

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 13th June, 2001

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.349*

LEVY ON MURANG'A-NAIROBI MATATUS

**Mr. Deputy Speaker:** Mr. Mwangi is not here? We will come back to the Question later.  
Next Question, Mr. Onyango!

*Question No.334*

DEPENDENCE ON RAIN-FED PRODUCTION

**Mr. Deputy Speaker:** Mr. Onyango is not here? We will come back to the Question later.  
Next Question, Mr. Kariuki!

*Question No. 285*

INDIGENOUS ENTREPRENEURSHIP PROMOTION

**Mr. Deputy Speaker:** Mr. Kariuki is not here? We will come back to the Question later.  
Next Question, Mr. Shidiye!

*Question No.067*

REHABILITATION OF BOREHOLES

**Mr. Deputy Speaker:** Mr. Shidiye is not here? We will come back to the Question later.  
Next Question, Dr. Kituyi!

*Question No.122*

MAINTENANCE OF KIMILILI-CHEBUKWABI ROAD

**Mr. Sifuna**, on behalf of **Dr. Kituyi**, asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Kimilili-Khwiroro-Chebukwabi Road in Kimilili Division is impassable due to lack of maintenance work; and,
- (b) what plans he is taking to avail money for this road since the withdrawal of the proposed *El Nino* funding.

**The Assistant Minister for Roads and Public Works** (Eng. Rotich): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Kimilili-Khwiroro-Chebukwabi Road in Kimilili Division is impassable due to the current rains.

(b) The Ministry is releasing funds to the district under the Road Maintenance Levy Fund for routine maintenance on all the roads in Bungoma District.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, we are specifically asking about the Kimilili-Khwiroro-Chebukwabi Road but not the entire district! This money was meant for the *El Nino* project. Since the funds were withdrawn, could the Assistant Minister be specific and tell us when this road will be repaired?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, this road falls under category "E" and "D" which is under the District Roads Board. It is up to the District Roads Board to prioritise it.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, *El Nino* funding for all the roads countrywide was haphazard. Whereas Bungoma District benefited immensely from these funds, its neighbour, Kakamega District and especially Lurambi Constituency, did not benefit from these funds. What remedial action is the Ministry taking to ensure that roads that were damaged by *El Nino* rains are attended to?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, the *El Nino* Emergency Funding does not fall under the Ministry of Roads and Public Works. Our role is to inspect, prioritise and forward them to the Office of the President.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, could the Assistant Minister dispel the rumours circulating that the money given by various donors for the *El Nino* Programme have been squandered by the Government and no one can say how they have been spent? One cannot point to a road today which was repaired using *El Nino* funds. Could he assure Kenyans that the monies donated by the various donors have not been squandered by the Government?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, I am not aware that the money has been squandered.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how much money has been released to Bungoma District in connection with repairing the various roads, and more particularly the Kimilili-Khwiroro-Chebukwabi Road? How much money has been released by the Government for the maintenance of this road?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, the total figure for Bungoma District is Kshs10,488,366.

**Mr. Deputy Speaker:** Dr. Kituyi, you were supposed to have given Mr. Sifuna the authority to ask the Question on your behalf.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I do apologise for that. I had mentioned to my colleague and friend, hon. Sifuna, that I might be held up and would not make it here in time. That is why I requested him to ask the Question on my behalf. But having said that---

**Mr. Deputy Speaker:** What have you said?

**Dr. Kituyi:** I have said I was not able to make it here by 9.00 a.m. and I had requested hon. Sifuna to ask the Question on my behalf.

**Mr. Deputy Speaker:** Order, Dr. Kituyi! Hon. Members must be honourable at all times. Next time, I will insist that any Member who would like to ask a Question on behalf of another hon. Member should produce a written request.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the hon. Assistant Minister is misleading the House. The amount of money that was disbursed to Bungoma District Roads Committee was Kshs500,000 per constituency. Kimilili-Khwiroro-Chebukwabi Road has three bridges which need repair apart from grading and gravelling. How can we get along with Kshs500,000 even for the replacement of a single bridge? Where has the balance of the Kshs10 million which he has mentioned gone to?

**Eng. Rotich:** It is true that we have given Bungoma District Kshs1.5 million per constituency. But the total allocation for Bungoma District is Kshs10 million.

**Mr. Deputy Speaker:** Next Question, Mr. Kikuyu!

#### *Question No.338*

#### TARMACKING OF ROADS IN MACHAKOS

**Mr. Kikuyu** asked the Minister for Local Government why the tarmacking of roads in Machakos Town stopped and the contractor moved without completing the works as per the terms of the contract.

**Mr. Deputy Speaker:** The Minister for Local Government is not in? We shall come back to that Question later on!

Next Question!

*Question No.233*

## COMPENSATION OF KIPYEGON'S FAMILY

**Mr. Kimeto** asked the Attorney-General when he will release an amount of Kshs243,300 paid by Ephem Insurance Brokers Limited vide Ref.No.EIB/6963FM/97, File No.PT/184/2000 as compensation to the family of the late Mr. Joseph Kipyegon Tonui, P/No.88045814, who died in a road accident on 22nd July, 1996.

**Mr. Deputy Speaker:** The Attorney-General is not in? We shall come back to that Question later on!

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. May I seek your indulgence and request you to order that before we close the business of the House every Tuesday evening, hon. Members of Parliament and Ministers be availed the Order Paper for Wednesday morning, in order to know who has a Question to ask and answer the following morning. It appears most of the hon. Members are not aware that their Questions are on the Order Paper. It is not that they just ignored them deliberately.

**Mr. Deputy Speaker:** Order, Mr. Ndicho! The business of the House for the whole week was availed to all hon. Members on Monday, including the Questions which appeared yesterday and are on the Order Paper today. So, you cannot use that as an excuse for not showing up. Those who have not shown up to ask or to answer Questions will have to answer for it.

**Mr. Kimeto:** On a point of order, Mr. Deputy Speaker, Sir. Could you give guidance on my Question that has not been answered by the Attorney-General?

**Mr. Deputy Speaker:** Could you repeat what you have just said? I did not hear it well.

**Mr. Kimeto:** Mr. Deputy Speaker, Sir, I need your guidance on what would be done to the Attorney-General who is not present to answer my Question.

**Mr. Deputy Speaker:** I have just told you that I will go back to the Questions which have not been answered. So, I will come back to yours again!

Mr. P.K. Mwangi's Question for the second time!

*Question No.349*

## LEVY ON MURANG'A-NAIROBI MATATUS

**Mr. Deputy Speaker:** Mr. P.K. Mwangi is not in? The Question is dropped!

*(Question dropped)*

**Mr. Deputy Speaker:** Mr. Onyango's Question for the second time!

*Question No.334*

## DEPENDENCE ON RAINFED PRODUCTION

**Mr. Deputy Speaker:** Mr. Onyango is not in! The Question is dropped!

*(Question dropped)*

**Mr. Deputy Speaker:** Mr. Kariuki's Question for the second time!

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, I have not received a written reply to this Question.

*Question No.285*

## INDIGENOUS ENTREPRENEURSHIP PROMOTION

**Mr. Kariuki** asked the Minister for Trade and Industry:-

(a) whether the Ministry is committed to Government policies of promotion of indigenous entrepreneurship and eradication of poverty; and,

(b) whether he could explain why Kenya Breweries Limited and Uneliver Kenya Limited have hired, and the Government licensed a multinational company, Tibbett and Britten to transport and distribute beer products, a job which was hitherto done by local people, thereby denying them a livelihood.

**Mr. Deputy Speaker:** You cannot ask the Question before you apologise for coming late!

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, I would also like to apologise for coming late! I was not aware this Question was on the Order Paper.

**Mr. Deputy Speaker:** Order! All hon. Members are expected in the House at 9.00 a.m. on Wednesday morning whether you are aware or not that your Question is on the Order Paper. So, let us not have these excuses any more.

Proceed, Mr. Biwott.

**The Minister for Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware

(b) It is true, but unfortunately, Kenya Breweries Limited requested the Government to license Tibbet and Britten to transport and distribute beer in 1995, and it was allowed to do so. I agree with Mr. Kariuki that there is something anomalous and we are addressing the matter in order to conform with our policy.

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, you have heard from the Minister a very serious answer regarding a major breach of Government policy, whereby multinational companies are doing jobs that could be done very effectively by local people. Here is a multinational company dealing with the distribution of beer and transportation of the same, while we have many small operators with small lorries who could effectively do this type of job. I wonder how soon the Minister will take action to rectify this anomaly so that the local people can get employment through distribution and transportation of beer from Kenya Breweries Limited and other products that are supplied by the East Africa Industries. And how soon are such companies like Tibbett and Britten, which are operating unethically, going to be denied licenses to operate in this country? Liberalisation is killing the small entrepreneurs, whereas in the 1960s and 1970s, the Government was very keen to help the local people.

**Mr. Biwott:** Mr. Deputy Speaker, Sir, I think the hon. Member knows that I act faster than he does. I was here early in the morning, and before he was. So, if I went by his speed, I would not do what I am doing. I am addressing this problem vigorously and I think he should learn from a very experienced hon. Member from his party, Mr. Keriri, who is very familiar with Africanisation and privatization. One of the aspects of liberalization is that, if investors come to invest in this country, we treat them the same as we treat our own investors. But in this particular case, I think there is a lot more to it, and after we finish addressing this matter in collaboration with the company involved, something will definitely be done.

*(Mr. Donde consulted with  
the Civil Service Bench)*

**Mr. Deputy Speaker:** Order! Mr. Donde, those are strangers in the House and you have no business holding discussions and laughing with them. If you would like to talk to them, proceed behind the Chambers.

**Anyona:** Mr. Deputy Speaker, Sir, the Minister has gracefully admitted that Government policy was breached in 1995, six years ago. It is quite clear that there must have been something fishy about the manner and the circumstances in which this took place. Could the Minister give us some background as to how Government willingly flouted a serious policy like this?

**Mr. Biwott:** Mr. Deputy Speaker, Sir, if the hon. Member is looking backwards on the whole issue, I would like to appeal to him through you, to accept that we will be addressing this issue vigorously. It is better to look forward to better results.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I asked a legitimate acceptable supplementary question and the Minister has no authority to lecture me on how I should look at things. We are dealing with corruption and it appears there are corrupt deals behind this issue. We would like to know so that we can address the root cause of this issue.

**Mr. Biwott:** Mr. Deputy Speaker, Sir, the hon. Member knows that I do address the root causes of matters. We will deal with this matter squarely. I am one of those who do not condone corruption. So, he should rest assured that we will do our job thoroughly and ensure that this is done. Otherwise, I would not have admitted it. I have admitted that this should not have been done.

**Mr. Omingo:** Mr. Deputy Speaker, Sir, it is unfortunate that we have graduates tarmacking and if the hon. Minister is going to give licences to operators because they have applied, it is possible that he may have to

liberalize refuse collection. What is the Minister doing to ensure that Kenyans are protected from multinationals doing the basic things that Kenyans can do? This deal is suspect, because it has taken over six years to correct the anomaly.

**Mr. Biwott:** Mr. Deputy Speaker, Sir, it has not taken six years for this matter to be discovered. We shall deal with the issue from now on, since we have discovered that something anomalous was done. I will act expeditiously. I think the hon. Member knows that I do act.

**Mr. Gatabaki:** On a point of order, Mr. Deputy Speaker, Sir. If you look at part "a" of the Question, it seeks to know whether the Government is prepared to support and promote indigenous entrepreneurship. Is the Minister not misleading the House, considering the number of indigenous enterprises that we have in the country and are facing problems. The latest one is Alliance Hotels. Could the Government categorically assure the country that it is supporting indigenous enterprises, because we know that so many of them have collapsed? So many indigenous businesses are collapsing one after another. Could the Minister assure the House that the Government, indeed, supports African enterprises, and particularly, the Alliance Hotels?

**Mr. Deputy Speaker:** Mr. Gatabaki, you have made a statement and asked a question, but you have raised no point of order. But I will let the Minister respond.

**Mr. Biwott:** Mr. Deputy Speaker, Sir, we do, indeed, support indigenous private enterprises. But it would be too much to expect the Government to bail out people who have incurred debts.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, while the Minister will take an action on the transportation business on the multinational companies, could he also do the same on the multinational air freight companies which have killed the local clearing agents? These air freight companies also do the local clearing and forwarding business. Could the Minister do something about that?

