

REPUBLIC OF KENYA

PRESS STATEMENT ON STATUS OF 10TH OCTOBER AS A PUBLIC HOLIDAY

The Ministry of Interior and Coordination of National Government has noted the increased public debate on whether or not 10th October is a Public Holiday. Provisions on public holidays are found in the Constitution, the Public Holidays Act (Cap 110, Laws of Kenya) and in case-law.

The framers of our constitution wisely stated in Article 9(3) that we shall celebrate our National heroes in one day – namely *Mashujaa Day* – which is set for 20th October each year. By that decision they renamed *Kenyatta Day*, *Mashujaa Day* and invited the country to recognise our other heroes alongside the Founding Father of our Nation, on that day. Kenyans should note that the Public Holidays Act was enacted before the Effective Date of the Constitution of Kenya 2010 (that is to say 27th, August 2010) and 10th of October is not among the national days recognised under Article 9(3) of the Constitution. The national days are *Madaraka*, *Mashujaa* and *Jamhuri*.

It is worth mentioning the fact that as an emerging economy we need to optimally utilise our time working and building the Nation, and this might have advised the reduction of public holidays through those amendments. In light of the Preamble in the Constitution of Kenya 2010 where we as people of Kenya adopted and enacted the Constitution to ourselves and to our future generations, we need to take pride in supporting economic advancement and the wellbeing of families and communities.

However, In **Judicial Review No. 292 of 2017** *(Republic v Cabinet Secretary for Internal Security Ex Parte G O Nyauchi & 4 Others)* the Court affirmed that the 10th of October remains a public holiday to be observed as such. Going by this decision therefore 10th of October shall be a public holiday.

In line with Section 7 of the Sixth Schedule to the Constitution, and arising from the aforesaid court ruling the Ministry was in the process of making proposals to Parliament for the comprehensive review of the Public Holidays Act, Cap 110 but was unfortunately caught up with time. The review will address all outstanding matters with respect to public holidays and embrace the spirit of the Constitution on how our heroes will be celebrated.

Finally, owing to the elaborate celebrations lined up for all our heroes on *Mashujaa Day* (20th of October), I make no pronouncement on the manner in which 10th of October shall be celebrated.

FRED MATIANG'I, PHD, EGH
CABINET SECRETARY

8th October 2018