

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 9th May, 2001

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

INTRODUCTION OF BILL TO INCREASE PARTICIPATION OF WOMEN IN PARLIAMENT

Mrs. Mugo: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House do grant leave to introduce a Bill for an act of Parliament entitled: "The Constitution of Kenya Amendment Bill" to provide for increased participation of women and other marginalised groups in Parliament to at least one-third of the total membership of the House.

LEAVE TO INTRODUCE THE PARLIAMENT BUDGET OFFICE BILL

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled: "The Parliament Budget Office Bill" to establish Parliament's Budget Office in the National Assembly; to provide the Members of Parliament with budget information; to facilitate the participation of Members in the making of the Budget, and in monitoring the evaluation and implementation of public expenditure and programmes; and to strengthen the role of Parliament in the budgetary process and for matters connected therewith and incidental thereto.

ORAL ANSWERS TO QUESTIONS

Question No.105

EXPENDITURE ON PRISONERS' UNIFORMS

Dr. Kulundu asked the Minister for Home Affairs, Heritage and Sports how

much money the Ministry spent on the purchase of prisoners' uniforms, bedding, toilet paper and drugs countrywide in the financial year 1999/2000.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. arap Choge): Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry spent the following amounts of money on the purchase of prisoners uniforms, bedding, toilet papers and drugs during 1999/2000 financial year. The purchase of uniforms and clothing for inmates cost Kshs16 million. The purchase of bedding for inmates cost the Government Kshs14 million. The purchase of drugs and dressing cost Kshs400,000. Medical expenses cost Kshs800,000. Consumable stores, that is, toilet papers, sanitary towels, soaps, disinfectants and so on cost Kshs13 million. The total cost was Kshs44,200,000.

Dr. Kulundu: Mr. Deputy Speaker, Sir, Kenya's prisons are known to be death chambers, according to one high court judge. If that is so, these figures that the Assistant Minister has given are misleading. According to the printed Estimates for 1999/2000, this Parliament only provided K£10,420 for the purchase of uniforms, clothing and bedding, for inmates countrywide. Could the Assistant Minister tell us under which Vote Head he got Kshs16 million for the purchase of clothing and uniforms, and Kshs14 million for the purchase of bedding for inmates, leave alone toilet papers?

Mr. arap Choge: Mr. Deputy Speaker, Sir, these figures are interchangeable and re-allocations are always sought in this House.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, it is a pity that the Assistant Minister is misleading this House. I pity officers in Voi and Manyani Prisons because they wear worn-out and torn uniforms, including shoes. The Assistant Minister tells us that his Ministry spent Kshs16 million to buy uniforms, shoes and everything else. Which prisons were these distributed to because the officers at Manyani and Voi Prisons do not have new uniforms and shoes?

Mr. arap Choge: Mr. Deputy Speaker, Sir, they do not always need to have new uniforms or shoes every year. They normally get some more when the ones they have get torn.

Mr. Muchiri: Mr. Deputy Speaker, Sir, whenever I visit Kamiti Prison, which is almost on daily basis, I have personally witnessed that the prisoners there do not have clothes. Could the Assistant Minister agree to accompany me and other Members of Parliament to go and inspect Kamiti Prison?

Mr. arap Choge: Mr. Deputy Speaker, Sir, I was in Kamiti Prison a few years ago and nobody was walking naked there. If he met the prisoners, they were not walking naked on the road; they had clothes!

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. That is not the question. The question is: Could the Assistant Minister agree to accompany me and other Members of Parliament to Kamiti Prison and see the uniforms that he says they have purchased for the prisoners?

Mr. arap Choge: Mr. Deputy Speaker, Sir, if the hon. Member is so serious and he wants to visit the prison, he can seek permission and we can go together.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, arising from the response given by the Assistant Minister, could he tell this House what he was doing in Kamiti Prison a few years ago because this House would like to know?

(Laughter)

Mr. Deputy Speaker: Order!

Mr. Shitanda: Mr. Deputy Speaker, Sir, the Assistant Minister has given very impressive figures of money spent on uniforms, toilet paper and the like. Could he tell us where they re-allocated this money from because he said the money was re-allocated from other Votes?

Mr. Choge: Mr. Deputy Speaker, Sir, the Kshs8,000 actually came from the Ministry of Health. Whenever we are short of money we ask the Ministry of Health to give us more funds. You may find some prisoners who are sick and require certain medicines which are not in Government stores. We have to go out and buy the medicines for those particular prisoners. We cannot neglect them. We also have to do X-ray on the prisoners. We cannot leave them to die. We always go to the Ministry of Health when we do not have money to be able to treat the prisoners, and we have to account for it in the end.

Dr. Kulundu: Mr. Deputy Speaker, Sir, the Assistant Minister has given us misleading information on the purchase of items like toilet paper. There are hon. Members of this House who have been prisoners and who can authoritatively tell the Assistant Minister that there is no toilet paper that has ever been bought in Kenyan prisons unless it is for use by prisons officers, but not inmates. Apart from that, is the Assistant Minister satisfied that a provision for purchase of drugs of Kshs200,000 for a prisoner population of 60,000 in 1999/2000 would be adequate for

the prisoners' needs?

Mr. Choge: Mr. Deputy Speaker, Sir, I have just said that the Ministry of Health helps the Prisons Department as part of the Government. As regards his other question, I would like to inform him that the toilet papers are there; I used them in Nakuru and Kamiti prisons. The hon. Member has never been there.

Question No.029

PAYMENT OF TERMINAL BENEFITS TO TEACHERS

Mr. Musila asked the Minister for Education:-

(a) whether he could table a list of teachers who have died or retired during the last five years and whose benefits have not yet been paid;

(b) what the cause of the delay in non-payment of these benefits has been; and,

(c) what measures he is taking to ensure that these teachers or their next of kin are paid their benefits promptly.

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Seven hundred and eight teachers who have died since 1995, and 636 who have retired since 1998, have not yet been paid their benefits.

(b) The payment of the benefits is delayed because teachers' relevant documents have not been submitted to the Teachers Service Commission for claims to be processed. Further, processed claims are often also delayed while awaiting the required advance verification by Treasury officers assigned to the Commission for the purpose.

(c) Towards ensuring prompt payment of the benefits, my Ministry has asked District Education Officers, the retirees and the deceased teachers' next of kin to submit the required documents to the Commission. The Director of Pensions has also been asked to avail the Commission additional officers for verifying the benefit claims processed by the Commission.

(Dr. Wamukoya laid documents on the table)

Mr. Musila: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for his reply. You have heard from the Assistant Minister that a total of 708 teachers who served this country and died five years ago, their next of kin are yet to receive their benefits. In addition to that, 636 retired and living teachers are yet to receive their benefits. Last week the Minister for

Finance told this House that a total of 507 public servants who died five years ago, their next of kin are yet to receive their dues, and 166 teachers who retired five years ago have not been paid their dues. This House has expressed the seriousness over this problem from time to time.

Could the Assistant Minister tell this House what the Ministry of Education is going to do to ensure that the TSC pays teachers promptly on retirement, instead of waiting for five years before they pay?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I agree with Mr. Musila that there is a big problem. This problem does not only affect the Ministry of Education, but all the Government Ministries. I think the problem is with the Pensions Act, Cap.181, which lays down some procedures that may be difficult to fulfil. For example, if you asked an employee to provide you with documentation a year before the date of retirement, it does not help the retiree because some of the documents may not be available.

Mr. Deputy Speaker, Sir, through you, I would urge that the Pensions Act be amended to formulate better ways of approaching the problem of the retirees and those who die.

