited to make future considerations on the subject of Public Participation, they will provide a more elaborate and purposive guidance on the modalities, scope and extent of Public Participation.The court recommended that the parliament guarantees public participation in the law-making process as provided by Article 118 of the Kenyan constitution, ensures citizens have access to every phase of a bill's creation and takes into consideration feedback received through public participation. In the speech, Koome emphasized that courts must 'position themselves as a critical center against both state and non-state actors that threaten religious liberty.' Martha Karambu Koome, the chief justice in Kenya, called upon delegates at the International Religious Freedom (IRF) Summit in Nairobi this week to have a "united stance" in fostering religious liberty. As regional and global experts as well as proponents of religious freedom, the delegates gathered on Tuesday, June 17, for the first summit of its kind to be hosted by an African country. In her address during the opening ceremony, delivered by Third Deputy Chief Justice and Vice President of the Supreme Court of Kenya Honorable Justice Philomena Mbete Mwilu, Koome emphasized the urgency of developing a collective response to the multiple cases of religious persecution, discrimination, and extremism on the continent. "We must adopt a united stance — one that upholds religious freedom not only as a legal right but also as a cornerstone of Africa's democratic and evolving institutions," Koome said to attendees gathered at Nairobi's Safari Park Hotel. "Let this summit be remembered as a turning point — a moment when Africa stood up, not merely in defense of freedom of religion or belief but in pursuit of a richer, deeper peace grounded in dignity, justice, and the recognition of our shared humanity," she said. The chief justice praised the Religious Freedom Institute and the International Religious Freedom Summit for convening what she described as a "very timely conference on African soil." "Around the world, and particularly in parts of Africa, we are witnessing an alarming rise in incidents of religious persecution, restrictions on religious expression, and violent extremism and violence," she said. "These violations are not just attacks on religious freedoms," Koome added. "They strike at the very fabric of our societies and threaten the social cohesion essential for sustainable peace and development." Addressing the summit's theme of religious freedom and its defense in courts and society, Koome underscored the judiciary's unique responsibility. "An independent, impartial, and accessible judiciary is the cornerstone of constitutional democracy. Through progressive jurisprudence, African courts have increasingly demonstrated their capacity to stand as bulwarks against discrimination, marginalization, and complicity," she said. In the speech, Koome emphasized that courts must "position themselves as a critical center against both state and non-state actors that threaten religious liberty." At the same time, she pointed to the transformative power of faith leaders, describing them as "ethical innovators and peace leaders" and as essential actors in times of crisis, mediation, and reconciliation. "Faith communities are often the first to respond in times of crisis, the voice of conscience in the moment of moral failure, and the bridge-builders in the context of religious and ethnic tensions," she said. The chief justice emphasized that religious freedom cannot be safeguarded in isolation, urging solidarity, collaboration, and a united continental commitment. "It is therefore imperative that we act together and with identity. The ILO [International Labor Organization] Summit Africa presents a unique platform for continental consensus, sharing innovative approaches and post-apocalyptic frameworks to promote and protect religious freedom," she said. Koome also said that what attendees learn from the summit "will help us position our courts with a critical center against both state-of-the-art and state actors that threaten religious liberty." The one-day event sought to explore "the impact of government actions on religious freedom" on the continent. In a series of sessions under the theme "Africa Together: A Continental Call to Religious Freedom," the co-chairs of the IRF Summit and a variety of civil society leaders from across Africa facilitated discussions around "the context, the challenges, and the path forward for freedom of