**Mr. Biwott:** Mr. Deputy Speaker, Sir, I am dealing with this particular Question which was raised by Mr. Ngenye Kariuki. I promised that my Ministry will address this issue and bring it into conformity with the Government policy. But on all the other issues, this is something which should actually involve Kenyans themselves. All Kenyans who are able should invest in transportation, forwarding and clearing, and they should be very efficient. They should avoid putting themselves into situations where they are taken for liquidation.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, this is the second time that this Question has been asked in this House. I asked this Question when Mr. Kamotho was the Minister for Trade, and his answer was disastrous. He said that it was the Opposition which allowed liberalisation. I am very happy that Mr. Biwott has this morning admitted that there was an anomaly in some Government policy. He has admitted that, there were some African entrepreneurs who borrowed money from banks and bought trucks and lorries to transport beer and other Unilever products; and when M/s Tibbett & Britten Kenya Limited came into the industry, their contracts were cancelled. As a result, those Africans were put into a lot of problems - their trucks were repossessed by the banks and they ended up losing a lot of money, and now they are living in abject poverty. Since the Government has admitted that anomaly as its own creation - will the Government take liability and bail [Mr. Ndicho] those people out of the problems that they were thrown into by the introduction of Tibbett & Britten Kenya Limited?

**Mr. Biwott:** Mr. Deputy Speaker, Sir, the hon. Member is confusing policy with contractual obligation. With regard to policy, the Government is committed so supporting indigenous enterprises. With regard to the contractual obligation, that is a matter to be dealt with by the courts.

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Are you raising a point of order here to the Chair?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the Minister has accepted that something has been going wrong, and it has been very widespread. Today, we have Indians who are bus drivers in Kenya, between Nairobi and Mombasa, who cannot speak a word of English or Kiswahili. They have found a way into our market. Today, we have Koreans who are hawking contraband goods in Kisumu and Kakamega. This Minister, you and I know, is capable of making the Government move where others fail. Could the Minister give an undertaking to this House that those officers in the Government who are responsible for these unfortunate occurrences of breach of specific Government policies will be used to demonstrate that what is wrong cannot be tolerated any more?

**Mr. Biwott:** Mr. Deputy Speaker, Sir, I will not give that undertaking because it is not my responsibility. As far as the Government is concerned, support for the private enterprise is assured. I am not aware of the circumstances relating to the issues raised by the Member. With regard to Indian drivers in the country, I have been to the United States of America (USA) and Europe and I have seen African cleaners, cooks and drivers there. So, until I know the special circumstances under which these foreigners are working in Kenya, it would be very difficult to take any action. There is no problem with people going to work in other countries. **Dr. Kituyi:** On

a point of order, Mr. Deputy Speaker, Sir. Is Mr. Biwott in order to start creating this convolution about African cleaners in the USA when I have talked specifically about Indians doing jobs which can be done by Kenyans who are unemployed today? These Indians are driving buses in Kenya and Koreans are hawking second-hand goods in Kisumu and Kakamega. This has nothing to do with what happens in a labour-deficit economy.

**Mr. Deputy Speaker:** Order, Dr. Kituyi! Mr. Biwott as a person, has no business answering your question. But Mr. Biwott who is a Minister for Trade and Industry should answer your question. When you ask a question to a Minister, you do not use his personal name, no matter how enraged you are.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, could he now, as the Minister for Trade and Industry, tell us the relationship between a labour-deficit economy such as the USA, importing cheap labour and a labour-surplus economy such as Kenya, importing Indian drivers and Korean hawkers?

**Mr. Biwott:** Mr. Deputy Speaker, Sir, if the hon. Member will care to give me one specific case, I will answer specifically. But if it is the question of the Indian drivers, maybe those Indian drivers are creating more jobs for Kenyans through that employment.

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, it is good the Minister admitted that there was an anomaly. Could he deny or confirm that this anomaly has been caused by a panel chairman of the company, Mr. Jeremiah Kiereini, who has no passion and respect for Africans and, therefore, has picked these multinationals in order to please his foreign masters?

**Mr. Biwott:** Mr. Deputy Speaker, Sir, first of all, the hon. Member ought to apologise for undermining the good name of Mr. Jeremiah Kiereini under whom I served, and he is a very able man. In fact, Kenyans were lucky to have him there. M/s Tibbett & Britten are not Mr. Jeremiah Kiereini's names. We will address this issue as soon as possible. As I said earlier, unlike the hon. Member who comes late, we will not be late to address the issue.

*Question No.067*

REHABILITATION OF BOREHOLES

**Mr. Deputy Speaker:** Mr. Shidiye is still not there! So, the Question is dropped.

*(Question dropped)*

*Question No.338*

TARMACKING OF ROADS IN MACHAKOS

**Mr. Kikuyu** asked the Minister for Local Government why the tarmacking of roads in Machakos Town has stopped and the contractor moved without completing the works as per the terms of the contract.

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The contract for the tarmacking of roads in Machakos Town---

**Mr. Deputy Speaker:** Order! This is the second time this Question is being called out, so you know what to do before you reply.

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I wish to apologise for coming late. With your permission, may I now proceed to answer the Question.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) The contract for the tarmacking of roads in Machakos Town has not been stopped. The works were completed successfully and the certificate of completion issued on 19th October, 2000. (b) However, due to financial constraints, not all the works that were originally contemplated were executed.

**Mr. Kikuyu:** Mr. Deputy Speaker, Sir, could the Assistant Minister explain to this House how the works were successfully completed, and in the same answer, he has said that the originally contemplated works were not executed? How were the works completed if the originally contemplated works were not executed? For the Assistant Minister's information, the contract included tarmacking of 8.9 kilometres and the contractor tarmacked only 5.1 kilometres and 3.8 kilometres were left untarmacked. An officer in the Ministry, Mr. Kabetu, signed the certificate of completion when the council refused to sign. Why was that done? Why was such corruption allowed to take place? Why is Mr. Kabetu still working for the Government after signing that 3.8 kilometres were

tarmacked while they were not?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the financial constraints that I have talked about came about because the feasibility study for the project was done in 1991. The designs were completed in 1993 and the contract was awarded in 1999. By the time of the award of the contract, based on the feasibility study, the problem had been compounded by the *El Nino* rains, and the amount of money required then for completion of the original works was not enough. So, the project was scaled down and that is why the Member has talked about a shorter distance having been covered. But the distance that was scaled down was successfully completed, and that is the area for which the certificate was given.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, what happened in Machakos also happened in Makueni. Those were World Bank-funded projects with specific amounts of money. We do not understand how a contract could be scaled down and given, but for the cost of the original contract! There is a lot of corruption involved in those projects, because they are signed as completed.

Could the Assistant Minister tell us what action he will take to make sure that those works are completed as per the original agreement with the World Bank?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the Ministry is keen in ensuring that the works that were originally designed are completed. We undertake to seek for funding to complete the works.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that the original works were scaled down. Could he be specific and tell us how many kilometres were supposed to be covered, and how many kilometres were covered in the scaled down projects? Could he also tell us when will the funding be available to complete the rest of the works?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the works were scaled down by about three kilometres. In fact, Mr. Kikuyu has already mentioned that. As soon as the funding is identified, the works will be undertaken.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, the Assistant Minister has gone in a roundabout way in answering this Question. He started by saying that the project was successfully completed. Then, he said that it was scaled down. Now, I would like to imagine that when you scale a project down, that is part of the contract. Could he produce some evidence before this House to show that the project was, indeed, scaled down, or is it just a conjecture?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I am not going round. The scaled down works resulted in a shorter distance of few kilometres being covered. That has also been mentioned by Mr. Kikuyu. The completed project came down to five kilometres or thereabout.

**Capt. Ntwiga:** Mr. Deputy Speaker, Sir, the issuance of certificates for work that has been done, or for work that has not been done is very common, even with the Ministry of Roads and Public Works. In my district, I have a case whereby the Ministry issued a certificate for the completion of a bridge while nothing was done! The same case applies to the Ministry of Local Government. Could the Assistant Minister tell us whether the certificate that was issued was for five kilometres or eight kilometres? Let us know that first, because that is the problem that we are having.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, in accordance with the agreement, certificates for payments are given as agreed, as the work progresses. But, eventually, the certificate was issued in respect of the specific work that was done.

**Mr. Kikuyu:** Mr. Deputy Speaker, Sir, could the Assistant Minister lay on the Table the certificate of completion which was issued on 19th October, 2000? According to my information, the contractor, by the name of Mehta, who has plundered the whole country in all the roads that he has done, was given a certificate showing that he had completed 8.945 kilometres. That is why the **[Mr. Kikuyu]** Machakos Municipal Council Mayor and the Clerk refused to counter-sign the certificate! Could he table it here, so that we can prove that the Ministry of Local Government and Mr. Mehta stole Kenyans' money?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the Ministry would be the last to destroy Government projects. I did not come with the certificate because I did not contemplate that the Member would require that it should be laid on the Table. It was not part of the Question!

**Mr. Deputy Speaker:** Mr. Assistant Minister, you should bring the certificate on Tuesday, next week.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, if you noticed, I had asked a supplementary question about the documents relating to the scaling down of the project. But that question was not answered! Could he be kind enough to include that as well, when he brings the other documents?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, should I speak again after you have made a ruling?

**Mr. Deputy Speaker:** Yes. All you need to do is to produce the letter which directed the contractor to scale down the project. You do not have to bring the contractual documents here.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I will do as you have directed!

**Mr. Deputy Speaker:** Thank you. It is so directed!

*Question No.233*

COMPENSATION TO MR. KIPYEGON'S FAMILY

**Mr. Kimeto** asked the Attorney-General when he will release an amount of Kshs243,300 paid by Ephem Insurance Brokers Limited vide Ref.No.EIB/6963FM/97, File No.PT/184/2000, as compensation to the family of the late Mr. Joseph Kipyegon Tonui, P/No.88045814, who died in a road accident on the 22nd July, 1996.

**The Attorney-General** (Mr. Wako): Mr. Deputy Speaker, Sir, I apologise for not being here on time when the Question was asked for the first time. However, I beg to reply.

The Public Trustee released Kshs121,650 directly to the widow on 14th August, 2000. The balance totalling Kshs121,650, which is apportioned amongst the deceased's three children, has been detained by the Public Trustee in separate trusts for the minor dependants until the attainment of the age of maturity.

**Mr. Kimeto:** Mr. Deputy Speaker, Sir, I would like to know from the Attorney-General whether these children will still be remembered by the Public Trustee by the time they attain that age. Why can this money not be sent to the DC's office to look after it because the Public Trustee is very far from them?

**Mr. Wako:** I do not know whether he trusts the DC more than the Public Trustee. But I would prefer that the matter, and that is the law, remains with the Public Trustee who has already established trust for the dependants. Some interest is being earned and they will get that amount of money. If the dependants are in some difficulty, for example, payment of school fees and so on, those are the needs that can be met from the funds.

**Mr. Maore:** Mr. Deputy Speaker, Sir, is the Attorney-General satisfied that a human being is worth Kshs121,000 from an insurance company?

**Mr. Wako:** Mr. Deputy Speaker, Sir, a human being is invaluable and no amount of money can compensate him.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, the Attorney-General has said that part of the funds are in the Public Trustee Account. I would assume that it is attracting interest. Could he tell us how much interest this money is attracting?

**Mr. Wako:** Mr. Deputy Speaker, Sir, it is attracting the interest that is earned by the Treasury Bills at any given time. As you know, it fluctuates, but that is the highest amount of interest which is very safe and which all the funds under the Public Trustee are attracting.

**Mr. Ndilinge:** Thank you, Mr. Deputy Speaker, Sir. Could the Attorney-General tell the House whether this money is banked under the name of the beneficiaries or the DC? In some places, the DC banks this money and they keep on withdrawing the interest.

**Mr. Wako:** This amount of money is not banked by the DC. It is banked by the Public Trustee. The Public Trustee administers many estates and, therefore, he has a lot of this amount of money which is invested, as I said, primarily in Treasury Bills or in reputable savings accounts or financial institutions. Money is earned there and then it is credited to the various Trust accounts at the end of the year.

**Mr. Kimeto:** Mr. Deputy Speaker, Sir, the father died in 1996 and nobody knows exactly when the widow will die. Given that the child is five years old; in some 13 years to come he will be 18 years old and, maybe, the widow will have died; if you cannot give that money to the widow right now, when will you do it? Nobody can tell exactly when she will die.

**Mr. Wako:** Is the hon. Member saying that in 13 years' time, he will no longer be a Member of Parliament? If you will be a Member of Parliament, there will be an Attorney-General. On a more serious note, he has asked whether this money can be given to the widow. It can only be with the Public Trustee but if the widow wants to have access to it, then she has to apply to administer the estate. In other words, take over the functions of the Public Trustee. The Public Trustee only operates in situations where the man has died but nobody has applied to administer the estate. So, the Public Trustee does it on behalf of the widow. But the widow has a right to apply to the court to be allowed to administer the funds. If the court gives her that order, then all this amount, together with some interest that may have been earned will be transferred to the widow. The Public Trustee cannot just hand over the money. It must be by order of the court obtained by the widow appointing her as the administrator of the estate.