Mr. Imanyara: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how much money is needed to pay the retired and deceased teachers for the five years?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I did not gather that information to know the exact amount for these teachers and so I am not in a position to answer that question.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. That is a necessary part of the answer to the Question. Since the Assistant Minister has read out the number of retired and deceased teachers; why is it not possible to tell us how much money is involved? Is it in order for the Assistant Minister not to reveal information that is in his possession?

Mr. Deputy Speaker: The Assistant Minister has said that he does not have that information. But if you want it brought to the House, I will so direct. Is that what you want?

Mr. Imanyara: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Dr. Wamukoya, could you avail that information tomorrow afternoon?

Dr. Wamukoya: Yes, Mr. Deputy Speaker, Sir.

Mr. Kombo: Mr. Deputy Speaker, Sir, could

the Assistant Minister investigate the allegation that part of the problem for the TSC not processing the documentations is due to corruption? I am told that it is criminal for a retired teacher to go to TSC headquarters in the afternoon. The officers usually tell them to come in the morning and give them something for lunch in order to sort out their problems. Could he investigate these problem?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, we are all concerned about the welfare of the workers. I can investigate that, but I do not believe that is the problem. The

problem is on documentation. That is where the delays are, and secondly, we do not have resident pensions people in the TSC. We are given two officers who report there once in a month. The two officers can do very little work. So, the problem is two-pronged; the documentation and very few pensions officers.

Mr. Deputy Speaker: Dr. Wamukoya, people will continue retiring every time. Why do you not ask them to supply you with that information upon employment, so that you do not have to ask them when they are retiring? All that information ought to be in their files.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, that is why the Pensions Act requires the retirees to be given one year's notice. That one year is enough for them to give information so that they can go home with their cheques on the last day. However, I know even that one year is not adequate because the retiree does not have his or her original documents.

Mr. Musila: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that one year is always necessary for retirees to give information? What about the deceased? Could their next of kin be given one year to provide the information? Some of them died five years ago and their next of kin do not know where to give the information. Could the Assistant Minister tell this House why he cannot pay the next of kin their dues?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I was talking about the required documentation of retirees. We have different documentation required from the relatives of the deceased and they are also cumbersome as those of those who retire. That is why I recommend that we address ourselves to the question of reviewing the Pensions Act.

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that when a teacher retires, he needs to furnish the Ministry with documentation and yet, when they were employed they submit all the documents, including copies of

[Mr. Wanjala]

their identity cards? Which other documents does he want in order to process the benefits of those teachers? He should stop misleading this House! All documents are in the files. I am talking from experience because I am a teacher by profession.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the Pensions Act, Cap.181, says the following as far as retirees are concerned. It requires that the retiree produces the following information:

- (1) Two copies of the national identity card.
- (2) Any original pay slip for the last three months prior to retirement.
- (3) Two copies of option to commute pension

forms.

(4) Two copies of the pay point of the lump sum gratuity.

(5) Two copies of the academic, professional and promotional certificates.

(6) A school clearance certificate.

As I said, these are requirements by the Act.

Eng. Muriuki: Mr. Deputy Speaker, Sir, since everyone, at some stage, will either retire or die, could the Assistant Minister take steps to make sure that they have all the documents from each and every teacher who is in the service? The Ministry should file their identity cards, educational certificates and other documents, so that they will never require them again at the time of retirement. The other forms can be filled on the last day. Could he take steps now to make sure that they have all the necessary documents from all teachers so that they do not have to do it when they will be retiring? The Act requires that they provide all those documents because there is an assumption that they may not be in their files. Could the Assistant Minister make sure that those documents are in the file of each and every teacher?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I can answer that question in two stages. One, most teachers who are retiring now were employed in the early 1960s and 19970s and, maybe, their documentation was not done properly. I am sure the more recently employed teachers have their documents in the files. Secondly, even if we do that, the requirement of the Act will be followed, until and unless we amend it.

Mr. Deputy Speaker: Order! What is the intent of the Act? It is to make sure that those documents are available. If you can access them in the file, why do you want the individual to reproduce them?

(Applause)

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I agree with that. However, I am saying that it is the same Act that gives a one-year notice for them to send

all documentation, and it is adhered to by the Ministry. As Eng. Muriuki has said, maybe the retirees do not have the documents available. If we amend the Act in such a way that we just depend on the documentation available in the files, or even ask for these documents ten years in advance, then I think it will do us a good service. This will be good, not only for the Ministry, but also for the rest of the Government.

Mr. Musila: Mr. Deputy Speaker, Sir, the Assistant Minister may wish to know that two weeks ago, this House passed a Motion giving leave for the introduction of a Bill that will pave the way for the amendment of the Pensions Act. So, I have got good news for him that this will be done. In the meantime, could the Ministry consider paying the pension with interest when it is eventually paid?

This is because having kept the pensioner's money for so long, it is only fair that this money be paid with interest. Could the Assistant Minister give an undertaking that the Government will pay with interest when eventually it makes the payment?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, first, I would like to thank Mr. Musila for the information he has given me. Secondly, I want to inform the House that pensions will be paid according to the law and not according to what Dr. Wamukoya promises in this House.

Mr. Deputy Speaker: Next Question, Dr. Kituyi.

Question No.123

DELAYED PAYMENTS TO COFFEE FARMERS

Dr. Kituyi asked the Minister for Agriculture:

(a) whether he is aware that Kibingei, Khamulati and Makhanga coffee factories of Kimilili Constituency have been unable to maintain timely payment to farmers for their coffee deliveries because of low and irregular remittances from the Coffee Board of Kenya; and,

(b) what action he is taking to reverse this trend which has left many farmers poor and disillusioned with growing coffee.

Mr. Deputy Speaker: Is anyone here from the Ministry of Agriculture, Livestock and Rural Development? We will leave the Question until the end. Let us move on to the next Question.

Question No.200

DESTRUCTION OF RANEN FOREST

Mr. Ochilo-Ayacko asked the Minister for Environment:-

(a) whether he is aware that Ranen Forest on top of Ranen Hill has been destroyed through deforestation; and,

(b) what programme he has to plant trees on the hill and protect other water catchment areas in Rongo Constituency.

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Ranen Forest on Ranen Hill has been destroyed. However, on 28th February,

2000, there was a fire outbreak that destroyed approximately 10 hectares of forest plantation. This fire was immediately put off with the help of the local communities. There has, however, been some illegal removal of the burnt materials by the local people.

(b) The Ministry has already planted 25 hectares of the hill. The remaining 41 hectares will be planted gradually. In the next financial year, 2001/2002, an area of 10 hectares will be planted by the Ministry.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, it is apparent that the Minister is not aware of where Ranen is. Nevertheless, how much has the Ministry spent in replanting the said hectares? How much have they failed to get in this financial year?

Mr. Nyenze: Mr. Deputy Speaker, Sir, I do not have that information on how much the Ministry will spend in this financial year. As I said, the Ministry plans to plant some 10 hectares. The BAT and Mastermind Tobacco companies have also been contributing towards reforestation in the area for their timber in tobacco curing.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the Minister told the House that he is not aware of any deforestation in Ranen Forest. However, he has said 41 hectares are to be planted, and that the Government will plant 25 hectares; BAT and Mastermind Tobacco companies will also contribute to the reforestation of the area. What happened to the area? Are there no trees now, to necessitate the reforestation?

Mr. Nyenze: Mr. Deputy Speaker, Sir, there has been some plantation cover, but as I said, some fire destroyed a bit of the forest. About 10 hectares of forest were destroyed. That area already has five different species of trees which were planted by the Government. But because of the strong winds that sweep through the area and the hard pan beneath the surface, most of these trees fall. We are trying to rehabilitate the forest.