religion and belief" in the world's second-largest and second-most-populous continent after Asia. In her address, Koome lauded the organizers of the one-day IRF Summit for choosing Kenya to host the event. "Kenya is deeply honored to host this milestone event. It speaks to the heart of who we are as a nation and as a continent," she said. Highlighting Kenya's progressive 2010 constitution, the chief justice reminded participants of its foundational principles: human dignity, equality, inclusiveness, and freedom of conscience, religion, belief, and opinion, as enshrined in Article 32. Kenya, she said, offers a model for constitutional protection of religious diversity and political expression. "We are a pluralistic society that embraces multiculturalism and respects the dignity of every person to worship, or not to worship, in accordance with their conscience," she said. "This constitutional design reflects our broader African leadership and commitment to peaceful coexistence, communal harmony, and mutual respect." Supreme Court/FILEDeputy Chief Justice Philomena Mwilu is among four other Supreme Court judges who have secured a court order suspending the proceedings before the Judicial Service Commission (JSC) that seek her removal from office. Similarly, Supreme Court Judge Mohamed Ibrahim also obtained an order before Justice Bahati Mwamuye to halt the JSC proceedings.The judge directed that both Mwilu and Ibrahim serve the respondents and interested parties—including the JSC, advocates Nelson Havi, Ahmednasir Abdullahi, and Dari Limited—by close of business today.These parties are required to file their responses by March 3. "Pending inter-parties hearing and determination of the applications, a conservatory order is hereby issued suspending the JSC petitions," said the Judge. He directed the matters to be mentioned on March 6 to confirm compliance and to take further directions.Justice Isaac Lenaola and Justcie William Ouko, who had also filed a separate application, have also obtained orders suspending the JSC proceedings. Justice Lawrence Mugambi, in issuing the order directed the matters be mentioned on March 5 for further directions.Koome, Mwilu and Ibrahim, Ouko and Lenaola are the latest judges to obtain orders suspending the JSC proceedings.Justice Isaac Lenaola, who has also filed a separate application, states that the JSC must avoid complaints that invite it to analyse a judgement or ruling in order to determine the alleged incompetence of the Judge who authored the decision. In seeking to suspend the JSC hearings, Lenaola criticised the JSC for failing to protect judicial officers from "persistent vilifying speeches" disguised as "exercising freedom of expression." He proceeds to state that the deliberate campaigns and attacks against the judges constitute a serious attack on the independence of the judiciary and the integrity of the judicial process. "The actions threaten to abolish the Supreme Court established by law by seeking removal of the entire bench of seven judges through unconstitutional means," he remarks.Similarly, Justice William Ouko, in his own application, asserted that the JSC—entrusted with safeguarding judicial independence—should not be the institution subjecting judges to public ridicule and unfounded speculation."Its actions contradict its constitutional duty, creating a precedent where judges can be publicly discredited without due process, in violation of their inherent right to dignity," he states.Chief Justice Martha Koome had obtained a similar order on Friday last week before Justice Lawrence Mugambi. Koome, in her application, argued that the JSC lacks both the authority and the constitutional mandate to entertain any claims against her or any of the Supreme Court Judges.She stresses that the JSC has no power over decisions made by the Supreme Court while exercising their constitutional role. The Judge makes reference to two petitions pending before the JSC against the Supreme Court judges..one is filed by city lawyer Nelson Havi and Christopher Rosana.Koome said both petitions are based on decisions made by the Supreme Court or the exercise of powers conferred on the Supreme Court by the Constitution. Based on this, the CJ argues that the constitution does not grant the JSC any powers to intervene or determine any issue on the exercise of powers by the Supreme Court, whether judicial, functional, or institutional. "Allowing the JSC to entertain, hear, or determine the two petitions would amount to a mockery of justice, as the