### QUESTIONS BY PRIVATE NOTICE

#### RELIEF MAIZE DISTRIBUTION

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that over 40,000 tonnes of relief food (maize) meant for distribution in Laikipia District in February, 2001, was not issued to the residents by the Administration Officers?

(b) What immediate measures is the Minister taking to ensure recovery and distribution of the said maize?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I request that this Question be deferred. There were certain investigations being carried out and we were not able to get the answers. So, I request that we answer it on Tuesday, next week.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, much as I agree with the Minister, it should go to your record that whenever I ask Questions to this relevant Ministry, and the HANSARD can bear me witness---

**Mr. Deputy Speaker:** Order! Order! You did not get my permission to lecture anybody, but merely to say whether Tuesday will be suitable for you for this Question to be answered. There being no response from you, the Question has been deferred to Tuesday, next week.

*(Question deferred)*

Next Question, Mr. Anyona?

**Mr. Anyona:** Mr. Deputy Speaker, Sir, before I ask my Question, and for avoidance of doubt, I would like to say in part "a" of the answer that the full names of the young man who was shot are Rodgers Nyanganya Nyang'au and the father is Obiero Nyang'au.

#### ACTION AGAINST ADMINISTRATION POLICEMEN

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that on 6th May, 2001, Administration Policemen from Rigoma Divisional Headquarters in Kitutu Masaba, without lawful cause or excuse, attacked and molested Perister Kerubo of Riyabe Village, beat up and seriously injured her husband, fatally shot their son, Rodgers Nyanganya Nyang'au, who died at Kisii District Hospital on 12th May, 2001, and made away with Kshs10,000?

(b) Is he further aware that the residents of the area held a peaceful demonstration at the DO's office demanding the arrest of the policemen and subsequently wrote a protest letter to the Permanent Secretary in charge of Provincial Administration and Internal Security dated 7th May, 2001, signed by 62 residents?

(c) What disciplinary action and or legal measures have the Minister taken against the DO and the APs for the serious misconduct and murder of the late Rodgers Nyanganya Nyang'au?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, again, we received this Question yesterday and as we were trying to get information from the other end, communication broke down. So, again I would request that we answer it on Tuesday, next week.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, this is very interesting. There is a letter which was written to the Minister on 7th May, 2001, and he is saying he only heard about it yesterday!

**Mr. Deputy Speaker:** Mr. Minister, this is a Question by Private Notice and to defer it to Tuesday next week kills the purpose of it having been asked under Private Notice.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I do appreciate that, but as I said, unless I have got sufficient information, it would not be fair for me to respond to it. I have said what efforts we have made to try and get the appropriate answer but the communication did break down.

**Mr. Deputy Speaker:** This Question has been deferred to Tuesday, next week.

*(Question deferred)*

Next Question, Mr. Kanyauchi!

## ERADICATION OF TSETSE FLIES

**(Mr. Kanyauchi)** to ask the Minister for Agriculture:-

(a) Is the Minister aware of the increase of tsetse flies in areas around Ruma National Park, Suba District?

(b) What is the Ministry doing to contain the increase of tsetse flies in this area?

**Mr. Deputy Speaker:** Mr. Kanyauchi's Question is deferred to Wednesday next week because he is away from town.

*(Question deferred)*

Next Question, Mr. Sungu?

**Mr. Sungu:** Mr. Deputy Speaker, Sir, with your indulgence, I would like to ask that this Question be deferred until Tuesday next week to enable me to prepare because I have been out of the country. I did not carry my papers and I was not sure it was coming today.

**Mr. Deputy Speaker:** Did you leave the papers overseas?

**Mr. Sungu:** Mr. Deputy Speaker, Sir, it is a question of preparation, but also, the Minister is not here.

**Mr. Deputy Speaker:** Order! Order! You must make up your mind. Is it because the Minister is not here or because you are not ready?

**Mr. Sungu:** Mr. Deputy Speaker, Sir, with your indulgence, I would like this Question to be deferred until Tuesday next week when I will be prepared to ask it.

## POWER SUPPLY DISCONNECTIONS IN NAIROBI

**(Mr. Sungu)** to ask the Minister for Energy:-

(a) Is the Minister aware that the Kenya Power and Lighting Company is currently disconnecting power supply to numerous households in Nairobi under the guise of installation and inspection, whereby numerous meters have been fraudulently declared "tampered with"?

(b) How many such meters have been replaced since this exercise commenced?

(c) What is the total cost of those meters?

**Mr. Deputy Speaker:** Order! The Question has been deferred to Wednesday, next week.

*(Question deferred)*

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): On a point of order, Mr. Deputy Speaker, Sir. I think that is a very interesting thing, that an honourable Member who has asked a Question would stand up and say he is not prepared.

*(Applause)*

**Mr. Deputy Speaker:** Order! Order! That is very interesting, coming from the Government which has had six Questions deferred. The hon. Member has informed me that he has just returned from a trip overseas and the documents which he needed to use to ask this Question are not here.

*(Several Members stood up in their places)*

Order! Order! When the Chair is in such a good mood, why spoil it? There will be no point of order on that Question.

Next Order!

## POINT OF ORDER

## REINSTATEMENT OF DEFERRED QUESTIONS

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. On Wednesday last week, I asked a Question by Private Notice about the employees of Thika Municipal Council and the Chair ruled that, in view of the inadequacy of the answer given by the Minister, the Question be brought here again for answering today. However, the Question appears neither on the morning nor afternoon Order Paper. So, I seek your indulgence to have it reinstated so that I can have a satisfactory reply to it.

**Mr. Deputy Speaker:** Mr. Ndicho, I think that is due to a clerical error. We will reinstate the Question for Tuesday next week. Could the Minister for Local Government note that the Question will be coming up on Tuesday next week?

**Mr. Kathangu:** On a point of order, Mr. Deputy Speaker, Sir. The same thing has happened to a Question by Private Notice I had asked here, which was deferred four times. The Speaker ruled that the Question comes here for answering today. However, it is neither on the morning nor afternoon Order Paper. So, I request that it be brought back for answering.

**Mr. Deputy Speaker:** It will be reinstated on Tuesday next week.

## MOTIONS

### CHANGE OF CURRENCY COMMITTEE

Kwamba, ili kupunguza gharama kubwa inayotokea wakati tunapobadilisha sura za sarafu nchini aidha kwa sababu ya kusherehekea majira mbalimbali au kwa ajili ya kuwekwa picha ya Rais kwenye sura ya sarafu ili kubainisha tofauti ya uongozi, Bunge hili linapendekeza kwamba Serikali ibuni kamati itakayohusika na maswala ya ubadilishaji wa sura za sarafu na kwamba kamati hiyo iwe na wanachama wafuatao:-

Waziri wa Fedha;

Mkuu wa Sheria;

Mkuu wa Benki Kuu ya Kenya;

Wabunge watatu; na,

Mwenyekiti wa Soko la Hisa, na kwamba Mswada uwasilishwe Bungeni ili kuhalalisha kamati hiyo.

*(Mr. Kathangu on 6.6.2001)*

*(Resumption of Debate interrupted on 6.6.2001)*

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I rise to support this Motion.

In the last Parliament, I raised a Question here about the way currency notes in this country get mutilated so often. Now that the issue has been brought here again by way of a Motion, I think it is important that this House--

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Proceed, Mr. Ndicho.

**Mr. Ndicho:** Thank you, Mr. Deputy Speaker, Sir. I think it is important that Parliament looks into this issue with the seriousness it deserves. Kenya currency notes are made of paper of the poorest quality. After circulating for only one year, they are completely defaced. They wear out so much that it becomes a health hazard to have them in your pocket. It is, therefore, important to have the proposed committee so that it can look into ways and means of improving on the quality of paper used to print our currency notes, and also address the issue of the frequent change of portraits on our currencies.

If we follow the current constitutional provision that nobody shall be President for more than ten-years, we will have to change the portraits on our currencies every ten years. In fact, in future, some Presidents might not even serve for the ten year maximum period; they might be so unpopular that after serving for their first five-year term, the people might not want them to lead them again. Others might be removed from power even before the expiry of their first five-year term. So, if the *status quo* remains, this country will incur a lot of expenses through frequent change of portraits on our currencies.

Mr. Deputy Speaker, Sir, I would like this country to adopt a policy similar to that being practised in the

United States of America (USA), where the dollars bear the portraits of personalities such as that country's first President, Mr. George Washington, while the portrait of Mr. Thomas Cook appears on the country's Travellers Cheques. The British Pound bears the portrait of the Queen of England. So, in order to avoid spending a lot of money on printing new currencies, we should have in place the proposed committee, so that it can look into the issues raised in this Motion.

I still have some old notes bearing the portrait of the late President Kenyatta. Those notes are still as handy as they were when they were printed. The notes that were printed immediately after President Moi took over office cannot be found any more due to the poor quality of the material used to print them. So, it is important that we sit down and decide on what we should do with our currencies, including the coins. The ten and five shilling coins are made of copper and silver.

**Mr. Deputy Speaker:** Mr. Ndicho, you will have to move an amendment to the Motion if you wish to argue along those lines. The Motion before the House is about changing portraits on our currency and not about quality.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the two aspects go together.

**Mr. Deputy Speaker:** No, they do not.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, you cannot talk about a currency without mentioning something about its quality.

**Mr. Deputy Speaker:** Last week, the Minister, very ably, explained the two aspects. So, if you wish to continue along those lines, you should move an amendment to the Motion to include the quality aspect.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, when I raised this matter in the previous Parliament, I was concerned about the frequent change of the portrait of our currencies as well as its quality. Now [**Mr. Ndicho**] that this Motion is about that same issue, I thought that I would have an opportunity to hammer my points home.

**Mr. Deputy Speaker:** Mr. Ndicho, I am not denying you a chance to do so. I am only saying that if you want the aspect of quality included, you should move an amendment to the Motion.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, since I am now on the Floor, I may not have a chance to amend the Motion. However, I feel that it is important that this Motion is amended before the time allocated to it runs out, so that it can address both the aspect of changing the portraits on our currencies as well as their quality.

**Mr. Deputy Speaker:** Mr. Ndicho, if you want the Motion amended, you know what to do.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, that is why I am saying that I cannot do it now because I am on the Floor. However, our currency notes should also feature some conspicuous physical features. This country has very important landmarks which should appear on our currency notes. Also, rather than have the portrait of only one person appearing on all the currency, some currency notes should bear the portraits of other people who contributed to the establishment of this nation, such as the late Jaramogi Oginga Odinga.

We can, for instance, have the portrait of Jaramogi Oginga Odinga on the fifty shillings note and that of the late Jomo Kenyatta on the one hundred shillings note. The portrait of Paul Ngei, who also contributed to the establishment of this nation, could appear on another note. However, the portrait of somebody like Charles Njonjo should not appear on any of our currency. To my disgust, this morning, I read some newspaper stories in which the former Constitutional Affairs Minister is quoted as saying that the current Constitution should remain intact simply because he was instrumental in its drafting. While reading the story, I remembered that Mr. Njonjo is now more than 80 years old. So, because he is on the decline towards senility, I forgave him.

**Mr. Deputy Speaker:** Order, Mr. Ndicho!

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I will not vote for his portrait to appear on any of our currencies because he does not deserve such honour. In view of the fact that all the problems being experienced in this country were caused by Mr. Njonjo himself, I do not know why he is still handling public affairs in this country.

**Mr. Deputy Speaker:** Order! Mr. Ndicho, what Motion are you debating now?

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I am only suggesting some names of great Kenyans whose portraits deserve to appear on our currency. I can take a lot of time trying to justify why portraits of certain people should appear on this country's currency. I can also take an equal amount of time explaining why the portraits of people such as Mr. Charles Njonjo should not appear on our currency. I am saying that the problems being experienced in this country today were caused by Mr. Charles Njonjo. So, Kenyans who contributed to the establishment of this nation should be remembered. One of the ways of remembering such people is to give them the honour of having their portraits printed on our currency. I would like the portrait of somebody like Mr. Bildad Kaggia inscribed on our a Kshs10 coin, or any other currency. Let the portraits of people like Mr. Achieng Oneko who contributed to the establishment of this nation in the early 1960s be printed on our notes. That will also ensure that when there is change of Government, then, there is no overhaul of inscriptions of portraits on our

notes and coins.