Dr. Omamo: Mr. Deputy Speaker, Sir, could the Minister, please, be more serious? If there is hard pan underneath, it can be broken down by digging. Is that not so? If the winds are very strong, there are species of trees that are made by nature to withstand such strong winds. For example, the acacia trees grow flat so that the winds just sweep across, leaving them standing. The Ministry is not serious with the reforestation of this area. Why should the Ministry plant a few hectares, year in, year out? Why does the Ministry not want to plant many trees once and for all? This is a small area which can be planted at once.

Mr. Nyenze: Mr. Deputy Speaker, Sir, we would like to plant trees in the whole of that area because it is only 66 hectares, but the Ministry does not have the necessary finances to do so. Donors are not giving us the sufficient amounts of money towards that end, but we are trying as much as we can. On 11th May, 2001, I will be in Nyando District leading the tree planting exercise. I would like to request the local community around Ranen Hill to assist the Government in the tree planting exercise because this is in

the interest of both the Government and the local community.

Mr. Deputy Speaker: Mr. Minister, but a lot of your tree nurseries have no seedlings. So, what are local people going to do to reforest the area?

Mr. Nyenze: Mr. Deputy Speaker, Sir, it is true that most of our tree nurseries lack seedlings. But we have encouraged the private sector and communities to prepare their own tree nurseries. We do not have seedlings in our tree nurseries because of the lack of money and retrenchment, but we are trying with the little money that we have. I am appealing to all Members of Parliament to assist us in educating their communities to own tree nurseries to augment what we are doing.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, we know that forests are normally destroyed so that land upon which the trees grow is grabbed. Could the Minister assure this House that there is no plan to grab the land around Ranen Hill and the neighbouring hills whose forests have been destroyed?

Mr. Nyenze: Mr. Deputy Speaker, Sir, I can assure this House that the land around Ranen Hill has never and will never be grabbed.

Mr. Omamba: On a point of order, Mr. Deputy Speaker, Sir. This problem does not only affect Ranen Hill. In Migori District, Migori Hills and Otacho forests have been cleared. What is the general Government policy to protect these forests?

Mr. Deputy Speaker: That is not a point of order; that is a Question! What is your point of order?

Mr. Omamba: Is the Minister aware that other forests like---

Mr. Deputy Speaker: Order, hon. Omamba! You stood on a point of order but not to ask a question! But I will allow the Minister to respond to your question.

(Laughter)

Mr. Nyenze: Mr. Deputy Speaker, Sir, as I said earlier, during this year's National Tree Planting Day, I will be in Nyando District to lead the exercise. This is to encourage all the other areas surrounding that place to participate in tree planting. I have selected that area so that we can also teach the local communities about the importance of tree planting. I would request all Members of Parliament from Nyanza and Western provinces to accompany me for that exercise.

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir. This is a very important point of order.

Mr. Deputy Speaker: Order, Mr. Wanjala! You do not decide whether a point of order is important or not.

Next Question, by Mr. Twaha!

Question No.223

PAYMENT OF DUES TO MR. ISLAM

Mr. Twaha asked the Minister for Health:-

(a) whether he is aware that Mr. Islam A. Islam, P/No.70001709 who retired two years ago after 30 years of service as a driver in the Ministry has not been paid his dues; and,

(b) whether he could ensure that he is paid without any further delay.

The Assistant Minister for Health (Mr. Mukangu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Islam has not been paid his dues after he retired.

(b) Mr. Islam's retirement benefits have already been finalised and submitted to the Pensions Department for processing and payment.

Mr. Twaha: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for his fine answer. But I would like to inform him that Mr. Islam suffered a stroke last month and he is now bed-ridden. Could the Assistant Minister give directions as to where that cheque will be collected?

Mr. Mukangu: Mr. Deputy Speaker, Sir, since the issue has already been finalised, I promise the hon. Member that within the next two weeks, Mr. Islam will receive his payment in Lamu.

Question No.162

UPGRADING OF NAIROBI SEWERAGE SYSTEM

Mr. Gatabaki asked the Minister for Local Government:-

(a) whether he is aware that the last master study of the City of Nairobi's sewer system was done in 1974 when the City had only 600,000 residents; and,

(b) why the Ministry has not upgraded the 1974 study or undertaken new plans on the sewer system.

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

(a) I am not aware.

(b) The Ministry has upgraded the 1974 Study through a study done by SWIPCO, a Swedish firm, and Otieno Odongo and Wanjohi Consulting Engineers, and completed in 1998. It has fully addressed the sewerage, drainage and sanitation needs of the City up to the year 2020.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, either this Assistant Minister is contemptuous of this House or he does not understand the Question I have asked. In his answer to part (a) of the Question he says he is not aware, and in his answer to part (b) of the Question, he says the Ministry has upgraded a study which he is not aware of. Could he tell us

whether he understands the Question or he requires some help. He should realise that he is not addressing a KANU rally! This is a Question requiring a definite answer!

Mr. Sirma: Mr. Deputy Speaker, Sir, when the study was done, the population of Nairobi was close to 700,000 people. That was not the last study done and that is why I said "I am not aware." We did a study in 1995 which was completed in 1998, where we have addressed the issues raised by the hon. Member.

Mrs. Mugo: Mr. Deputy Speaker, Sir, the Assistant Minister is either misleading this House deliberately or he is not aware of what is happening in Nairobi. There is no sewerage system operating in Nairobi. Indeed, Nairobi River has been turned into a sewerage system. Could the Assistant Minister tell us whether the study he has referred to has been implemented? Is this upgrading real or it is only on paper? When will the Ministry upgrade the sewerage system in Nairobi for the sake of the health of Nairobians?

Mr. Sirma: Mr. Deputy Speaker, Sir, I know that the hon. Member is really aware of the rapid rural-urban migration in this country for the last 20. This has overtaken the development of this City. Therefore, that is why the study was necessary. This was done in 1995 because of the number of people who have moved to Nairobi. We are now in the process of implementing---

(A cellphone rang in the Chamber)

Mr. Deputy Speaker: Order, hon. Members! Who is the owner of that cellphone?

An hon. Member: It is Mr. Obwocha.

Mr. Obwocha: It is not me! I do not have any cellphone with me here!

Mr. Deputy Speaker: Order, hon. Members! It does this House no good at all when its Members cannot own up to such simple mistakes. Could the hon. Member who has that cellphone take it out of the Chamber right now? Be honourable enough! The hon. Members sitting there know the owner of that cellphone. That hon. Member should own up!

(Loud consultations)

Order! Order! Last week, I did indicate that if this habit continues, the Chair will have no option, but to get the Serjeant-at-Arms to search Members in the Chamber. There is nothing more dishonourable as that. I want you to save yourselves that embarrassment because it, surely, will come. So, will that Member who has the cellphone in the House which has rang leave the Chamber honourably? Very well! Next time, do not regret what visits you.

Dr. Kituyi: On a point of order, Mr. Deputy

Speaker, Sir. I need some guidance because you have created a new rule here about searching Members for mobile telephones. If he has switched it off after it went on and you search, how will you establish the one which rang?

Mr. Deputy Speaker: Order, Dr. Kituyi! We will be all saved that agony if Members behaved honourably. The Chair has repeatedly stated that those gadgets should be left out. Clearly, Members are not heeding that warning. Consequently, the Chair will use the powers conferred upon him by Standing Order No.1 and if more than one Member has that gadget, I am afraid this will be one occasion where the Chair will allow communal punishment.