constitution must be applied in a manner that upholds public interest and ensures that the integrity of the judiciary is not undermined," says Koome. Mwilu on the other hand, says the complaints presented in the challenged petitions concern decisions made collectively by all judges of the Supreme Court in their official judicial roles. She adds that they contain broad, unsubstantiated allegations that Havi has linked to rumours and gossip arising from his interactions with Senior Counsel Ahmednasir. "These claims lack a solid foundation as they are not supported by evidence,"she says. Justice Ibrahim echoed the same sentiments saying the JSC doesn't have the jurisdiction to handle the petitions before it. Supreme Court Faces Crisis as 10 Judges Risk Removal Over Juja Land Row The Kenyan Judiciary faces a potential crisis following a petition to remove 10 senior judges accused of misconduct in a high-profile dispute over a 443-acre Juja property valued at over Sh3 billion. The petition, filed by Kungu Muigai, chairman of the Kenya Cultural Centre Council, and his brother, former Gatundu MP Ngengi Muigai, alleges gross misconduct in handling a decades-long case involving the land. The dispute stems from a 1988 Sh23 million loan by Benjoh Amalgamated, backed by a USAID-supported floriculture project. As collateral, Benjoh offered parcels in Nyandarua, while the Muigais' Muiri Coffee Estates guaranteed the loan with the Juja land. The loan defaulted amid claims KCB Bank withheld crucial funds, triggering a legal saga spanning 25 cases across the High Court, Court of Appeal, and Supreme Court. KCB auctioned the property in 2007 to Bidii Kenya Ltd for Sh70 million, despite the Muigais valuing it at Sh1.3 billion. The brothers argue the sale was grounded on a fraudulent 1992 consent order permitting the auction. Kenya's Chief Justice Martha K. Koome "Petitioners herein plead for an investigation into the conduct of the judges in this matter and their subsequent removal… for upholding and affirming a non-existent purported judgment," the Muigai brothers stated. The petition implicates four Supreme Court judges, risking the court's operational quorum, alongside six Court of Appeal judges. Senior Counsel Paul Muite argued the case rested on a non-existent document, emphasizing, "Courts of law are courts of record, and without a record, a party cannot execute any judgment." The Directorate of Criminal Investigations (DCI) is probing allegations of forgery, bribery, and conspiracy linked to the disputed consent order. Records from the Law Society of Kenya revealed that G.K. Meenye, listed as Benjoh's lawyer in 1992, lacked a practicing certificate at the time. Meanwhile, KCB has denied any wrongdoing. The Muigais insist they paid KCB Sh6 million in partial debt repayment, disputing subsequent demands for Sh44.3 million. The Judicial Service Commission, which received the petition, declined to comment, terming the matter "confidential." The unfolding case could severely impact judicial operations, sparking a broader debate on accountability within Kenya's legal system. The Judiciary Kenya Court proceedings In Other News: The Reemergence Of Chinkororo Raises Fresh Security Concerns In Kisii And Nyamira. Supreme Court Faces Crisis as 10 Judges Risk Removal Over Juja Land Row Deputy chief justice Philomena Mwilu and Chief Justice Martha Koome at the supreme court, Nairobi on 2nd September 2022. [File, Standard] Supreme Court judges have received backing from the Federation of Women Lawyers in Kenya (FIDA), which argues that it is illegal to simultaneously remove more than two judges from office. The lobby argued in its case filed before the High Court that the Constitution does not anticipate a vacuum at the apex court. FIDA sued the Judicial Service Commission (JSC) and the Attorney General. FIDA's lawyer, Caroline Oduor, said the agency had opted to sue to block an imminent crisis. According to her, the apex court is uniquely placed in the country's governance structure, in which any interference will weaken judicial independence. "The petition filed herewith challenges the unconstitutional, unlawful, and procedurally flawed process initiated by the respondent that is likely to result in the simultaneous removal of more than two (2) or possibly all the seven (7) judges of the Supreme Court of Kenya. If this process is allowed to proceed, it will paralyze the Supreme Court, undermine the rule of law, and violate constitutional principles such as judicial independence, fair administrative