Mr. Deputy Speaker, Sir, that is because we have raised other related issues in this House. We have said that even the freedom heroes and fighters should be respected in one way or the other. I think by having their portraits inscribed on some of the currencies is a way of honouring them. We should even have a heroes corner, where we could be burying our heroes, the way it is done in Zimbabwe. This is because we have not honoured our heroes at all and in any way, but we have refused to do that. I propose that when the proposed committee comes into force, it should also go through a litany of names of Kenyans who contributed to the establishment of our independent nation and even recommend that, from the Kshs5 coin to the Kshs1,000, we have different portraits inscribed on them.

Mr. Deputy Speaker, Sir, I think that is all I wanted to say for now. Thank you for giving me the opportunity.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to participate in this debate.

I rise to oppose the Motion. The proposal might sound interesting, but, in my view, it is premature. I have been listening, from the beginning - starting from the Mover to the contributors - of this debate, and so far, we have not been given any serious failings of the present system as it stands. As it stands, the present system for the design of our currency notes emanates from the Central Bank of Kenya (CBK) Act, Section 22, which describes the procedure to be followed whenever there is to be a change in the characteristics of our currency. The CBK, and the board of the CBK, in consultation with the Minister for Finance, determine those features. I do not think that there is any one who has said that there is anything seriously wrong with the re-design of our currency notes or coins as they stand at the moment.

I would like to even go further and say that our currency notes are some of the most beautiful in the world, and I think rather than be talking about establishing a committee to look into their designs in future, we should be commending the CBK for the beautiful work that it has done in developing the designs and the printing of our currencies. The Mover, at the beginning, said that he had a problem; that whenever he went to bars, he could not find our currencies displayed on the walls of the various places he went to. I think the reason why they are not on the walls is because of their value. People value them for use in purchase of goods and services rather than displaying them on the walls. Otherwise, in my view, when you look at the aspect of beauty, our currencies are among the most beautiful in this world. There are countries such as the US which has basically the same design; in fact, the same design for the one-dollar notes, and all the way to largest note that I have seen, which is the US\$10,000 note. It has the same design and colour - green. That does not stop the US currency from being one of the strongest in the world, and the most sought after.

So, on the basis of designs and beauty alone, I think the argument does not stand. We do have the best designed notes and the most beautiful. Maybe, I think what seems to trouble some hon. Members is the portrait of the Head of the State on one side of the notes. That is a unique honour that is accorded to the Head of State of this country, and it is not unique in Kenya. It is very common in other countries; the Queen, who is the Head of State of the United Kingdom, prominently features on every note and coin of that country. There are several other countries that I could name, but the UK is the nearest and most obvious example. There is nothing unusual in that. Other currencies that bear the previous Head of State of this country are still valid. If they still exist, they are a legal tender and can be used.

There is, therefore, nothing unusual about our currencies. On the other hand, at the back of the currencies, are various features of importance in this country; tourist attractions, monuments, and so on. So, rather than look at one face of the currency notes, we should look at both, and they are both equally beautifully rendered and displayed. There is, therefore, in my view, no urgency in establishing any other system other than the one we have because it is within the CBK which has served us extremely well.

There is the question of cost which the Motion suggests; that, if we had a committee, it would be cheaper. I think we all know how committees work. They are the most expensive decision-making processes known anywhere. Instead of cheapening that process of design, we would get an expensive system to replace one that is cheap and which has proved itself as most efficient and served us extremely well. In the design of the currency notes, there are various issues to be considered, such as that of security, and which require extremely minute detail. Those are taken into account in the design of currencies, and where there are any attempts to fake currencies, it is only the system that we have, and not a committee, that will respond quickly. We all know how the response system of a committee works. If we had a committee involved in the design of the currencies; if there were any attempts to forge our currencies, a committee might take a year to respond to such threats. As it is, we have a system that responds very quickly, and the issue of forgeries have been minimized in this country. When they have come to light, they are attended to extremely quickly. There are various features on the currency in

addition to the portrait of the Head of State. These reflect historical and economic events and are tourists attractions. We are satisfied that the features on our currencies are extremely attractive and among the best in the world.

Be that as it may, the Board of the Central Bank of Kenya has even gone one step ahead. At its meeting on the 26th of January, this year, they decided that in future, the bank will invite competitive designs for our various denominations from local artists so that the next generation of currencies that we expect to be issued by the bank will feature the efforts of these designers. When these competitive designs are invited, there will be a lot of freedom to display all sorts of features to do with the economy and history of this country and to honour certain heroes, although I think there are other better ways of honouring the heroes of this country.

We have named various streets in honour of some of them; there are statues like the one for our late Head of State which is in front of this august House and another outside the Kenyatta International Conference Centre. These and other symbols could be used to honour many of our heroes so that we do not zero in on the currency and say that it is the place that we need to honour them. Therefore, through these competitive designs, there will be ways and means of involving the general citizens, leave alone a small committee which will be extremely expensive and very unwieldy.

Somebody touched on the issue of Kshs500 currency notes that were issued in around 1992, and some people were calling them "Jirongo's". These currency notes were legal tender. The problem here was the excess liquidity that came in around that time. The currency itself was not counterfeit. It was legal tender and this was pointed out at the time. There was no failure or shortcoming in its design either. It was as good as any others that we have had in this country. While the ideas behind this Motion may be commendable in that the Mover would like to see the best being displayed in our currencies, I wish to assure him that as our currencies stand at the moment, their design and beauty are among the best in the world, and anybody who is travelled will attest to this.

The proposal will be extremely expensive and very unwieldy. I can only say that this is an idea that might be reasonably considered at some other time in the future. Presently, our efforts should be channelled towards improving the lives of the people of this country and strengthening that currency through greater economic activity. That is what I would rather advise the Member to do at the moment and leave the design of currencies to be handled, as it has been done extremely well, by the Central Bank of Kenya.

With those few remarks, I beg to oppose.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, having had a very long discussion on this Motion, I think it is high time that we called upon the Mover to respond.

**Mr. Deputy Speaker:** It is only two people; the Mover and the Seconder who have spoken. I do not know what long discussion you are referring to. It is certainly not on this Motion.

**Mr. Katuku:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I would like to support this Motion because it is important to have this kind of scenario where we do not necessarily have the portrait of the Head of State appearing on our currencies. I appreciate the contribution made by the Assistant Minister on the view that the Central Bank has proposed to invite Kenyan designers and artists to contribute towards the designing of the next generation of notes. This is a very good idea and I would like it to be incorporated in this Motion so that designers will now design currencies in line with what we are saying here, that we need to have our currencies reflecting--

### QUORUM

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): On a point of order, Mr. Deputy Speaker, Sir. I believe we have no quorum in the House.

**Mr. Deputy Speaker:** Yes, there is no quorum in the House. Ring the Division Bell.

*(The Division Bell was rung)*

**Mr. Deputy Speaker:** Order! We have a quorum now. Proceed, Mr. Katuku!

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I am very disappointed with this business of lack of quorum and yet the Government remarried yesterday and now the "wives" have deserted it again.

*(Laughter)*

**Mr. Deputy Speaker:** Order! Let me remind hon. Members that Private Members' Motions have got a

maximum time limit of two hours. Now, let no Member stand up before the expiry of those two hours and move for a closure of debate. That can only be done when there are no other contributors. However, for as long as there are contributors and we still have time, the Motion will go on. So, hon. Maitha, be guided accordingly.

Proceed, Mr. Katuku!

**Mr. Katuku:** Thank you, Mr. Deputy Speaker, Sir. I was saying that the Central Bank has suggested that it will invite people to contribute on the issue of deciding currencies in this country, which is a very good idea. It is in that spirit that we would want to incorporate all the heroes and major features in this country and remove the portrait of the current President from these notes. Personally, when I carry a note bearing the portrait of a person who is in power and I do not support him, I feel that note is disturbing me. In fact, I have some notes here and they are disturbing me. Given a choice, I would give them out and have another kind of note.

On a more serious note, we need to have a situation whereby these notes do not reflect individuals but a national outlook. It is very important also that Central Bank safeguards the issue of valuation. Our parents have been humiliated---

**Mr. Ndilinge:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Katuku to say that the notes he is carrying bearing President Moi's portrait are disturbing him when I know very well that if I dare ask him for a Kshs1,000 note, he would never give it to me?

*(Laughter)*

**Mr. Deputy Speaker:** Order! Mr. Ndilinge, I hope you meant that as a joke because you know that neither you nor I can tell how hon. Katuku feels about with what is in his pocket.

Proceed!

**Mr. Katuku:** Mr. Deputy Speaker, Sir, you are very right. I am feeling annoyed about the portraits on the notes in my pockets although I cannot give them to him. However, if I had an alternative of the same, I would give out what I have and get the alternative in my pocket.

Mr. Deputy Speaker, Sir, I was saying that devaluation of our currency has become a big issue where you find our money has lost value. You have to carry a lot of money in exchange for various valuable goods. So, I am saying in simple terms that there is need to safeguard the issue of valuation or devaluation of our currency that is causing a lot of inflation in this country, and in so doing, we would be also safeguarding the situation of getting fake notes here and there. We have a lot of fake notes in circulation and I think it is high time the Government rooted out this menace. This is because you find that in some rural areas, people go with fake notes and exploit businessmen at that level because they may not differentiate between the genuine and the fake notes.

Mr. Deputy Speaker, Sir, I have a case in mind from my constituency where we had a person roaming there with about Kshs20,000 in fake notes. In fact, he went to several markets, spending Kshs1,000 in every hotel and bar in each market. At the end of the day, the businessmen lost and the fellow disappeared. So, I was just saying that it is very important that the Government puts its foot down to safeguard the wananchi from the issue of fake notes.

I do not want to carry on with this debate, and with those few remarks, I beg to support.

**Mr. Maitha:** Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order! Mr. Maitha, you should know your place, not only in this House but also in the society.

Well, if there is no hon. Member who would like to contribute to this Motion, I have no alternative but to call upon the Mover to reply.

**Mr. Kathangu:** Bw. Naibu Spika, kwanza ningependa kuwashukuru wale Wabunge wote ambao wameichangia Hoja hii. Pili, ningependa kusema kwamba ingawa Waziri Mudavadi na Waziri Msaidizi, Bw. Arap-Kirui, wameipinga Hoja hii, wamekubaliana na maoni ambayo yametolewa. Wamesema kwamba Hoja hii isipitishwe wakati huu lakini ipitishwe hapo siku za usoni. Ningependa kusema kwamba tusingoje hadi wakati huo, kwa sababu matumbo ya Wakenya yataumia bure. Ningependekeza kwamba huu ndio wakati wa kuiunga mkono Hoja hii.

Ni kweli kwamba picha kwenye noti haibadilishi bei, lakini tulikuwa tunasema kwamba aidha Benki Kuu ya Kenya au kamati fulani ilishunghulikia jambo hili. Kwa hivyo, ningependa kuwaomba Wabunge waiunge mkono Hoja hii ili pesa zetu ziendelee tamaduni za nchi hii.

Ahsante sana, Bw. Naibu Spika.

*(Question put and agreed to)*

*(Several hon. Members stood up in their places)*

**An hon. Member:** Ketu chini!

**Mr. Deputy Speaker:** Order! Order! Let us move on to the next Order.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Imanyara) took the Chair]*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order!

#### FREE EDUCATION IN PUBLIC PRIMARY SCHOOLS

**Mr. Donde:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, taking into account that the Government is committed to; and guarantees free education in all its primary schools; aware that child education in Government schools is frequently disrupted for non-payment of charges unrelated to tuition fees; this House resolves that child education in Government primary schools shall not be interrupted for reasons of any monies being demanded from the child, and that the payment of such monies will be the responsibility of the community of the school.

This Motion has been brought to this House for the sake of the children of Kenya. There is no need at all to dwell on the importance of primary school education in any country in the world. There is a need for any nation to ensure that primary school children get this education without interruption.

Mr. Temporary Deputy Speaker, Sir, I would recall that when we grew up, as young people, we learnt under very difficult conditions. There was no need for us to be sent away from school to go and collect any money. So, we could educate ourselves in the manner which has enabled some of us to be of use to this country. What do you see these days?

I was so saddened, and this is the reason why I have brought this Motion to this House--- Whenever I go to my constituency on Friday, I meet young children walking back to their homes. One day, I stopped and asked the children why they were out of school. These children told me that they had been sent away from school to collect Kshs30 in order for the watchman to be paid. I asked these children if their parents could not afford to give them Kshs30, and they told me that they had been sent away twice in the course of that month. I drove **[Mr. Donde]**

those children to their homes to find out why the parents could not afford to pay the Kshs30. When I reached the home of those children, I found out that they did not have a mother and a father. In fact, I found out that the children were orphans, and they were being looked after by a 75-year old grandmother. I was so saddened because the grandmother who was looking after the children did not have money to buy paraffin to light the house. I realised that they ate at 6.30 p.m. and went to sleep at 7.00 p.m. You cannot expect such a person to afford Kshs30 to pay the school watchman.