(Laughter)

Mrs. Mugo: My question was not answered. What has been implemented, and not the process?

Mr. Sirma: Mr. Deputy Speaker, Sir, as I was saying, we are trying to source for funds to be able to upgrade the sewer system. But all the same, we are doing repairs on broken sewers with the little revenue which is earned from this City.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House what the findings of that study were, and which of those findings have been implemented? How much did each of those finding cost?

Mr. Sirma: Mr. Deputy Speaker, Sir, the latter study recommended that there is need to upgrade and expand the sewer system in this City, including the area which is reserved; the one Mr. Mwenje has always protested about in this House, that it has been grabbed. The City Council is in the process of looking for funds so that they can expand the sewer system. I cannot give you the amount of money required to do this work off-head, but the study is ready and we are trying to implement the emergency requirements of the people of Nairobi.

Mr. Ayoki: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister about repairing some broken sewers in the City, what plans do they have to repair the major open sewer in the City, which is Nairobi River?

Mr. Sirma: Mr. Deputy Speaker, Sir, I think the hon. Member should know that Nairobi River is not a sewer system.

Hon. Members: It is!

Mr. Deputy Speaker: Order! Order, Mr. Assistant Minister! You understand perfectly what he means. That is the main open storm drainage system and people are discharging sewerage into it.

Mr. Sirma: Mr. Deputy Speaker, Sir, I think, environmentally, it is not correct and I think the Ministry of Environment, and the Minister is here, should have a joint effort in rehabilitating Nairobi River.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, I wish to put on record that the Assistant Minister is totally unaware of what we are talking about. We had the opportunity of

listening to the Permanent Secretary in his Ministry and also the top officials of Nairobi City Council (NCC) regarding the outbreak of typhoid and other diarrhoeal diseases. The Permanent Secretary confirmed that, indeed, the 1974 Study was done and the reason, and the Assistant Minister should listen, was the mismanagement of the Council in the 1990s which witnessed the changes of the Commissions, and it is not the funding. Could the Assistant Minister go back and confirm, and answer back to this House? He is totally misleading this House. In 1974---

Mr. Deputy Speaker: Order! Order!

Mr. Sirma: Mr. Deputy Speaker, Sir, I do not think I am misleading this House. I am giving the true facts of the situation in the NCC, of which---

Dr. Kulundu: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: But he has not even finished responding to Mr. Gatabaki's question.

Mr. Sirma: Mr. Deputy Speaker, Sir, as I was saying, the NCC really needs a lot of funds, to the tune of Kshs1.3 billion, to rehabilitate the whole of Nairobi.

Mr. Deputy Speaker: Dr. Kituyi's Question, for the second time!

Question No.123

DELAYED PAYMENTS TO COFFEE FARMERS

Dr. Kituyi asked the Minister for Agriculture:-

(a) whether he is aware that Kibingei, Khamulati and Makhanga Coffee Factories of Kimilili Constituency have been unable to maintain timely payment to farmers for their coffee deliveries because of low and irregular remittances from the Coffee Board of Kenya; and,

(b) what action he is taking to reverse this trend which has left many farmers poor and disillusioned with growing coffee.

Mr. Deputy Speaker: Is anyone here from the Ministry of Agriculture? The Question is deferred.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

VIOLATION OF IMMIGRATION RULES

Mr. M.M. Galgalo: 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 planes plying

northern Kenya routes are flouting passenger, security and immigration rules?

(b) What happened to the plane which flew from Moyale on Saturday, 21st April, 2001, on landing at Wilson Airport?

(c) How many passengers were on board and how many is the plane authorised to carry?

Mr. Deputy Speaker: Is there anyone from the Office of the President? We will come back to it.

Next Question, Eng. Muriuki!

ABOLITION OF CENTRAL TENDER BOARD

Eng. Muriuki: Mr. Deputy Speaker, Sir, I have not yet received a written answer. Nonetheless, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Does the Government intend to abolish the Central Tender Board and the District Tender Boards through Legal Notice No.51, dated 30th March, 2001?

(b) Who will be performing the functions of these Boards if they are abolished?

Mr. Deputy Speaker: Is there anyone from the Ministry of Finance and Planning? We will come back to it.

Next Question, Prof. Anyang'-Nyong'o!

ACQUISITION OF US VISAS

(Prof. Anyang'-Nyong'o) to ask the Minister for Foreign Affairs and International Co-operation:-

(a) Is the Minister aware that the American Embassy has made it almost impossible for Kenyans to obtain visas to travel to the United States of America?

(b) Could the Minister ensure that the US Embassy establishes sufficient lines of communication for those who call the Embassy to make appointments for interviews to obtain visas?

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): I am here, but where is the Questioner?

Mr. Deputy Speaker: I understand he is out of the country, so that Question is deferred.

(Question deferred)

Next Question, Mr. Kiunjuri!

DIVERSION OF MT. KENYA RIVERS

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water Development the following Question by Private Notice.

(a) Is the Minister aware that there is excessive

diversion of water along the Mount Kenya rivers of Nyariginu, Teleswan, Sirimon, Likii, Nanyuki, Bangurite and Tigithi which flow downstream to Laikipia East Constituency?

(b) What immediate action is the Minister taking to stop this diversion?

Mr. Deputy Speaker: Is there anyone from the Ministry of Water Development?

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Last week, you recorded **[Mr. Gatabaki]**

displeasure with the inability of the Ministers not only to answer Question, but also to be present in this House, contemptuously in disregard of this House. Could you re-emphasize our concern about this Government's inability not only to answer Questions, but also to govern this country?

Mr. Deputy Speaker: Thank you.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we are getting concerned. When the Cabinet is supposed to be serving us in this House, they are accompanying President Moi and the President of Botswana in the country.

Mr. Deputy Speaker: Do you know where they have gone?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I am aware---

Mr. Deputy Speaker: Order! Indeed, you are substantially making the same point as hon. Gatabaki. Last week, both the Speaker and I had occasion to issue warning about the absence of Ministers and Assistant Ministers who are supposed to answer Questions in the House. Today, they have not performed very well. I want to say this, and hopefully this time for the last time: That if a Minister or an Assistant Minister does not appear in the House to answer a Question which is on the Order Paper, that absence, unless an explanation is rendered in advance, will be regarded as disorderly conduct. Therefore, it will be subject to the requirements of our Standing Orders on disorderly conduct.

(Applause)

Mr. Angwenyi: On a point of Order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Not on the same point! You cannot raise a point of order when I have concluded it! Is that right?

Mr. M.M. Galgalo's Question for the second time!

The Minister for Public Health (Prof. Ongeri): On a point of order, Mr. Deputy Speaker, Sir. I stand to seek guidance from the Chair, and I am in no way contradicting your ruling which is quite clear. What happens if the Questioner is also not present? I guess that there is also fairness and equity to be

considered.

(Loud consultations)

Mr. Deputy Speaker: Order! Let him finish!

The Minister for Public Health (Prof. Onger): So, I just want to seek your guidance. Although they say that such a Minister or Assistant Minister loses his or her seat, there is, indeed, no equity because one is subjected to that action and the other one is not.

Mr. Deputy Speaker: Order, Prof. Onger! The Chair did, in fact, point out that when an hon. Member does not turn up to ask his or her Question, he or she loses it. But that, in my view, is punishment because he or she loses the opportunity to raise an issue that concerns his or her constituents. It will be double punishment if, having lost the opportunity to ask his or her Question, further actions are carried out against him. But as I said, and let that be clearly understood, there is no reason why a Minister or an Assistant Minister who knows that he or she is not going to be present and, therefore, unable to answer his or her Question, cannot say so in advance to the Chair, so that it can take appropriate action; for example, by deferring that Question until he or she is available to answer it. That is all we are saying.