action, access to justice, and the right to fair hearing," argued Oduor. She further said that the move is meant to create an autocracy, adding that with heightened political instability in the country, it is perceived that there is an intent to bring in' politically correct judges.' "In addition to rendering the Supreme Court inoperative, the process initiated by the first respondent will trigger a chain of constitutional crises, including disruption of the constitutional checks and balances, potentially enabling unchecked power in the Executive and or the Legislature, thereby eroding democratic principles and paving the way for autocratic governance," she stated. Ms Oduor asserted that failure to intervene would lead to a catastrophe. She claimed that the events of January 24, 2025, were equivalent to a takeover of the judiciary, as the commission held a meeting without Chief Justice Martha Koome and Supreme Court judges' representative Justice Mohammed Ibrahim and decided that all should respond. FIDA's Executive Director, Anne Ireri, in her supporting affidavit, argued that the Supreme Court can only function with a minimum of five judges. According to her, to remove more than two judges or all of them would essentially mean that the Judiciary has no apex judicial authority. Ireri added that it would also affect the right of Kenyans to access justice. "The Supreme Court plays a critical role in constitutional interpretation, appellate jurisdiction, and advisory opinions. Its inoperability would mean that Kenyans seeking legal redress, particularly in matters of constitutional and national importance, will have no recourse," said Ireri. FIDA wants the court to block any action against the senior judges. Already, the CJ, her deputy Philomena Mwilu and Justices Ibrahim, Smokin Wanjala, Njoki Ndung'u, Isaac Lenaola and William Ouko have separate cases against the commission and the AG, seeking to quash its demand that they should respond to claims filed by different complainants. In the separate cases, the seven senior judges argue that the JSC cannot entertain petitions that amount to a review of their judgments or rulings. NAIROBI, Kenya, Sep 11– The supreme Court has concluded the hearing of a government appeal against a Court of Appeal-endorsed High Court decision that declared the Finance Act 2023 unconstitutional. A full bench led by Chief Justice Martha Koome said the court will deliver its judgement on notice. Click here to connect with us on WhatsApp Among the issues raised during the hearing was the question of whether there had been sufficient citizen engagements and whether there was necessity for concurrence between the National Assembly and the Senate on amendments made by either House without involvement of the other prior to the enactment of the law. Parties opposed to the reinstatement of the Act led by Busia Senator Okiya Omutata argued that their case as sought clarifications on key Issues relating to the appeal. Lead Counsel for the National Assembly and Speaker of the National Assembly Issa Mansour reiterated the position that there had been adequate public participation and that there were avenues open to the public to keep track of the progress of the legislative process including uptake of their representations received during the public participation stage. "The Bunge TV Channel is open to the Public and all House proceedings are open to the Public. The National Assembly has social media channels where all it's activities are posted, namely the Parliament of Kenya Facebook Page and National Assembly X account. The Chamber also has a public gallery open to any citizen to physically follow proceedings of the House," said Mansour. Professor Githu Muigai who led coulsel for Attorney General and the Cabinet Secretary for Treasury and National Planning cautioned against upholding the Court of Appeal Judgment indicating that it would be akin to crippling the operations of the State. "The judicature should avoid radical rulings that imperial the stability of the state which is exactly what the High Court did. When you defund the state that is not a step that should be taken lightly," Prof. Muigai urged the court. The Supreme Court had suspended the Court of Appeal's judgment declaring Finance Act 2023 unconstitutional pending the outcome of the final appeal. In its decision on August 20, the Supreme Court highlighted the uncertainty surrounding the revenue measures and the difficulties that could arise in government operations if the Act remained