Mr. Temporary Deputy Speaker, Sir, this is a case where primary school children can stay out of school for three to four weeks because they cannot pay the little money that the school demands. So, I went round and found out that, that was a very common occurrence in most primary schools in my constituency. I know that many hon. Members of Parliament share with me this problem. These are small children, most of who are ten or 11 years old, who stay out of school, and yet, the taxpayers pay these teachers to teach them. I would like to point out that the taxpayers are responsible and the Government pays the teachers.

Mr. Temporary Deputy Speaker, Sir, I feel that we should help our children to ensure that, when a child starts primary education, he or she should be given the opportunity to go to school until he or she completes. This is because primary school education is a very vital aspect of child development. If many children will be sent home just because a watchman has not been paid or other small things have not been paid for, and yet, there is a teacher there to teach them--- As a school child you do not need some of these things. I went to school, and I remember that for the first four years, we never even used exercise books. In fact, we wrote on the ground. This did not hinder us from learning and becoming capable people.

So, there is no reason at all to deny a primary school child education because of anything. This is



because, first of all, those children cannot raise money by themselves. It is important that all primary school children get education. I think it is important that the Government takes great responsibility by making sure that tuition is paid for and, therefore, there is no need for us to give our children a difficult time in order to get education.

I think it is important that we support our children, parents and grandparents who cannot raise fees which is not related to the education of these children. Some of these monies which are demanded from these children are not required for them to further their education. For example, if you say that they must pay money to buy a school bus, and send a child away because of this--- When some of us attended primary school, our school never had a school bus, but this did not stop us from learning and completing our primary education successfully. Most of this money is not directly related to the education of the children. It would be good if the Government would send a circular to all schools in the country stating that no primary school child should be sent away for any reason. If that money is required, let the Government, in conjunction with the community, raise it so that we can have our children learning without interruptions.

Mr. Temporary Deputy Speaker, Sir, it is important that this is done urgently. If you looked at the dropouts at the various schools, you would find that they are directly related to interruptions of the school child. If a 13-year-old girl in Standard Seven or Eight is sent away from school, if she can raise that money after two weeks, chances are that she will not get back to school to complete her primary education. She might decide to get involved in many other things and might not complete her education. So, it is important that we think about our children and make sure that we provide for them in this particular aspect.

Mr. Temporary Deputy Speaker, Sir, the dropout rate in most schools progresses as time goes by. If a school had 50 children in Standard Five, when they go to Standard Six, they drop to 40 and by the time they are in Standard Eight, they will have dropped to 30. The reason for this sharp dropout is that a lot of money is being demanded from these children. As they grow older, and they are sent out of school, they get disillusioned and chances are that dropping out of school totally are very high. That is why I thought this House should support this Motion to make sure that we give them proper and uninterrupted education so that we can have a society where everyone has basic education up to primary school level.

Most primary school teachers get disillusioned when half of the class has been sent away to collect money for paying a watchman or for other purposes. Most of these teachers go away to go and do their own things. Some of them do not teach at all because they know that the classrooms are not full. The Government should also come in and assist by designing ways of making sure that these children are properly looked after in schools by making sure that they take their education seriously. I urge the House and the Government to look into this matter very closely so that we can be able to push through this Motion so that all primary school headteachers in the country can stop interrupting learning in their respective schools. This is a straightforward Motion and I do not intend to take a lot of time.

With those few remarks, I beg to move and ask Mr. Katuku to second the Motion.

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, this is a very straightforward Motion and I do not expect any Member of this House to oppose it. It is basically targeting our youths.

We are currently talking about poverty eradication and how to improve the economy. The only way we can improve the lives of Kenyans is to invest in education which is a very crucial foundation for our children. I would suggest that in view of these disturbances which have been happening in schools where children are sent home to get money for paying watchmen or constructing toilets, the Ministry should look for funds from the Treasury to give to every primary school in this country as development fund. This can be used to cater for these basic things instead of interrupting learning activities. If the Government committed Kshs5,000 per month for every primary school in this country, that would translate to Kshs60,000 per year and would cater for these basic needs. The net effect of that is that students would not be sent home to look for money. We have been investigating the expenditure of this in the Public Investments and Public Accounts Committees and we have found out that a lot of money is wasted in projects that are not important at all. If this money was redirected to the Ministry of Education Science and Technology to be given to schools, the situation would improve a lot better. It is very painful to send an orphaned child to go and get money at home and yet that money is not there!

Mr. Temporary Deputy Speaker, Sir, it is ironical that some headteachers even in areas where parents can hardly raise a meal for their children can send children home to go and get money. That child might even have gone to school without breakfast! How can such a child be sent back home to a parent who has not been able to take breakfast? It is painful to send such a child back home. Due to our levels of poverty, I would suggest that we become more focused on funding the Ministry of Education Science and Technology and have this money given to our primary schools.

Mr. Temporary Deputy Speaker, Sir, these school dropouts contribute to the high levels of crime at the village level. A child drops out of school and when he has nothing to do, he will be tempted to get into crime.

When girls drop out of school, they get involved in unnecessary activities and get pregnant at the end of the day. The poverty circle is becoming more complicated because this Government has failed to support our primary schools through a development fund. There is a Development Fund in the Ministry which the Minister and other people in the Ministry use to contribute in Harambees. When the Minister for Education conducts a Harambee, he will always have Kshs100,000 from the Ministry's Development Fund to contribute. This money should be directed to the schools rather than a few people---

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is misleading the House and the country that people in the Ministry of Education take money from the Ministry and contribute in Harambees as their own contribution. If there is any money which the Ministry contributes, whoever has that money says---

**The Temporary Deputy Speaker** (Mr. Imanyara): So, what is your point of order?

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): He is misleading the House because the Minister does not take money from the Ministry and contribute it in Harambees as his own money!

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, when he becomes a Minister, he will understand better. I do not want to be involved in that argument. When hon. Karauri becomes the Minister for Education, he will love it! We need to be more serious in focusing on funding of schools in this country.

Mr. Temporary Deputy Speaker, Sir, we have got the Machakos District Education Board which approves that parents should be levied Kshs15 per child. That amounts to double taxation on mwananchi.

For example, you find that Kshs2 is left with APSI, Kshs3 is left with the AEO and Kshs20 is left with the DEO, purportedly to be used for inspection and that kind of thing. In my view, that is double taxation. If the Government does not have any other way of doing it, it should not tax wananchi. At the end of the day, particularly in Machakos District, the money does not go towards inspection or any of the intended purposes. It ends up in individuals' pockets. The APSI gets Kshs2 and the AEO gets Kshs3. After they pocket the money, that is the end of the story. The Kshs3 per child per division is a lot of money. This is double taxation, and it should stop because it is unfair to tax pupils who, at the end of the day, lose chances in the schools.

Mr. Temporary Deputy Speaker, Sir, it is high time the Government stopped some of these illegal collections. The Kshs15 per child is very hard to get. I wish this levy was totally cancelled and if the Government wants to tax wananchi, let it be through the normal taxation. There is also a problem with the teachers who are demoralised. I raised a Question in this House the other day about payment of salaries to teachers. Teachers are not being paid as per the agreed contract. Anybody who works is supposed to be paid at the end of the month. Teachers in this country earn their salaries as late as the 15th of the following month. When the Minister answered the Question, he said that the cause of the delay was the delay in clearing of cheques. Teachers should be paid promptly because at the end of the day, this late payment disrupts the running of schools. Pupils miss lessons because teachers keep absenting themselves to look for salaries which they do not get. As a result, our education standards go down. The Ministry promised to pay teachers salaries as per the agreed schemes, but they have never honoured it. It is high time the Ministry honoured the same.

Mr. Temporary Deputy Speaker, Sir, it is very important to put our priorities right. Education is one of the major priorities in this country. We should invest more in education so that we can have literate citizens. In view of the simplicity of this Motion, I beg to second.

*(Question proposed)*

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving a chance to support this important Motion. When our parents and grandparents fought for Independence, one of the reasons they fought for Independence was to eliminate ignorance among our people and avail education to all our people. That was the contract that people lost their lives for.

Mr. Temporary Deputy Speaker, Sir, it appears this Republic has now reneged on the contract to avail education to every child in this country. As we sit here today, Kenyans pay taxes which are among the highest in the world. In fact, we pay taxes at the rate of 23 per cent of our GDP, compared to Uganda where they pay 12 per cent of their GDP or Tanzania where they pay 13 per cent of their GDP, and yet they avail education to every child in those countries. I do not know where that money goes and yet we go ahead and tax our people a second time through cost-sharing in the running of our education system, the same way we do in the health sector. Then we go ahead to tax them a third time through Harambee. For the last four years I have been in this Parliament, I have been involved in trying to raise funds for 27 primary schools in my constituency. There are no operating resources

from the poor people and yet we cannot give those people education.

Mr. Temporary Deputy Speaker, Sir, this Motion is important, and I hope everybody in this country will take it seriously. We must avail education to our children and not interrupt their education because of the inability of their parents to pay the second and third taxation. Education has been left for the rich. Even some hon. Members of Parliament are not able to pay for the education of their children because the cost of education has gone beyond the means of an average Kenyan.

Mr. Temporary Deputy Speaker, Sir, in the last five years, enrolment in schools has declined by 35 per cent. That is why we have so many *chokoraas* and hawkers in towns, and the rise in crime, because those people cannot fend for themselves. They cannot afford food or go to school. We should go back and fulfil the contract between the people of this country and the Government. We are not doing that. The Government is not levying the double and treble taxation because it does not have funds. The other day we had an analysis of the waste this country has gone through in the last five years. The country had wasted Kshs475 billion. If we had a small fraction of that, we would be able to provide free education to every child in this country; from Standard One to Form Four. Instead of the Government levying these taxes to the poor parents it should seal all the loopholes of plunder of our resources. The parents of those pupils cannot even afford to buy exercise books or textbooks. Talking like an educationist, nowadays we are not offering education to our children in schools, because children are only taught on the blackboard, but they have no books to go and refer to at night and do their homework or revise to keep up with what they need in the classroom. In fact, the Motion should have gone ahead and asked for the provision of textbooks to every child in this country from Standard One to Form Four. We should move towards that direction. We are going to keenly watch what the Budget has for education. From the experience of last year, the Government allocated 30 per cent to 40 per cent of our revenue to security, law and order and provincial administration whereas it only allocated a mere 7 per cent to education. What lopsided budgeting are we having?

Mr. Temporary Deputy Speaker, Sir, this Motion has come at the right time. The time before the Budget is read. I hope this House will seek to provide for social welfare, health and education. We must develop our manpower which is our future. Just imagine having a country of *chokoraas* five to ten years from now! These are people who cannot read, let alone understanding the information technology which has arrived in this world. We should ensure that every child in this country, at least, gets primary education and preferably, even secondary education.

Mr. Temporary Deputy Speaker, Sir, there is a levy that is levied to our people in schools, purportedly for the preparation of examinations. A Standard One child is expected to pay from Kshs10 to Kshs30 depending on the district. Those types of levies must stop once and for all; Kenyans are poor. The country is poor and it is getting poorer everyday. During the financial year that will be ending in two weeks from now, we have registered negative growth. Actually, we are in a depression. When an economy is in a depression, you provide the people with the basic needs, including education for their children. If the Government cannot raise enough funds to support the education system, where do you expect that poor farmer and livestock holder to get money to pay these levies? We have impoverished our people. We have killed the Kenya Co-operative Creameries (KCC) and so, the dairy farmers cannot raise any money. We have killed the coffee industry and, therefore, the coffee farmers cannot raise any money. We have killed the Kenya Meat Commission (KMC) and so, the pastoralists cannot raise any money. The other day, we went to Turkana District and we were told that they had lost 60,000 head of cattle to drought. This is simply because the Government never planned properly in order to save those people's wealth.

Mr. Temporary Deputy Speaker, Sir, we have no roads to transport the few agricultural products that are grown to the markets. No wonder, we have hawkers all over the place. Maybe, by the end of next year, we will have hawkers outside the gates of State House. Hawkers are moving everywhere because of poverty, and at a time of poverty, we are imposing levies on everybody, including the people who cannot fend for themselves.

This Parliament must take up the responsibility it has been accorded by Kenyans. It should liaise with the Government and make sure that essential services are delivered to the people. I cannot see a better essential service than providing education to our children.

With those few remarks, I beg to support.