The Assistant Minister for Health (Dr. Galgalo): Mr. Deputy Speaker, Sir, but you know that hon. Members are capable of recycling Questions and bringing them back to you through the backdoor. That is not enough punishment.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Dr. Galgalo, let me hear you again this time. I want to hear you quite clearly. Say it again! **The Assistant Minister for Health** (Dr. Galgalo): Mr. Deputy Speaker, Sir, I said that even when you say that the Question should be dropped, hon. Members are very clever individuals; they will introduce the Question through the backdoor; recycled somehow.

Mr. Deputy Speaker: Order, Dr. Galgalo! The Chair is in a very good mood this morning. So, do not spoil it! The fact of the matter is that there is no backdoor to the Chair.

(Laughter)

Also, other hon. Members should know that the Chair has no backdoor, but it has the prerogative to reinstate a Question if an hon. Member explains the circumstances which made it, in fact, impossible for him or her to come and ask the Question. That is the same offer that I have made to Ministers and Assistant Ministers.

Next Order!

(Question deferred)

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! There will be no more arguments or points of order to be raised on that issue. I have already ruled on it.

[Mr. Deputy Speaker]

Next Order!

MOTIONS

INTRODUCTION OF BILL TO AMEND THE EDUCATION ACT

Dr. Kituyi: Mr. Deputy Speaker, Sir, I beg to move the following Motion---

(Mr. Wanjala consulted loudly)

Mr. Deputy Speaker: Order, Mr. Wanjala! This is not some market in Budalangi!

Proceed, Dr. Kituyi!

Dr. Kituyi: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that the largest cost in the development and maintenance of most public secondary schools has reverted to the parents and local community, and given the need for the owners of the said schools to have a right through their agents to make the most fundamental decisions on the stewardship of the schools, this House urges the Government to introduce a Bill for an Act of Parliament to amend Sections 10, 11 and 12 of the Education Act, Cap. 211 of the Laws of Kenya, and provide for the transfer of the powers bestowed upon the members of the Board of Governors to the Parents and Teachers Association (PTA).

Mr. Temporary Deputy Speaker, Sir, one of the worst problems that this country's education faces is the archaic instruments of law in the management of education which have no direct bearing to the reality of education today. If you look at Cap. 211, and consider when those laws were written, the main financier of public education was the Government. The Government constructed schools, and provided for books, libraries and laboratories and paid teachers and subordinate staff. But that was very many years ago. In those good old days, the Government was using taxpayers' money to build and maintain schools. It made sense that the Government established a statutory mechanism which

would oversee the expenditure of the money that it had channelled to schools. It makes sense that there was a powerful Board of Governors to oversee the management of finances from the Ministry of Education, Science and Technology.

What is the situation today? The Board of Governors continues to operate like an insular mechanism, as if nothing has changed. They come in and sit down and the first thing they do is to sign in, and they are paid a sitting allowance and meals are prepared for them nicely. They sit there and start discussing how much money they have. "What do we want to do with that money?" They decide the project that they want to implement. They may want to build dormitories or to build beautiful blocks facing the road, so that people see that, that school is prospering. They like building large dining halls, and after they have decided that they are going to do that, they do not ask themselves where the money would come from. This is because unlike the days when the boards were presiding over the management of money from the Ministry, today they are presiding over money that comes from the parents and teachers; the community.

So, we have an anomaly. Here is one mechanism pretending to be managing finances as if they came from its employer. The Board of Governors is an employee of the Minister for Education, but the money they are spending is coming from the community, the parents and teachers. The parents, teachers and the community of the school are the ones who raise the money for construction of schools, keep the funds and hold the Harambees with politicians. Whereas that money is there, the organisation representing the people who source the money has no authority to decide how their money is spent. The other organisation that has been appointed by the Minister takes over. It only makes sense that at the time when the funding of the public education has shifted, the management; the executive capacity to decide how that money is spent, must now revert to the group that raises the money.

Of course, there is some problem. The first problem that will arise is that many parents and teachers associations have low quality of personnel that comes through; that, many times, you have persons with very modest academic backgrounds who rise mainly because of their political affiliation or political machine or political affinity.

However, this is a problem that can be ameliorated. First and foremost, the absence of executive authority in the PTA, and any clear or legal statutory provision that defines their authority and their mandate, is what diminishes the quality of persons to head the PTA. The moment this House creates the necessary legislative atmosphere in which the representatives of the people are empowered to make decisions, then better quality personnel will be attracted to those positions.

Mr. Deputy Speaker, Sir, secondly, in seeking to have statutory recognition and empowerment of the PTA,

one can also have written [Dr. Kituyi]

in the new amendment to the Education Act, a provision for minimum educational qualifications for persons to hold positions in the PTA. That way, at least, the percentage of the people--- That way, you can then enforce up the quality of personnel that go to PTA, and they will have the competence to do what the BOGs are doing today for which they are being paid from money that comes from the PTA.

Mr. Deputy Speaker, Sir, I have mentioned that there are certain fundamental anomalies in education today, and there are very many crises which lead us to the need to look afresh at Cap. 211. First, many of us who represent rural constituencies have found this problem; that the regulation in the Education Act bars sitting teachers from secondary schools from being members of boards of other schools. You all know that this is a very unfortunate phenomenon. Some of the most extensive intelligentsia available in the countryside are teachers, and some of the best role models in the community in the countryside are school teachers. Some of the people who know best how to turn round non-performing schools are teachers in schools that are performing, and these persons come from communities not necessarily where they are teaching. To allow for teachers in schools who are active today to be allowed to become members of boards expands the base for recruitment in areas where there is a shortage of other people with an education. But it also avails an opportunity for teachers in performing schools to influence the structure and management culture of schools that are under-performing.

Mr. Deputy Speaker, Sir, at the time when we have such an overwhelming capacity existing in the educational sector to help rectify performance in non-performing schools, it would be very helpful if the Education Act was amended in such a way as to allow for teachers to be potential appointees to boards of schools where they are not teaching.

Mr. Deputy Speaker, Sir, the Minister will agree with me that one of the biggest headaches he is having today is that occasioned by something called sponsored schools. Now, there is an anomaly in what we call sponsored schools in Kenya. First, there is a category of schools which are actually created by certain religious organisations for the public good, but they are created and even managed by the religious organisations. Something similar to the madrassas, but mostly common among Catholic Schools, where you find a Catholic Church mission has acquired land, erected buildings, put in staff and supervised the development of a very good competent school. However there is another phenomenon where a community has a local church and they use the name of that church in the registration of a local school and they say that this school is sponsored by that church. What is the role of

that church in the daily management of the school? It has two roles. One, by insisting to be over-represented by irrelevant personnel on the board of that school, and, two, by heightening religious bigotry in the appointment of headteachers of the school. Most of the so-called sponsored schools are sponsored by parents and the community with virtually nothing coming from the religious organisations which purport to sponsor them. However, those religious organisations use the so-called sponsorship to keep raising rigid, irresponsible and non-secular conditions about the daily management of schools.

Mr. Deputy Speaker, Sir, at a time in the era of globalisation and secularisation of curricula, it does not make any sense for us to continue keeping outdated practices of holding public education at ransom because of religious bigotry. The opportunity to change the Education Act offers the Government and other stakeholders in education a unique opportunity to streamline secular education in Kenya, to separate between institutions that are genuinely sponsoring schools, and religious organisations that just want to walk into a school and dictate about who should lead the school without any active participation in the financing, rehabilitation or maintenance of academic and social excellence of the school in question.