unconstitutional. The Supreme Court emphasized that public interest tilted in favor of maintaining the Finance Act in force pending the appeal, as reversing its effects later might not be feasible if the appeal succeeded. The Court also acknowledged that, unlike the Court of Appeal, which had refused to stay the execution of the High Court's judgment on the matter, it was within its discretion to issue interlocutory orders on a case-by-case basis. Court of Appeal had in July 31, declared the Finance Act 2023 unconstitutional due to flaws in its enactment process. A three-judge bench comprising Justices Kathurima M'inoti, Agnes Murgor, and John Mativo found that the amendments made to various tax laws — including the Income Tax Act, Value Added Tax Act, Excise Duty Act, Retirement Benefits Act, and Export Processing Zones Act — post-public participation were unconstitutional. The judges cited failure to subject the amendments to fresh public participation, a move they said violated constitutional provisions. "Accordingly, we hereby issue a declaration that the enactment of the Finance Act, 2023 violated Articles 220 (1) (a) and 221 of the Constitution as read with sections 37, 39A, and 40 of the PFMA which prescribes the budget-making process, thereby rendering the ensuing Finance Act, 2023 fundamentally flawed and therefore void and consequently unconstitutional," the bench stated. by Samuel Njuguna on Friday, 21 February 2025 - 6:10 pm The High Court in Nairobi has barred the Judicial Service Commission from considering petitions to remove Chief Justice Martha Koome and her colleagues at the Supreme Court, offering temporary relief for the besieged head of the Judiciary. Justice Lawrence Mugambi made the ruling on Friday, February 21, just two days after a Narok court issued similar orders. The orders stem from a petition filed by Justice Njoki Ndung'u asking the court to stop the petition seeking the removal of the seven Supreme Court judges. "That a conservatory order is hereby issued staying and/or suspending JSC Petition No. 35 of 2024—Dari Limited & 5 others vs Hon. Chief Justice Karambu Koome & 6 Others and JSC Petition No. 3 of 2025 Nelson Havi vs Hon. Chief Justice Martha Karambu Koome & 6 Others pending the hearing and determination of this Application inter partes," Justice Mugambi ruled. This is the first of several rulings expected soon following a petition by the former Law Society of Kenya President Nelson Havi and others seeking the ouster of the seven judges in the highest court on the land. Havi on January 13 filed a petition seeking the removal of CJ Koome and the entire seven-judge bench of the Supreme Court. That is Koome, her deputy Philomena Mwilu, and justices Mohamed Ibrahim, Smokin Wanjala, Njoki Ndung'u, Isaac Lenaola, and William Ouko. The petition, submitted to the JSC, alleged gross misconduct and misbehaviour by the judges. Havi's grievances include the Supreme Court's decision to bar lawyer Ahmednasir Abdullahi and his law firm from appearing before the court, a ban issued in January last year. In response, the JSC requested that the implicated judges provide their responses to the allegations. This started a legal fight between judges and their employer, JSC. On Friday, Koome, Mwilu, and Ndung'u sued the JSC, arguing that the Commission had no authority to review the decisions and/or judges of the Apex Court. In her petition seen by Kenyans.co.ke, Koome argued that the Supreme Court has the ultimate authority over JSC and not the other way round. The head of the judiciary added that JSC entertaining the petition seeking the removal of Supreme Court judges is a 'mockery of the justice system.' "Indeed, it is the Supreme Court that has the ultimate authority over the 1st Respondent (JSC) on matters of removal of Judges of Superior Courts," she said. The legal battle took shape on Wednesday when the High Court in Narok issued orders quashing a petition demanding the Supreme Court judges submit responses to remove them from office. JSC had asked the seven Supreme Court judges to file their responses to the petition seeking their ouster. Justice Charles Kariuki directed the commission to withdraw its directive asking CJ Koome and the other judges to respond to three petitions or any others. However, the case seems to be set to continue on various fronts. The petition before Justice Mugambi will be mentioned again on Wednesday, March 5. This article needs additional citations for verification. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed.Find sources: "Judiciary of Kenya" – news · newspapers · books · scholar · JSTOR (December 2013) (Learn how and when to remove this message) Politics of Kenya National Government Constitution History Human rights LGBT rights Executive President (list) William Ruto Deputy President Kithure Kindiki Cabinet Prime Cabinet Secretary Musalia Mudavadi Attorney General Dorcas Oduor Director of Public Prosecutions Renson Ingonga Legislature National Assembly Speaker: Moses Wetangula List of members Constituencies Senate Speaker: Amason Kingi List of members Judiciary Chief Justice Martha Koome Deputy Chief Justice Philomena Mwilu Supreme Court Court of Appeal High Court Subordinate courts Magistrates Courts Kadhi Courts Courts Martial Tribunals Judicial Service Commission Administrative divisions Counties Sub-Counties Constituencies CommissionsOffices Electoral and Boundaries Ethics and Anti-Corruption National Human Rights and Equality National Commission on Human Rights Administrative Justice National Land Commission Revenue Allocation Salaries and Remuneration Service CommissionsJudicial National Police Parliamentary Public Teachers OfficesAuditor-General Controller of Budget Recent elections General: 201320172022 Presidential: 2017 (Oct) 2022 Local: 200720132017 Political parties The National Alliance United Republican Party Orange Democratic Movement Wiper Democratic Movement Party of National Unity Kenya African National Union Kenya National Congress Foreign relations Ministry of Foreign Affairs Minister: Monica Juma Diplomatic missions of / in Kenya Passport Visa requirements Visa policy Economic schemes Vision 2030 Kenya Economic Stimulus Program Kenya portal Other countries vte The Judiciary of Kenya is the system of courts that interprets and applies the law in Kenya. After the promulgation of the Constitution of Kenya in 2010, the general public, through parliament, sought to reform the judiciary. Parliament passed the Magistrates and Judges Vetting Act of 2011. A major part of reforming the judiciary was the vetting of Magistrates and Judges in an attempt to weed out unsuitable ones. The Judicature Act has also been amended to raise the minimum number of Magistrates and Judges allowing more judicial officers to be hired. More magistrates and judges are needed to clear the backlog of cases that have caused great delay in the conclusion of cases and to staff new courts. New courts are needed to bring the courts closer to the people which is in line with devolution, a major principle written into the Constitution of 2010. New courts like the High Court opened in Garissa in November 2014 is a good example. In the past residents of North Eastern Kenya had to go all the way to Embu to access a High Court. The Judiciary of Kenya consists of three Superior courts; the Supreme Court, Court of Appeal, High Court. The Employment & Labor Relations Court, the Environment & Land Court are considered to have the same status as the High Court. The subordinate courts consist of the Magistrates Courts, Courts Martial, Small Claims Courts, Kadhi Courts, Tribunals and the Courts Martial.[1] Main article: Supreme Court of Kenya The Supreme Court is the highest court in Kenya, and all other courts are bound by its decisions. It is established under Article 163 of the Constitution as the final arbiter and interpreter of the Constitution. It comprises the Chief Justice of Kenya who is the President of the Court, the Deputy Chief Justice who is the Vice-President of the Court and five other Judges. It sits at the Supreme Court Building (formerly the Court of Appeal in Nairobi Central Business District), and has to have a quorum of five judges.[2] The Supreme Court of Kenya has designated roles that are defined under section 3 of the Supreme Courts Act of 2011. Main article: Court of Appeal of Kenya This court handles appeal cases from the High Court, the Environment & Land Court and the Employment & Labor Relations Court as prescribed by Parliament. It has between 12 (minimum) and 30 (maximum) judges. The Court of Appeal is headed by a President elected by the Court of Appeal judges among themselves. The current President of the Court of Appeal is Justice Daniel Musinga. Each station of the court is led by a Presiding Judge.[3] Main article: High Court of Kenya The High Court of Kenya is established under Article 165 of the constitution of Kenya. It has supervisory jurisdiction over all other subordinate courts and any other persons, body or authority exercising a judicial or quasi-judicial function. The judges responsible elect one of them to act as the topmost principal judge in the court system. It has unlimited original jurisdiction and carries out supervisory roles.