**Mr. Parpai:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this very important Motion.

I totally support this Motion. In fact, this Motion should have been worded differently, to reflect what Kenyans out there feel about the way the Government is handling education in this country. We do not only need the Government to guarantee free education, but want it also to provide free compulsory education. Education should be free in the true sense of the word. It is not just important to say that we will not charge tuition fees in primary education, while there is a long catalogue of charges that are demanded from parents who have children in primary schools.

These days, the Government has totally detached itself from the running of schools. The role of the Government, in our primary schools, and other schools is only the payment of salaries to teachers. The Government has even gone a step further to require that parents employ teachers to cover the shortage of teachers in our primary schools. Who are these parents who are being asked to pay school fees and employ teachers? In ASAL areas, such as the area I come from, many of those parents who send their children to Government aided schools are poor. These are parents who have been enlisted to receive famine relief food. If these parents have been enlisted to receive famine relief food and are being asked not only to pay school fees, but also to employ teachers, what does the Government expect out of those areas? What does the Government expect from the parents? What is the Government doing, therefore, to ensure that every child in this country not only goes to school, but also sails through from class One to class Eight?

Mr. Temporary Deputy Speaker, Sir, the Government should involve itself completely in education. An uneducated society is just as worthless as a dead society. It is also very interesting because the Government has become a bit hypocritical. It says that school fees structures are proposed and approved by the District Education Boards (DEBs), the Parents Teachers Associations (PTAs) or the school committees. The Government says that teachers should not send children home to go and get school fees, but the PTA chairman goes to the school and asks the headmaster to parade the children and tell them to go home and collect fees, as if they have money put into the parents' pockets and they are asking the children to go and "collect" it and go back to school. What a terminology? The Government should rather come clean on this issue and either re-introduce the tuition fees, so that everybody knows how much will be paid, instead of leaving it, at times, to hungry and corrupt headteachers who just sit down and look for ways of enriching themselves, or give us free and compulsory education. The duty of the Government is to educate everybody in this country. It is an honour to the Government if it takes up that responsibility and educates its citizenry. The Government should also look for a better adjective to use, instead of using the term "sending children home to collect school fees." This does not really mean anything.

The money that is levied by the Boards of Governors, PTAs and the DEBs is never audited. Through the activity fees, for example, a lot of money is collected in a district, but when it comes to taking children to participate in sports or anything of that kind, away from their districts, the headteachers go round again asking the parents, politicians and other well-wishers to contribute towards such trips. What does that mean? It means that if you have a poor Member of Parliament or a poor society in a given area, those children will not have a chance to go out of their district to participate in those activities. To avail an equal opportunity to everybody, the Government should take up that responsibility to enable the children to participate equally. I want to echo what Mr. Angwenyi has just stated. Those of us who come from arid areas know that because of the rough terrains and other circumstances, pastoralists move from one area to another. We need mobile and boarding schools. Those boarding schools should be financed fully by the Government. Those areas have been neglected by all the regimes. Because of that, we have been left behind and unless something special is done about those pastoralists, we shall remain behind, uneducated and we shall not be able to compete with other Kenyans.

Mr. Temporary Deputy Speaker, Sir, my only consolation is that in the last reshuffle, a Minister from those areas was appointed to the Ministry of Agriculture. I just hope that, although he has left, we have his colleagues here and through collective responsibility, he is told that it is high time he uplifts the hopes of pastoralists. He is a Member of the Pastoralists Parliamentary Group (PPG) and we have always cried loud that we want the Kenya Meat Commission re-opened. We have talked so much about the livestock industry having been ignored. Now that he is there, our prayers, maybe, have been answered, if he can assert himself.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to say that I totally support this Motion, and only wish that all Members of Parliament will support it. If the Motion goes through, I urge the Government to implement the wishes of not only Members of Parliament, but Kenya as a whole.

Thank you.

**Mr. Ndilinge:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this important Motion. Education is a very fundamental instrument to a child. It is high time we ironed out the reasons why our children are not performing well in schools. We very well know those obstacles, and I think it is high time the Government moved in and did something in those schools.

Mr. Temporary Deputy Speaker, Sir, one reason why performance in some of our schools is poor is because of transferring the teachers in the middle of the year. It really affects children's education. On the side of the Boards of Governors (BOGs), there are BOG members who do not mind about the schools affairs. Some are in Mombasa, Nairobi and the schools are in the rural areas. So, time has come for the Government to check who is a member of the BOG and where. Some members go to their schools when there is an Harambee or when there is a BOG meeting. That is why, in some of the schools, children burn their dormitories because the headteachers and BOG chairmen are nowhere to be seen to counsel them!

Mr. Temporary Deputy Speaker, Sir, the under-staffing in some of the schools also affects the learning of students in schools. The question of some schools having excess teachers and others being under-staffed should be looked into. The question of paying hardship allowances to teachers who teach in hardship areas should be looked into. Some teachers are not paid.

Mr. Temporary Deputy Speaker, Sir, there is the question of giving bursaries to students from poor families. In some of our schools, the bursaries benefit children of people who are working and big personalities. Students from poor families do not smell the bursary money meant for poor students. It is high time we set up a commission to look into that issue. The Minister and his officers should also do that. Mine was just to stand up and support this important Motion and say that, in areas like Makueni where I come from, we experienced a series of droughts. I do not see the reason why children are chased away from school to bring fees. If the parents are suffering at home without any means, where does the Government expect such parents to get tuition fees from? Sometimes, the Government should think of waiving those monies.

**Mr. Kihoro:** But you are on the side of the Government!

**Mr. Ndilinge:** Yes, I am on the side of the Government, but I am also concerned!

**The Temporary Deputy Speaker** (Mr. Imanyara): Just continue, Mr. Ndilinge!

**Mr. Ndilinge:** Mr. Temporary Deputy Speaker, Sir, mine was just to stand up and support this very important Motion. Since there are others who would like to speak on this Motion, I give the remaining five minutes to my brother Mr. Maundu to finish!

**Mr. Maundu:** Thank you---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Proceed, Mr. Omingo!

**Mr. Omingo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion. It is the responsibility of the Government to provide education and medication. Therefore, when we do not provide the very basic primary education, we are failing as a nation. The pupils who go to those primary schools have a right to learn and, perhaps, get the very foundation that could mould them to become leaders of this nation. We have a Government that talks about the leadership of this nation; that it is going to be vested on the young. But, unfortunately, we are the same people who are down-trodding on the very fragile section of Kenyans, who require to be supported. The Mover was very careful and he did not introduce any costs to the Government. But I think the Government has a responsibility. We all know that there was a Vote on Schools Milk Programme.

But where the funds that were voted to provide milk to primary schools went to, you will be surprised! The funds may have gone into some very special pockets. When we move some of these expenditures from one Vote to the other, I think it is important that we know how that money is supposed to be accounted for. Therefore, it is important that those funds for the School Milk Programme be moved to alleviate poverty and support the children in the rural areas. When you ask the child of a peasant farmer who cannot afford Kshs5 for salt to pay Kshs20, it is an insult. The poverty level in the rural area is wanting.

Mr. Temporary Deputy Speaker, Sir, if this Motion is passed, and I believe most Members will support it, it will go well with the Motion which was passed on the empowerment of the PTAs. Now that the PTAs will be given more power to control the management of the schools including the finances, it is also important that they should be able to contribute funds to support the same schools because they have an interest in them. As I said earlier on, they provide funds and they are the same ones who are taking children to these schools, so, they cannot shoot themselves on the leg. They should be able to manage them very comfortably. As much as we keep on saying that we do not have funds, the Government has a responsibility and I am trying to beckon them to see sense that when you deny that very minor the basic element of education, I think you are crucifying your own self. Most of us keep on saying we are breeding the leaders of the next Century, but unfortunately, we keep on wasting them.

Mr. Temporary Deputy Speaker, Sir, the BOGs who have always been managing the schools in cahoots with the headteachers have set aside some funds to support themselves and their pockets. When we push this item back to the community, who are stakeholders in this particular matter, I believe we are going to move in the right direction. Sometimes children are chased away from school because of lack of uniform. As I said, the poverty level in those rural areas where most of us come from---If you really want to consider the plight of the peasants in the rural areas, I think it does not even make sense to have these children strictly in uniform. They will come to school with uniforms which have been repaired about 20 times and with various patches. They have been repaired so much that one cannot tell whether a uniform was green, yellow or red. With the advent of *mitumbas* around town, so long as the children are decently dressed to come to school, I would request that they be allowed to walk to the school to get the very basic knowledge. After all, it is not the uniform that learns but the brain that the children take to school.

Mr. Temporary Deputy Speaker, Sir, accountability is an issue of serious concern because the District

Education Boards (DEBs) have become a drum that you keep on filling with money and it does not get filled. No wonder most of them are very well-to-do back in the rural areas. Why is this so? Nobody finds out how activity fees has been used. Some DEOs are almost indispensable and you cannot even transfer them. When you try to touch them, they move round and hold the boots of their godfathers plus some little coins they have earned from the peasant farmers in terms of activity fees, development levies and so on. Some of them have had to bribe their way to retain their positions in those districts. It is upon the Government, and I believe the Minister in charge of Education sitting here today, to take this very seriously. These are the very people who do not even mind about the performance of the schools. For instance, in Gucha, Kisii and Nyamira, we have been alternating positions; 12, 13 and 14, because the DEOs there are not performing. I think it is important that the Ministry also moves in. If somebody has not been performing in the last three or four years, and if you are interested in the results, why should we keep him there? It is unfortunate that this culture of compromising principles has taken root in our society. I think it is in the same token that you find that schools in those particular districts are not performing well. You will find a DEO watching a school having its results cancelled because of cheating, but if you asked him what steps he has taken, you will be surprised that not even an investigation has taken place. We need to empower the communities where these children are to censure the teachers and the BOGs. There should be a reason for a child to be sent home. If that child is sent home unnecessarily, that should be a criminal offence because that is an abuse of the right of the child.

Mr. Temporary Deputy Speaker, Sir, I want to encourage most of my colleagues who want to contribute to this Motion to pass it and give recommendations. The Ministry should, at intervals, give results of their investigation and performance of particular education officers. I recommend that if a DEO has stayed in a station for three to four years, he should be transferred. It happens that they develop that kind of acquaintance and in the process, they "swallow" even the people who are supposed to investigate them in terms of using the funds which our children are supposed to pay.

*(Mr. Karauri consulted with Mr. Angwenyi)*

Mr. Temporary Deputy Speaker, Sir, we require some seriousness in the Inspectorate Department of the Ministry. I think it will be beneficial for Mr. Karauri to listen to this. We require a serious inspectorate team in the Ministry of Education, Science and Technology. We have left the management of the schools to the dogs. There are many policies formulated in the DEBs that do not make sense but the Ministry is quiet about them.

Mr. Temporary Deputy Speaker, Sir, I had sought the indulgence of Mr. Karauri but I am happy Mr. Awori is listening to me. I was saying that we require a serious inspectorate team that takes control and maintains standards. We know that we should manage with results. If the results are not coming from the schools which these particular DEOs are managing, they should be asked to resign or perhaps, take a Golden Handshake.

Finally, bursary funds are not properly managed. You find that those who have are the same ones whose children receive bursary funds. It is a shame and I am saying this because I have some evidence and if called upon, I can substantiate. When you do that as a leader of this nation, you are carrying curses into your own house because you have and you are depriving the poor. With those few remarks, I beg to support.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to respond to this Motion. There is no doubt at all that the Government is supporting this Motion but in doing so, I have just very few amendments that I would like to propose.

I beg to move that the Motion be amended as follows:-

By deleting the word "Government" appearing on the fourth line and inserting the word "public" in place thereof. Two, again by deleting the word "Government" appearing on the third line and inserting the word "public" in place thereof. Three, by deleting all the words after the words "responsibility of the" appearing on the sixth line to the end and inserting the words "communities and other stakeholders" in place thereof.

The Motion should now read as follows:-

THAT, taking into account that the Government is committed to; and guarantees free education in all its primary schools; aware that the child education in public schools is frequently disrupted for non-payment of charges unrelated to tuition fees; this House resolves that the child education in public primary schools shall not be interrupted for reasons of any monies being demanded from the child; and that the payment of such monies will be the responsibility of the communities and other stakeholders.

**The Temporary Deputy Speaker** (Mr. Imanyara): So, Mr. Awori, you partly seek to amend the Motion by deleting the word "government" and putting in place thereof the word "public". Is that right?

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): That is right, Mr. Temporary Deputy Speaker, Sir. We now have public and private schools; we do not have Government schools.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, as amended, I wholly agree with what the previous speakers have said; that, there are very many charges being levied by schools on children, which are not related to tuition fees. Those levies are understood to cater for various expenses such as paying watchmen and cooks, buying chalk and evaluation of physical development. For quite some time now, we have been operating under a cost-sharing system where the Government provides teachers while school communities provide the physical facilities and meet expenses on items such as those I have just mentioned.