Having said that, I wish also to say that there is something on the other side that should not be ignored. There are some places, and I emphasise particularly schools which are sponsored by the Catholic Church, where the church has done more than the local community; or put the other way, the local community has been contributing via the church in the construction of schools and the daily management of the schools. It is foolhardy for the Ministry until the environment and contract between the so-called "sponsored" school and the Ministry have been worked out afresh; it will be irresponsible for the Ministry to just turn its back on those sponsors. We have seen a crisis, particularly in Kisii at the start of this year, when a drawn-out battle between the Ministry and the Catholic Church led to very delayed opening of many secondary schools, some of the most important secondary schools in that region. This disruption of education is partly a reflection of bad public relations; that it should be possible for the leaders of the different dioceses of the Catholic Church and the personnel from the Ministry of Education to sit down and sort out their differences about who has a right to appoint the leaders of the schools; what should be the limit of the mandate of the sponsor, other than waiting to have a very dirty and public confrontation which diminishes the dignity of both parties to this competition.

[Dr. Kituyi]

Mr. Deputy Speaker, Sir, if we are talking about streamlining education in this country, there is one major problem that has received insufficient attention. Because of the collapse of public teaching institutions and the demonstrated excellence of certain private teaching institutions, there has been a money-driven, greed-driven

proliferation of sub-standard private secondary schools, and even primary schools now. You have persons converting boarding and lodging facilities into secondary schools. You have persons constructing very unhygienic and even architecturally very hazardous constructions and overnight they are turned into secondary schools, massively advertised in the media.

If the mandate of the Minister for Education as provided in the third paragraph of Cap. 211 to be the prime mover in the development of education and maintenance of standards of quality in educational institutions has still remained the driving force for that Ministry, the Minister says now he has much less mandate and responsibility to finance schools, and he should more actively strengthen the inspectorate of schools. Instead of inspecting the quality of sub-standard institutions which are just being used to pilfer and rob the poor whose children cannot afford to go to better schools, what we see as the work of the inspectorate is very strange. The inspectors, in most provinces, are sent out by the Provincial Director of Education (PDE) when he has a personal war with the headteacher of some schools. If it is a prominent school and the headteacher refuses to take extra students as suggested by the PDE, the inspectorate is all the time sending teams to check on his work. They are used to harass performing teachers; they are not being used to check quality.

Mr. Deputy Speaker, Sir, recently, we had the sad experience of Kyanguli Secondary School. The Ministry of Education has declared that now they will change and make sure that boarding facilities have specific specifications for windows, the door open outwards and the dormitories are not locked. If you checked today, you would find that there is no Provincial Director of Education who has now given that new instruction to the school inspector; that when he or she goes to school, he or she should check the size of the windows; check whether they have grills, and if doors can open from outside. We will wait for the next accident to happen and we will say this again and suspend Parliament to attend the mass burial. We have not internalised the culture of translating public statements into actual instructions or regulations for executive officers.

It would be very helpful if the Minister could consider it; that while working on necessary amendments to the Education Act, the Inspectorate of Education, with its officers that are deployed in the provinces and districts, would give urgent priority right now, one, to seeking the proliferation of substandard institutions which are being used to rob the poor who are hungry for a different education; and, two, to implement the desired changes that have been occasioned by the tragedy of Kyanguli Secondary School.

Mr. Deputy Speaker, Sir, I have only

mentioned a few of the critical changes that are required in the Education Act, but the fundamental message that I am sending home is that when the financing environment of education and any other public service has shifted, the legal instruments that have become redundant because of changing circumstances must accordingly be changed. It is intolerable for us, as hon. Members of Parliament who are constantly holding Harambee to continue raising money through the Parents and Teachers Associations (PTAs), which is used to pay daily sitting allowance to appointees of the Minister for Education. It is unfortunate when more than 90 per cent of the cost of construction of schools comes from the PTA, and there is no clear legal provision authorising and empowering the PTA. There was a Legal Notice published in the 1980s allowing for the operations of the PTA, but a Legal Notice allowing for operation; basically to say, "Can we now ask parents to bring a little more money because our school has qualified in the choir competition to go to the provincial competition?" That is insufficient.

Those people represent the owners of the schools. The law must recognise that, and it must authorise them to execute the powers of the owners of the finances that maintain the school. If we cannot do that, increasingly, we will see a situation of de-linkage between the whims of the financial manager and the desires of the owners of the finances, which has happened in many places. I would like to inform this House that a new board comes in and its chairman wants to show that he is better than the previous one; often he is an appointee of the local Member of Parliament or a hovering shadow Member of Parliament. What does he do? He wants a prestigious ivory tower project, which satisfies his ego because his pocket is not involved in raising the money he will spend. But most fundamentally, you cannot be developing a democratic culture in the country underpinned by the fact that taxation is only justified by representatives of the tax being there to decide what their money is spent on. This is the fundamental justification of the duties of this Parliament, while at the same time, you have a taxation for the construction and maintenance of schools from parents who are not represented in the decisions about how their money will be spent.

Mr. Deputy Speaker, Sir, there is a problem that has bedeviled some of the boards that exist

[Dr. Kituyi]

today. The regulations and subsidiary legislation to the Education Act, Cap. 211, provide very clearly that members of Boards of Governors should never be contractors to the schools where they are on the board. There has never been any mechanism, desire or any attempt by the Ministry to verify that this does not happen. The reality today is that in most schools, the contract to supply foodstuffs is awarded to members of the board. I would also like to point out that when it comes to supplying furniture and rehabilitation of beds in the dormitory, the contract is awarded to the members of the board.

I would like to point out that some of the people fight to remain on the board, and they get assistance from headmasters because, between them, they manage a moonlight economy through which the resources that belong to the parents and the community; resources which are put at the disposal of the headteachers by the PTA, are transferred into their private pockets by awarding themselves contracts. In fact, I heard that a headteacher of a very prominent school in my constituency - Chesamisi High School, thank God we have thrown him out these days - establishes a company which comes to harvest timber from the school, takes to his workshop and makes furniture to sell to the school.

Mr. Deputy Speaker, Sir, with those remarks, I beg to move and request Mr. Gatabaki to second the Motion.

Mr. Gatabaki: Thank you, Mr. Deputy Speaker, Sir. I would like to thank Dr. Kituyi for giving me the opportunity to second this very important Motion. In the last 20 years or so, we have become so pre-occupied with politics that we have forgotten some of the fundamental things of our nation. I would like to point out that provision of education is so basic that any Government worth its soul; any Government that professes to be one, without the provision of education, which is a basic right, has no business governing a country. We have increasingly seen this Government abdicating the responsibility to provide basic education for its citizens. So, what has happened? It is pre-occupation for survival; spending all your money trying to chase Opposition Members of Parliament, whether they spoke about inciting or removing a Government. Will this pre-occupation, like what we have seen now in Meru and Embu--- We have forgotten about provision of some basic things to try to survive. You have seen what has happened in Zambia, about Mr. Chiluba and the like. This pre-occupation for survival gets to a situation where the public gets so angry that they resort to the situation we are seeing in Zambia. I hope that situation will not come here, where the President quietly departs when his time comes.

I am saying this because, today, the Chair, ourselves and the majority of the hon. Members here are products of a publicly-funded educational system. We went to primary schools which were funded by the Government. We also went to high schools which were funded by the Government. Even where there were requirements for some payments, there were bursary provisions that ensured that any child who did not get funding, or his or her parents could not pay school fees, went to school. The education system provided bursary to every Kenyan who was capable of going to school.