[4] The Employment and Labour relations court is established under Article 162(2)(a) of the Constitution of Kenya 2010. It is also established under The Employment & Labour Relations Act of 2011 to hear and determine disputes relating to employment and labour relations and for connected purposes.[5] The Employment and Labour Court has both appellate and original jurisdiction to hear disputes between different parties regarding labour. An Act of Parliament to give effect to Article 162(2)(b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction functions and powers, and for connected purposes[6] The courts below the High Court are referred to as Subordinate courts. These are:[7] Main article: Magistrates Courts (Kenya) Article 169 1(a) of the constitution of Kenya 2010 creates the Magistrate court. This is where majority of the judiciaries cases are heard. Magistrate courts are generally located in every county in Kenya. The new Magistrate Courts' Act 2015 significantly increases the pecuniary jurisdiction of magistrate courts. One of the most notable changes in terms of the expansion of the jurisdiction of the Magistrates Courts is with regard to the increase of the pecuniary jurisdiction in relation to proceedings of a civil nature. For instance, the pecuniary jurisdiction where the Court is presided over by a chief magistrate has been increased from KSh.7 million/= to KSh.20 million/=. The Chief Justice is however empowered to revise the pecuniary limits of the civil jurisdiction by a Gazette notice, by taking into account inflation and prevailing economic conditions. The presiding judicial officer in Magistrate court could be a Chief Magistrate, Senior Principal Magistrate, Senior Resident Magistrate, Resident Magistrate or Principle Magistrate. Their authorities vary in administrative responsibility and range of fining and sentencing abilities. The Judicature Act is the statute passed by parliament detailing the varying powers and jurisdiction of Magistrates and Judges. Main article: Kadhi Courts Article 169 1(b) of the Constitution of Kenya 2010 creates Kadhi's court. This is a court that hears civil matters relating to Sharia law. The parties involved must all be followers of Islam and all must agree that the matter to be decided under Islamic law. The matter must be civil in nature e.g. Divorce, succession etc. The court is headed by a Chief Kadhi and parliament is given the authority to enact laws describing the guidelines, qualification and jurisdiction of this court. Appeals from Kadhi Court are heard by the High Court.[8] Main article: Courts Martial (Kenya) Article 169 1(c) of the constitution of Kenya 2010 creates the Martial courts. Generally, this type of jurisdiction involves a group of law administrators, that is, the military court where matters involving members of the Kenya Defense Forces are heard. Appeals from this court are heard by the High Court. Tribunals form part of Kenya's subordinate courts under Article 169(1)(d) of the constitution of Kenya 2010. They are established under various Acts of Parliament to determine disputes arising from the decision of government entities.[9] The Judiciary The chief administrator of the Supreme Court is the Chief Justice, who is the President of the Supreme Court. One of his/her responsibilities is to come up with procedures for running the courts, as well as decisions on staffing and where new courts should be opened. Certain situations dictate that the Chief Justice appoint a judge or panel of judges to deal with a specific matter. The Deputy Chief Justice is the deputy president of the Supreme Court. The judges of the High Court and the Court of Appeal each elect a member to deal with administrative issues as well as represent them in the Judicial Service Commission. The Chief Registrar of the Judiciary has the responsibility of being the chief administrator and accounting officer of the Judiciary. There is a Registrar each for the Supreme Court, the Court of Appeal, the High Court, the Environment & Land Court and the Employment & Labor Relations Courts. There is also a Registrar for Magistrates Courts, Tribunals and the Small Claims Court. The Registrar for each court serves as the administrator, record keeper and accounting officer in each of the courts. Main article: Judicial Service Commission (Kenya) An independent Judicial Service Commission has been set up to handle the appointment of judges. They will recommend a list of persons to be appointed as judges by the President.