With our kind of economy, it is unrealistic to believe that we can give a completely free education to children in this country. At this point in time, we need to improve the economy so that parents can be able to pay the levies that are charged. Again, I agree with other previous contributors to this debate that the Government is committed to giving free universal education by the year 2005 and education to all by the year 2015. It is assumed that the economy will grow continuously. If that happens, we will be in a position to do so. This position was agreed upon last year, at the Dakar Framework for Action. Kenya is a signatory to the plan for education for all, which is underway. The Government, in conjunction with other stakeholders, is working on the mechanism and modalities of implementing the plan.

Mr. Temporary Deputy Speaker, Sir, in arid and semi-arid (ASAL) areas as well as in other pockets of the country where poverty is rampant, the Government is meeting a very large share of education costs by providing items such as textbooks. Also, with the assistance of the donor community, the Government has strengthened the School Feeding Programme (SFP). In this fiscal year, the Government has set aside Kshs270 million for drought emergency. In addition, the Government has put in place other intervention measures to deal with socio-cultural issues which, negatively, impact on education. These include discouraging early marriage amongst girls, providing exchange fora where young girls can learn from role models of successful women.

**Mr. Wambua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not intend to interrupt the Assistant Minister, but could I notify you that this Chamber is very cold? We know that this Chamber has a heating system. Some hon. Members have deserted the Chamber because it is very cold. Some of us are squeezed together to generate warmth. So, could you order that the Chamber's heating system be put on?

**The Temporary Deputy Speaker** (Mr. Imanyara): So, what is your point of order?

**Mr. Wambua:** Mr. Temporary Deputy Speaker, Sir, I just rose to inform you that we are suffering. The Chamber needs to be warmed because it is very cold in here.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Proceed, Mr. Awori.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, currently, the Government spends about 40 per cent of the Recurrent national Budget on education while 84 per cent of that Budget is spent on salaries and personal emoluments for primary and secondary schools teachers. Right now, the Government has not been able to fully meet the demands of teachers in both primary and secondary school and is unlikely to do so for quite some time, until our economy improves.

Mr. Temporary Deputy Speaker, Sir, recently, the Government rationalised the education curriculum with a view to reducing costs. The Ministry has also issued instructions, discouraging commercialisation of tuition, which has a direct cost implication.

**Mr. Ndilinge:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to interrupt the Assistant Minister, but it seems as if he is replying to the Motion. I thought that he was moving an amendment to the original Motion. Could I be put in the picture?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Ndilinge, the Assistant Minister is not replying to the Motion. There is still time for debate on this Motion.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, as I said, the Government issued instructions to stop commercialisation of tuition. As we know, there were areas where people were only interested in making money from parents for tuition. The Ministry, through the District Education Boards (DEBs) has now sent instructions to rationalise all the levies charged to ensure that they are the minimum that can be charged by schools.

Mr. Temporary Deputy Speaker, Sir, I take cognisance of all the contributions that have been made regarding various matters. It is absolutely essential that all the monies collected in the form of levies must be accounted for. Instructions will be sent to all schools through the DEBs to ensure audits are carried out at the end of every year, to ascertain that all the monies that are collected are utilised properly.

All of us, including the majority of legislators, are parents. The majority of us represent rural constituencies. Many times, parents have raised the issue of levies with us and asked us to assist them solve the

problem. Even we, on the Government side, know that the situation is not good. So, we want to ensure that primary schools do not have grandiose schemes for palatial buildings, which would force them to send out children to collect money. We must also discourage the tendency by schools to buy big buses. Since all of us are stakeholders, perhaps, we will advise schools in our respective areas to pool their resources. There is no doubt that extra-curriculum programmes are essential to the education of our children. If ten or 15 schools joined hands and purchased a bus that can be used to take their pupils or students to drama and sports festivals, it would be a positive direction. Indeed, in many cases, it only calls for common sense for a headmaster not to send away a child who wears a uniform that has faded. Such a headmaster should not carry that position, because it has rightly been stated that a uniform only plays a very small part in education of our children.

Mr. Temporary Deputy Speaker, Sir, there have been other contributions by hon. Members which, surely, should have been directed to the secondary schools because we are, at the moment, dealing with primary schools. We are dealing with the PTAs at primary schools and not BOGs at secondary schools.

Only about two weeks ago, we had a Motion here where we did agree that PTAs should be strengthened, so that they can have a much stronger say in the running of schools. It has been stated here that there are certain District Education Officers who stay too long in one station, thereby merging(?) in and not being effective. Indeed, it will be the responsibility of our Ministry to ensure that, that does not arise.

Finally, since that is a very straightforward Motion, there is the question of Inspectorate Division in the Ministry. Indeed, we, in the Ministry, are strengthening the Inspectorate Division to enable it carry out frequent inspections at various schools, [**The Assistant Minister for Education, Science and Technology** (Mr. Awori)] so that teachers are always present and sticking to the curriculum. That would also ensure that unnecessary levies are not being undertaken, physical facilities are up to date and we do not have the tragedies such as those we have had.

With those few remarks, I would like to ask my colleague, Mr. Karauri, to second the amendments.

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, I rise to support the amendments. In fact, the amendments have not changed the Motion at all because they seek to differentiate our public schools from private ones. Public schools, which used to be called Government Schools, are, in fact, run by parents and sponsored by them, and the Government only provides teachers. Private schools are run by people who have put them up as private institutions and for commercial purposes. This is a very important Motion and we all support it because we must educate our children. We also support, even those who have no money to pay for their children but who would like their children to be educated.

In fact, it is interesting to know that Uganda, with a smaller population than Kenya, has more children in primary schools; that is, they are educating more people because they have removed the unnecessary levies. The Ministry and the Government are supporting that move, so that parents are not overtaxed unnecessarily. Parents should not be asked to pay for what is not directly related to education. The dropout cases are very high, in most cases 40 per cent or sometimes even 50 per cent in our primary schools. We know that when a child is sent home so that he or she brings money which is not there, that child is likely not to come back to school. To reduce those cases, we must discourage those unnecessary levies.

The situation is even worse in secondary schools where parents meet and decide on very high fees, and I would like to call upon hon. Members, who are members of the Boards of Governors, to assist the Ministry in stopping the escalation of school fees in secondary schools because some parents who go to such meetings are rich and others are poor. The rich parents would like their children to be treated as if they are in private schools. So, they propose an increment in fees and poor parents may have no say. I think time has now come when we should pass that a vote must be taken on such decisions through secret ballot. This is because we know parents fear victimisation of their children by the headteachers and, when any matter is proposed, most parents are timid. They do not raise up their hands and say: "No! We do not want that increment!" The Ministry has found it very difficult to deal with such recalcitrant school heads who have had fees increased. The parents always write to the Ministry saying: "It was our proposal; we were in that meeting." We are even given minutes of the parents' meeting, where parents had agreed on increment of fees---

I think parents should vote through a secret ballot on a decision that requires increment of fees. That decision should not be reached by a few parents, saying: "Oh, let us raise that by Kshs10,000 because we want our children to be better fed," and then they go ahead to buy an extra bus or build something which is unrelated to the education of the child. If that is done, it will ensure that parents take a decision and that is why I am saying that hon. Members - in their own areas - should also take an active role to ensure that those things do not happen. This is because it is not enough to complain in the House here when you can sit in those meetings and influence parents not to increase fees. A lot of things have happened in schools. For instance, some schools have buses and they would still like to go for a second one. Schools have wanted to build chapels costing over Kshs20 million, and



parents have to pay that money.

We must realise our economic condition. We are not a very rich nation. Today, this country's economy cannot afford free education, but we must reduce the levies. We must make education less expensive. If we could not - for instance in secondary schools - build those expensive chapels, or try to get another bus, or try to ask for expensive uniforms, why should we go for those things in primary schools? As I am talking here, today, I know that there are schools that are asking for uniforms; that, when a parent is taking a child to Form One, although we have stipulated the fees at Kshs26,000 in national schools, some schools have uniforms which are so expensive that when parents go to buy them - and they are not included in the fees, including shoes, stockings, shirts, blouses and skirts - they alone may cost almost Kshs40,000.

So, the cost of education has removed the poor people from some of the best schools, which are Government schools. We intend to deal with that squarely because we want children to have education and not to desert schools because they lack fees. I think the best way of going about that is to call for a meeting, which we intend to have with all stakeholders. It will be a national forum with the KNUT, headteachers and representatives of parents, and we will discuss and find the best way of reducing that. I personally think that if we prescribe one same diet in all schools, so that some schools do not have chicken on Sundays which is expensive, and another school does not have chicken, or eggs in the morning or even before they go to sleep, it would be better. It must be supported by all stakeholders and parents because the rich parents - and I must repeat again and again - who feel dissatisfied with the public schools should take their children to private schools, where they can pay whatever they are being asked for. Their children can live there as if they are living in their own homes. You cannot live an expensive life in public schools. I would not mind if my child went to Alliance Boys High School where he will eat *ugali* and *githeri* only and get used to that. Although he may be a Minister's son, he must know that he is at school. When he leaves school he can eat something else. That is why I am asking for the co-operation and collaboration of Members of Parliament and the parents to ensure that attempts to raise school fees for issues that are not related to education are stopped.

A few Members have talked about the transfer of teachers. The Ministry of Education is today thinking of declaring vacancies where they arise. If vacancies arise in Makueni, we will advertise them. If somebody from Kisumu applies for the vacancy in Makueni, then he will know that he will be posted in Makueni for a minimum of five years so that he does not complain that his home is very far away in Kisumu and since he is in Makueni, he should be transferred. This will ensure that transfers are minimised. If vacancies arise in North Eastern Province, this will be stated in the advertised. If somebody from Central Province or Kwale District wants to be a teacher in North Eastern Province, they will be employed there with full knowledge that they will stay in that area for a minimum of five years. The problem we have is that when teachers are being trained, they are aware that they can be posted anywhere in the country to teach. Immediately they are posted they start looking for important people whom they know to have them transferred from those areas to areas of their preference, which is normally their home areas.

I hope that Members of Parliament will support this. If we are talking about poverty eradication, let us be sincere. We have so many primary schools. In every constituency in this country there are primary schools in a distance of about 1 kilometre or even 500 metres and that requires even more teachers. Even if we reduce the number of primary schools and combine them we will still require more teachers.

Mr. Temporary Deputy Speaker, Sir, I beg to second the amendment.

*(Question, of the first part of the amendment, that  
the words to be left out be left out, proposed)*

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, this is an important Motion, but I am wondering why the Government wants to change the name from "government" to "public" school, but it does not matter. Whether it is a Government primary school or a public primary school, it all means the same thing. Possibly, the Government does not want to be associated with the serious problems in these public schools. Be that as it may, we have no problem with that.

I am, particularly, against what the Assistant Minister is talking about, that the number of primary schools should be reduced. The Assistant Minister must take cognisance of the fact that the number of primary schools goes hand in hand with the population explosion. When I was attending primary school, there were about two schools in my locality which accommodated the population then. Today the number of children within that locality cannot be accommodated in those two primary schools. The addition of two or three more is commensurate with the population.

I am also against what the Assistant Minister says, that the economy cannot handle free education in this

country. If this Government had not mismanaged the resources in this country and allowed people like Pattni to steal billions of shillings, that money could have gone towards financing free education right from nursery school up to university level, including giving scholarships to our people to go for university education abroad, free of charge. We cannot provide free education because there is mismanagement of resources and stealing of Government money by well-connected people. Even when the PIC and PAC recommend that these people be punished, nothing takes place. The Government can now see how irresponsibility and bad governance can lead to disruption of policies that were designed when we attained Independence in the 1960s. That was the time when the Government promised free education and medical services including clean drinking water for every home by 2000.

The Assistant Minister now says that by 2005 the Government will consider giving free education in this country. We know that in 1997 the KANU manifesto was promising free education. I do not know whether the Assistant Minister remembers this. This was a gimmick by the KANU Government to win elections. It is now 2001, and yet they have fulfilled nothing in the field of education as promised in the KANU manifesto. A year before elections, he is now telling this House that the Government will consider giving free education in 2005. We are now tired and we know your antics and false promises. You are trying to woo Kenyans by promising free things because of elections. We will not be hoodwinked by those promises.