I would like to say that the majority of Cabinet Ministers, since the days of Kenyatta, were funded through bursaries because their parents could not afford

to pay school fees. I would like to point out that it is these Ministers who built our nation. I am saying this because we are talking about some basic rights. So, what happens when a Government cannot provide that right? There is no option left to us, the leaders, than to get our communities to provide that basic education until the Government is removed, of course, constitutionally. I am very well known for supporting constitutional means of removing the most tyrannical systems on earth.

Mr. Deputy Speaker, Sir, what happens here is that parents start providing services to schools which the Government ought to be providing. There is a social contract in every system of government between the governed and the governors, that the governed would pay the taxes; the VAT, Income Tax and all other levies, and the Government would provide the services. That is a social contract that exists where there are civilised systems. But where there are no civilised systems, that social contract is broken at will so that the Government is not responsible for anything. So, parents are forced to provide services in schools. Today, almost 90 to about 100 per cent of secondary school education is provided by parents. In an economy like ours, for a parent to provide education for his or her child, it is the biggest burden. But they have done that because there is no any other option, since this Government cannot do that and, therefore, it is the responsibility of parents to do it.

Mr. Deputy Speaker, Sir, I have been presenting the PAC Report which contains several cases involving misuse of resources and fraud on the part of the Government. Those basic responsibilities and trust are lacking in the Government. The parents have become the providers of education; they are the main stakeholders in the provision of that education. So, today parents are the principal stakeholders in the provision of secondary education. Even in the whole system of education, parents in Kenya are the principal stakeholders. So, what has happened is that the Government has not accepted that reality and [Mr. Gatabaki]

does not want to provide services, but it still wants to control the school system. This Government should come out with amendments to this Act that would recognise parents as the main stakeholders in the education system, because the Boards of Governors work in institutions that are controlled by the Government. The Parent and Teachers Associations (PTAs) are the main stakeholders and, therefore, they should take the entire responsibility of governing, supervising, and running the schools because they fund school operations.

Other than paying salaries for the teachers who teach in those schools, this Government does nothing, but to squander our resources. So, we are telling this Government that the PATs want to control the education system because they are the major stakeholders. What is so difficult in understanding that? This Government ought to have come with that programme. Certain sections of the Education Act were best during the colonial days, when the colonial system virtually provided every service. Even the colonial

government, in its wisdom, did 100 times better than this system, although it is an African system. That is how evil this Government has become. So, the parents are saying, again and again, that they want to control the education system because they are the stakeholders.

Mr. Deputy Speaker, Sir, I do not think I can add more to this, but what we are saying is that we have witnessed deterioration of standards in our education system. We are seeing a lot of insecurity, violence and even devil worshipping and satanic practices in our schools. This has been due to lack of control and concern as a result of the Government abdicating its responsibility, yet they want to control the education system. So, this is a basic requirement, and this Motion ought to have come to this House a long time ago. All that this Motion is asking for is obvious. We should come out with amendments because it is already a reality that the Government is no longer a provider of services. We should not wait until we form the next Government and then provide the service. The Government is no longer the provider of the services that it is supposed to provide. We have to recognise that reality and amend the Education Act, and then remove those sections. We should recognise that the PATs are the principal stakeholders in the provision of the secondary education.

With those very few remarks, I beg to support.

(Question proposed)

The Minister for Public Health (Pro. Onger): Mr. Deputy Speaker, Sir, education is the fundamental right of everybody because it goes beyond the confines of whether it is provided by the Government sector, private sector or individuals. I think it is an area that one has got to consider very carefully because one can easily disturb the arrangements in the educational process and the education system without having to put in safety nets in order to guarantee both the quantum and the quality of education. I think it is all agreed that up to now, we have had an excellent educational system that has given us the opportunity to excel in our various disciplines. This country is well known for its human resource development, to the extent that we are highly marketable internationally and within the confines of this Republic of Kenya. This being so, any step that we consider to take must be a measured step because we do not want to disturb an arrangement which has served you well.

Mr. Deputy Speaker, Sir, reading the Motion before hand, largely, the sentiments being expressed are that, because we have gradually been able to involve the private sector and wananchi in the management of our institutions; whether they be in secondary education institutions or the primary education institutions through the local authorities, I think there is now a need to

carefully examine the existing Act in order to bring into play some of these stakeholders in a much more clearer version.

I would not like to take the path that Dr. Kituyi has taken, although in the whole process, eventually he is recognising the role of the PTAs in the management of schools, bearing in mind that, both the regulatory mechanism in the management of educational facilities and educational curriculum and content, is a function that needs to be very carefully considered in the interest of managing these institutions. I largely share those sentiments. If you look at Sections 6, 7, 8, and 9, you see that they mainly deal with the management of the primary sector of the schools by the local authorities. The sections that Dr. Kituyi has cited; 10, 11, and 12, mainly contain the conduct and management of the secondary schools by the Boards of Governors.

I would have expected us, in the spirit of give-and-take, to recognise that the end result of what we want to achieve is to strengthen the content of management of these schools. We have to look at both those aspects that refer to the primary school management, and also at those aspects that refer to the secondary school management, to see whether there is no room, for instance, of enriching the representation of PTAs in these levels, so that their voice is heard. You will appreciate the fact that, if we were to leave the PTAs alone to manage institutions, we would run into a deeper danger, particularly in setting up the mode for academic excellence. My hon. colleague will appreciate and agree with me that in the appointment of community [The Minister for Public Health] representation to the Boards of Governors (BOGs) of some of these secondary schools, there is a paucity of manpower. When you include the Parents and Teachers Associations (PTAs) in the management of the schools, there will even be a greater paucity.

Mr. Temporary Deputy Speaker, Sir, as it is, there is already a problem. I will suggest that we should increase the representation of the PTAs in the BOGs. What is the function, basically, of the BOGs? Apart from the management of the school itself and being an agent of the Government in ensuring that certain minimum regulatory provisions in the delivery of the curriculum content are observed, the BOG also makes the institution adopt a localised approach in its operations, because there is need to take care of various interests.

I believe that the constitution of the BOG does not necessarily take into account having individuals on the Board who come from that locality. There is a danger when we leave a PTA to manage a particular school because, then, it will only take care of the geographical location from which come the students who are for the time being in that school. I will suggest that we should look into a way of enriching schools. I hope that the Ministry of Education will come up with some amendments to accommodate the sentiments that I agree with, namely, that we should increase PTA representation on the BOGs.

Mr. Deputy Speaker, Sir, one thing that we must be very careful about is that, whereas there is a danger in some of these public institutions that are now managed by the BOGs, there is even a greater danger in some of the institutions that are managed by private individuals. Apart from the Minister for Education just inspecting and seeing that the schools are fit for registration, the overall management, supervision and checking whether the curriculum is being followed is not done on a regular basis. There is concern in this area of private schools managed by individuals. Of late, we have seen a proliferation of academies, both at the primary and secondary school levels. These are having an indirect effect on the quality of education. Some of these academies are performing well while others are performing disastrously. We should bring everything on board to ensure that our educational standards are maintained at the minimum par. If we do not do that, we risk losing the good name that we have as a country.