[10] Main article: Chief Justice of Kenya The Chief Justice of Kenya is the head of the Judiciary, the President of the Supreme Court and the Chairperson of the Judicial Service Commission. The Chief Justice is deputised in his/her functions by the Deputy Chief Justice who is also the Vice President of the Supreme Court. The Chief Justice and the Deputy Chief Justice are appointed by the country's President on the recommendation of the Judicial Service Commission and subject to the approval of the National Assembly.[11] The current Chief Justice is Martha Koome, who was appointed to the office by President Uhuru Kenyatta after the previous Chief Justice, David Kenani Maraga, retired on 12 January 2021.[12] The Deputy Chief Justice is Philomena Mbete Mwilu. Main article: Chief Registrar of the Kenya Judiciary The Chief Registrar of the Judiciary is the chief administrator and accounting officer of the Judiciary. The Chief Registrar also serves as the Secretary of the Judicial Service Commission and the Secretary to the National Council on the Administration of Justice. The Chief Registrar is appointed by the Judicial Service Commission. The current Chief Registrar is Anne Atieno Amadi, who was appointed to the office in January 2014, succeeding Hon Gladys Boss Shollei.[13] Judicial Service Commission (Kenya) Kenya Judges and Magistrates Vetting Board ^ "Courts – The Judiciary of Kenya". Retrieved 2021-05-20. ^ "Supreme Court – The Judiciary of Kenya". Retrieved 2021-05-20. ^ "Court of Appeal – The Judiciary of Kenya". Retrieved 2021-05-20. ^ "High Court – The Judiciary of Kenya". Retrieved 2021-05-20. ^ "Employment and Labour Relations Court – The Judiciary of Kenya". Retrieved 2021-05-20. ^ "Environment and Land Court – The Judiciary of Kenya". Retrieved 2021-05-20. ^ "Subordinate Courts – The Judiciary of Kenya". Archived from the original on 2021-05-12. Retrieved 2021-05-20. ^ "Kadhis – The Judiciary of Kenya". Retrieved 2021-05-20. ^ "Judiciary Tribunals". Judiciary of Kenya. Retrieved 13 November 2023. ^ "Judicial Service Commission of Kenya » JSC Overview". Retrieved 2021-05-20. ^ "Office Of the Chief Justice – The Judiciary of Kenya". Archived from the original on 2021-06-20. Retrieved 2021-05-20. ^ Njeru, Betty (19 May 2021). "President Uhuru appoints Martha Koome as new Chief Justice". The Standard. Retrieved 2021-06-02. ^ reporter, S. D. "JSC appoints Anne Atieno Amadi Chief Registrar of the Judiciary". The Standard. Retrieved 2023-07-10. Wabwile, Michael Nyongesa (2003). "The Place of English Law in Kenya". Oxford University Commonwealth Law Journal. 3 (1). Oxford University: 51–80. doi:10.1080/14729342.2003.11421422. - Published online on 27 April 2015 Official website Retrieved from " 22022–present meeting of parliament The 13th Parliament of Kenya was elected in the 2022 Kenyan general election.[1] The composition of both chambers is as follows: Azimio la Umoja makes up the majority in the National Assembly, while Kenya Kwanza has the majority in the Senate.[2] Party or allianceConstituencyCountySeatsVotes%SeatsVotes%SeatsAppointedTotal+/–Azimio La UmojaODM–––85–JP–29–Wiper–25–DAP – K–5NewKANU–5–UDM–5NewPAA–4NewMCCP–2–UPIA–2NewMDG–1NewUPA–1NewUDP–2NewKUP–1NewTotal–167–Kenya KwanzaUDA–138NewANC–7–FORD – K–6–TSP–2NewCCK–1NewDP–1–Total–155–GDDP–1NewKENDA–1–NOPEU–1NewIndependents–12NewTotal–3370Source: NTV (Kenya)[2][3] PartySeatsKenya Kwanza24Azimio La Umoja23Other parties and independents–To be declared–Total47Source: NTV Kenya[2] Constituency MP Party Ainabkoi Samuel Chepkonga[4] UDA Ainamoi Benjamin Langat[5] UDA Aldai Marianne Jebet Kitany UDA Alego Usonga Samuel Atandi ODM Awendo John Owino ODM Bahati Irene Mrembo Njoki JP Balambala Abdi Omar Shurie JP Banissa Kulow Maalim Hassan UDM Baringo Central Joshua Chepyegon Kandie UDA Baringo North Joseph Kipkoross Makilap UDA Baringo South Charles Kamuren [Wikidata] UDA Belgut Nelson Koech [Wikidata] UDA Bobasi Innocent Obiri Wiper Bomachoge Borabu Obadiah Barongo [Wikidata] ODM Bomachoge Chache Miruka Ondieki Alfah [Wikidata] UDA Bomet Central Richard Kilel UDA Bomet East Richard Yegon Kipkemoi [Wikidata] UDA Bonchari Charles Mamwacha Onchoke [Wikidata] UPA Bondo Gideon Ochanda Ogolla [Wikidata] ODM Borabu Patrick Kibagendi Osero [Wikidata] ODM Budalangi Raphael Bitta Sauti Wanjala [Wikidata] ODM Bumula Jack Wamboka [Wikidata] DAP–K Bura Yakub Adow [Wikidata] UPIA B