The Government should know that if it had not mismanaged the national resources we would not be having incidents of primary school children being thrown out of school because of lack of school fees or other levies. All those things would be taken care of if it were not for mismanagement by the Government. When I was attending primary school there was the Kenya School Equipment Scheme which provided textbooks, exercise books, pencils, boards and many other things because there was good governance. What happened to that scheme? It could be revived. The Budget Speech will be read tomorrow. We will wait and see whether the Government will provide any money for the School Equipment Scheme. There is enough money which can be allocated to schools to make sure that parents are not overburdened.

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister was right in saying that nowadays, you cannot take a child from primary to secondary school if you do not have Kshs50,000 in your pocket. You can see the effect of bad planning. Mr. Omingo talked about the Inspectorate Department. There used to be that department which was inspecting schools as well as school fees guidelines, but now it is not there. Why can the Government not come up with a more elaborate inspectorate team? The Inspector of Schools today, is a person who is normally taken from the schools to the Ministry where he will find other people there and they become demoralised. The Government should ensure that these charges are controlled. If there is good governance, we can have free and compulsory primary education in this country.

Mr. Temporary deputy Speaker, Sir, the Government is very clever. Although they talk of making education compulsory, they know they cannot enhance it because they will be challenged. The Government cannot compel all school going children in this country to go to school because it knows that it does not have enough schools, classrooms, teachers or facilities to cater for them. The Government should not hide behind things that they cannot explain. So, if we can have free education in this country, make education compulsory, we are going to have a literate society. The Minister is right to give the example of Uganda where it is not necessary that a primary school should be made of stone buildings and all these things. It could be under a tree or such other conducive environment where students can learn. The Ugandan Government has taken education as one of its important dockets where they make sure they train teachers, pay them well and then they can make education compulsory.

Mr. Temporary Deputy Speaker, Sir, we have a lot of primary school teachers leaving this country to go and teach in countries like Botswana. Why? Because teachers' salaries are so low. We have an exodus of many primary school teachers leaving the public primary schools to go to join the mushrooming private primary schools. In fact, the mushrooming of these private primary schools is a very big issue. This is because you find that there is a primary school built on a quarter of an acre plot and nursery to Standard Eight children are all overcrowded in that small piece of land somewhere in the countryside. Now, this also poses a lot of other dangers like diseases. If there is an outbreak of some contagious disease, you can imagine that the whole school would be wiped out. So, there is no inspection or policy guidelines in so far as the establishment of private primary schools is concerned. There is no minimum acreage where a private primary school may be allowed to operate. Anybody can even take a building and convert it into a private primary school. There is an issue in Thika where somebody has rented some godowns and converted them into a school. There is a big problem between that school and Thika Municipal Council regarding sanitary conditions and other health facilities.

Mr. Temporary Deputy Speaker, Sir, so, let the Government be elaborate. The Minister has not told us anything that the Government is doing about making sure that the population in this country, of the primary

school going children, is going to have education as a right. This is because going by the current trend, the number of facilities we have are not enough and, to make it even worse, the school fees are quite prohibitive. We talk about free primary education but any parent will tell you that he does not know about that unless the words "free education" are contained in the KANU dictionary and not in the ordinary people's dictionary. There is nothing like "free education" in primary education today. We are paying a lot of money. There is a public primary school in Thika called Moi Academy which belonged to Thika Municipal Council. It was charging Kshs36,000 because the Government has given the headmasters a freehand to do whatever they want with parents' money. That is a lot of money. I do not mind about teachers being remunerated by being given some token of appreciation for teaching extra time and also on weekends. However, the Government has a responsibility to make sure that the children of this country access free primary education by making it affordable and availing the necessary facilities.

With these few words, I beg to support.

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**Mr. Twaha:** Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion and to inform the Minister that in a recent seminar with our headmasters in Lamu, a few issues arose which I would like to bring to the attention of this House. While appreciating that there is a lot of poverty and children need education, then there is a need for this Motion. There is also a special need for orphans, especially given the AIDS scourge, that a fund should be established to cater for orphans' school fees so that they should not be sent home where they have no parents to look after them.

Mr. Temporary Deputy Speaker, Sir, another issue is the question of understaffing in Lamu West. We have some schools with 15 classrooms being served by only eight teachers. I would like to call upon the Minister to also address this issue so that we have enough staff manning our schools. In fact, 15 classrooms for eight teachers means that half of the time is spent idle with no teaching going on.

Mr. Temporary Deputy Speaker, Sir, there is also a feeling, in relation to admission to Government training institutions, that there is some discrimination against some communities. Some of us believe that the admission should be on merit but apparently there is some canvassing and vigorous lobbying for people to get admission into the Government training institutes through the backdoor. We would like the Government to ensure that admissions to Government training institutions are based mainly on merit.

With those few comments, I beg to support.

**Mr. Kibicho:** Mr. Temporary Deputy Speaker, Sir, primary education for Kenyans is crucial and this Government must implement this Motion as amended. We have a lot of children who do not go to school simply because their parents cannot afford to pay building funds, sports activities and many other unrelated charges. If you stop a child of primary school going age from going to school simply because his father or mother cannot afford these charges, you are committing great injustice to the child and, in my opinion, it amounts to abuse of human rights.

Mr. Temporary Deputy Speaker, Sir, one cannot decide who becomes his parents whether he is poor or rich. You notice that this country has got more than 60 per cent of children of school going age who are not in school. What does that mean? It means in the next 20 to 30 years, people who are supposed to help this country will not have any education.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Members! Mr. Kibicho wants to be heard. Proceed!

**Mr. Kibicho:** Mr. Temporary Deputy Speaker, Sir, I support this Motion and I know my colleagues are very eager to have it concluded and I support their sentiments. It will only be possible to get the benefits of this

Motion if the following is done by the Ministry. When we talk of the community running a primary school and raising charges which are not related to education--- If these charges are raised by merely holding a Harambee, and the people who are willing to contribute are allowed to do so, it will not be possible to meet the cost. The Ministry and the leaders must guide the community so that it can understand that it is important to pay these charges even if one has no child in primary school. If we leave this to the people who have got children in school, it will not be possible to meet this cost.

Mr. Temporary Deputy Speaker, Sir, I would also like to propose that this Government extends free education up to Form IV so that our best brains do not go down the drains.

With those few remarks, I support the Motion.

**Mr. Kajembe:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. In the first place, I would like to say that public primary schools should not impose school fees on parents. If you go through the manifestos of all political parties in this country, you will find that they advocate for free education. This includes the ruling party KANU, which is my party. So, it is interesting when you find that children are required to pay school fees in public primary schools. We have been told many times by the leadership of this country that primary school education is free. A child will not be admitted to standard one in some public primary schools until he or she pays Kshs5,000 or Kshs10,000, which most Kenyan parents cannot afford. I would like to say that most parents cannot afford to pay this money because they belong to the low income bracket.

So, it is important that the Minister for Education directs these public primary schools not to impose school fees on the parents. The money which is being paid in public primary schools has been misused by headmasters in some of the schools. I would like to say that some of the headmasters have been pocketing the money and developing their own projects. If auditing is carried out in these primary schools, you would realise that the money that is paid does not serve any purpose as far as the schools are concerned.

There are some services on which the Minister should liaise with other Government Ministries and provide in schools, like provision of electricity. I think the Ministry of Energy should supply free electricity to all public schools, be they primary or secondary schools. Many times, as leaders, we have been invited to preside over Harambees in some schools, and the money that we collect disappears. I think it is time that the Ministry of Education, Science and Technology became tough and gave directives to these schools.

I would like to point out that many children have been sent away from schools just because of lack of school fees. I think that is very unfair. The rich people in this country are the ones who educate their children because they can pay school fees. I would like to inform this House that the children of the rich people join higher institutions of learning not because they are bright, but because their parents have money which they pay to get the admission letters. When pupils in primary schools in this country sit for their Kenya Certificate of Primary Education (KCPE) and the results are out--- This year, when the Minister for Education, was announcing the results for last year, he did not mention those schools which did very well. He just mentioned the names of individual children. I think it is important that the Minister for Education informs this nation the schools which do well. In fact, their names and those of the children who sat for the examination should appear in the Press as part of an incentive.

In the past, there was an allegation that schools in Coast Province were not doing well, but right now we are doing very well. In fact, we are competing with other provinces and districts. Nowadays, we are at the front. We want it to be known that, today, people from Coast Province are competing in education.

Mr. Temporary Deputy Speaker, Sir, with these few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Mr. Imanyara): This is Mr. Donde's time, but I understand that he has given Mr. Chanzu a few minutes to contribute. Is that so?

**Mr. Donde:** Mr. Temporary Deputy Speaker, Sir, probably, I will make a few remarks and then donate some of my time to Mr. Chanzu and Mr. Mboko.

**The Temporary Deputy Speaker** (Mr. Imanyara): Do it first!

**The Assistant Minister for Labour and Human Resource Development** (Mr. Chanzu): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support this Motion as amended. I support it because we all know that education is a prerequisite for any development to take place. That is why it is necessary that our children in primary schools must get education. The cost should be met by the community and other stakeholders.

Secondly, we know very well that, as human beings, education is an essential need. Therefore, it is also very important that all of us get it. The problem we have is affordability and that is why I support the Motion. If this Motion is passed many people will get access to education.

Mr. Temporary Deputy Sir, many people cannot afford education because of poverty. On humanitarian grounds, all of us must have an opportunity to support them. The education that should be given at the primary

level should be of high quality. This is because, for somebody to get proper education, the primary education should be good and of high quality in order for that person to proceed to secondary school and higher education.

Finally, as we get these contributions from the community and the stakeholders--- The biggest problem has been poor management of the funds. I would like to propose that measures should be put in place for proper management and utilisation of the contributions being made by the community and other stakeholders.

Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

**Mr. Mboko:** Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Donde, have you donated to Mr. Mboko some of your time?

**Mr. Donde:** Yes, Mr. Temporary Deputy, Speaker, Sir.

**Mr. Mboko:** Thank you, Mr. Temporary Deputy Speaker, Sir. I do support this Motion in its entirety. I support this Motion because the parents in this nation have suffered immensely. The rural folk, who constitute 72 per cent of the Kenyan population and who are poor spend one-fifth of their gross earnings in education. I would like to say that the Ministry of Education, Science and Technology has been silent when our parents have been punished. The parents now pay rent for zonal offices and buy stationery. For example, in Makueni District, our parents are told to maintain the District Education Office. This is something that should be done away with.

The other point I would like to make is that our secondary school teachers have formed a cartel and do not issue result slips to students who have sat for their examination, for lack of school fees. We know very well that when you sit for the national examination, you pay examination fee to the Kenya National Examinations Council (KNEC). This organisation has no relationship with payment of school fees. Let the Ministry issue a circular guiding us on this matter.

The other issue I would like to touch on is that of the School Milk Programme. This is a hole that we have dug and is endless. This is a guzzler of public funds!

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Donde:** Mr. Temporary Deputy Speaker, Sir, could I donate two minutes to Mr. Ethuro?

**The Assistant Minister for Labour and Human Resource Development** (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, the issue of child education in this country is absolutely crucial, especially when we want to be able to compete as a nation with other countries. We want to be able to compete in all spheres. We should take seriously this Motion and support it so that each child in this country gets access to primary education. I would like to remind the House that child education in pastoralist areas requires special dispensation. This is one part of the country that has been forgotten for so long. Its geographical marginalisation has been translated into many other forms of marginalisation. Our children cannot access education because of the nomadic lifestyle of our people. It is important that the Government ensures, first and foremost, that no child is chased away from school. This is particularly so at a time when famine is ravaging Northern Kenya. It is hard for a parent to provide tuition fee or any other form of money when that parent is being fed on famine relief.

With those few remarks, I support the Motion.

**Mr. Donde:** Mr. Temporary Deputy Speaker, Sir, I wish to thank all hon. Members who have contributed to this Motion. I think this is a happy day for our children and this country. We are now going to have a situation where all our children will be able to feel free, go to school and reduce the dropout rate in our schools. Primary school education is important for the development of the child and I am very happy that this House has recognised that fact and given its full support to this Motion.

May I also thank hon. Awori for eloquently making the Government position very clear on this Motion. I hope he will write a circular to all the primary schools in the country to notify them of these changes so that from next week all our children will be able to read without interruptions. I also thank hon. Karauri for putting the Government position in a very eloquent manner. We can move together to make sure that our children do get this education.

With those few remarks, I beg to move.

*(Question of the Motion as amended  
put and agreed to)*

*Resolved accordingly:*

THAT, taking into account that the Government is committed to; and guarantees free education in all its primary schools, aware that child education in public schools is frequently disrupted for

non-payment of charges unrelated to tuition fees; this House resolves that child education in public primary schools shall not be interrupted for reasons of any monies being demanded from the child and that the payment of such monies will be the responsibility of the communities and other stakeholders

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, it is now time for the interruption of business. This House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.