We have trained very efficient manpower. Even when our students join international institutions, they excel. It is only the other day that we noticed that Masechutte Institute of Technology in the United States of America was looking for a candidate who did very well at Alliance Boys High School. That is one of the top universities in the United States of America, but it is recognising the kind of curriculum content that we are following in our institutions. I think our business should be how to bring closer the performance of our secondary and primary schools to the level of those schools that are performing very well. In that way, we will have heightened the level of our performance. There is merit in mixing PTA and BOG representatives. At the moment, there is only one member representing each PTA in a BOG. We could increase that membership. We should change the Education Act in a manner that we increase the representation of the PTA on the BOG so that they represent the weight, the magnitude and the content of the support that a particular institution enjoys within its locality. Instead of scrapping completely the BOGs, which have a definite function, we should find a middle position, and I hope the Minister for Education will come up with appropriate amendments. We should strengthen the PTA and the BOG by increasing PTA members on the BOG.

With those few remarks, I hope that the Minister for Education will support the views that I have just expressed.

[Mr. Deputy Speaker left the Chair]

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

Mr. Wamae: Thank you, Mr. Temporary

Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. As the shadow Minister for Education, I have a very big interest in this Motion.

One of the major problems that we are facing in this country is that we spent a lot of money on the Koech Report on integrated education in this country; we spent over Kshs300 million. That Koech Report has not been adopted by this Government. The Report very much indicates how the BOGs and the PTAs should operate. In fact, it has a very big chapter on that. It is unfortunate that the Government has decided to implement the Koech Report piecemeal. Already, we are out of the 8-4-4 programme. We are not following the 8-4-4 programme in the sense that the syllabus which we are using this year is not the 8-4-4 syllabus. It is the syllabus which is recommended in the Koech Report for the Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE). The Government has not admitted openly that we are out of the 8-4-4 programme. Why not admit what is already obvious? We have reduced the subjects taken in the KCPE to five, from 13 subjects. We have also reduced the number of examinable subjects in the KCSE to seven as recommended in the Koech Report. But this [Mr. Wamae]

Government has no courage to admit publicly that the 8-4-4 system of education, which has failed, has already been discarded and that we are following the system of education recommended in the Koech Report.

If the Government had admitted that, this Motion would not have been necessary because the content of the Koech Report details what the relationship between the PTA and the BOG should be. In fact, I agree with what the previous speaker, Prof. Onger, said, that we need a close relationship between the PTA and the BOG. We must increase the role of the PTA in managing the schools by increasing the number of PTA members on the BOG. Out of 13 BOG members, only one represents a PTA. Four out of the other 12 BOG members represent the sponsor; three members represent the community interest, three members represent special interests, and we have two other co-opted members. This adds up to the 13 BOG members.

The PTA, which does most of the work, such as building the schools, is a bigger stakeholder in secondary schools than anybody else. It represents the parents who have their children in a school, but is represented by one person on each BOG. So, in some schools, you will end up having a BOG which is in conflict with the parents. This is the real problem that we are having today in many of our secondary schools.

There are two major stakeholders in secondary schools; one of them is the parents, and the second one is the Government. The Government pays the teachers and the parents provide the physical facilities. Then you have the students, whom we are all helping together. The role the parents have been given in managing the schools is very

small. However, I am particularly happy with what the Ministry of Education decided recently, that English teachers should be appointed through interviews conducted by the BOGs. We want school boards to have a bigger say in the recruitment of teachers who should teach in their schools. If a teacher cannot perform, and year after year, the students are failing in his or her subject, there is no need to maintain that teacher in that school. The parents should have a say and say that, that teacher is no longer suitable for that school. It should not be left purely to the administrative system and the bureaucracy in the Ministry of Education, Science and Technology. The parents have closer interests in managing those schools. I support the Motion and hope that we will not completely do away with the Board of Governors. We cannot leave the schools to be managed by the parents alone. We need the input of certain people, who can bring their special knowledge to the schools. In my view, I believe that the majority of the Board of Governors should come from the Parents Teachers Association (PTA).

But we should have special interests and other people who do not have students in the schools, but they can raise funds for the schools or give advice to the students. They may be lawyers or professionals in other fields, and their input is needed in running our secondary schools. There should be a scope for that. They should be nominated in the usual way, through a panel which includes Members of Parliament, councillors, the administration and the Ministry of Education, Science and Technology. That system of recruitment of Boards of Governors is the right one. But what we need is to increase the number from the PTAs. That way, they would have a bigger say in the management of the schools.

Mr. Temporary Deputy Speaker, Sir, if you want to avoid the problems that we have been having in our schools; like strikes, we should have dialogue between the parents, teachers and the Boards of Governors. By so doing, the parents will be able to influence the management of the schools. Part of the problem of indiscipline in our schools is brought about by principals who have continued to be dictatorial in the management of the schools. They have continued to use the kiboko system instead of initiating dialogue with the students. They use the prefect system to suppress other students. We need more freedom for the students to express their views in the schools. Another channel by which the students can express their views is through their parents. The parents can bring what their children tell them to the schools and have a proper dialogue with the administration. By doing that, we can avoid the irresponsible destruction and deaths that we have been having in our schools. We should have a continuous dialogue between the parents and the school administration.

Mr. Temporary Deputy Speaker, Sir, I think the principals should know that if they are not managing the schools properly; if they are not managing the resources provided by the parents, the parents will have a say in removing them. When that time comes, the Ministry of Education, Science and Technology must listen to the views of the parents because they are the major stakeholders. It is their students who are in schools and they want them to pass. It is they who contribute resources for physical facilities. So, why are they not being listened to properly? Why do the principals continue to mismanage some of our schools and misappropriate funds and when parents complain, they have no way of removing them? The question of misuse of resources is one of the major complaints in our schools by the parents. I believe that every time, the parents should be called and the principals present the accounts of the schools. The parents must know what happens to the money that they contribute. The parents should be allowed to [Mr. Wamae]

question any type of expenditure in those particular accounts. If dialogue is maintained, the parents will be happy to make contributions to run the schools and build physical facilities. But if the principals, teachers and the Ministry of Education, Science and Technology feel that it is a secret and do not want to divulge the information on what happens to the resources contributed by the parents, then we have a problem! That problem must be resolved.

This is an important Motion, but instead of transferring all the powers, I would say that we should increase the representation of the PTAs in the Boards of Governors where, at least, 40 or 50 per cent representation should come from the PTA. They should have input from the people with special knowledge and ability in running the schools.

Mr. Temporary Deputy Speaker, Sir, education is one of the most important aspects of social development in this country. It is possibly equal and parallel to health. The two Ministries are very crucial to the lives of the people. Most of the resources of this country go to those two sectors and, more so, to the Ministry of Education, Science and Technology. It is, therefore, very important to ensure that the management of education is the most important activity in the Government. We should reduce the burden on the parents. We should ensure that the parents who are not wealthy can educate their children through secondary schools. Therefore, it is important that we should keep on reducing the cost of running the schools. We should also prevent the principals from having development projects every year. Some schools have been there for a long time. There is no need for development projects every year. The parents should be given a rest. But the principals are always very keen to have a new classroom or something else going on.

With those few remarks, I beg to support the Motion.

Mr. Maundu: Mr. Temporary Deputy Speaker,

Sir, I think this is a very important Motion that has come to this House this time, after a number of events have taken place with regard to the Ministry of Education, Science and Technology in this country. I think it has come at a time when we can assess the way forward, and make a decision to make sure that the Ministry of Education, Science and Technology stands the challenge of our times.

Mr. Temporary Deputy Speaker, Sir, the contributions that have been made by my colleagues here are very useful and powerful enough to give us certain direction with regard to this particular Motion. I thank the Mover because, other than the fact that there were certain amendments, he is sensitising the national conscience to reflect very powerfully on what should be done in the Ministry of Education, Science and Technology. I would like to say that the management in our schools has not been that good. We have had events, whether it is the curriculum itself that has caused those particular problems, where most schools have been run down and yet, they were institutions of excellence in time past. We would like to recognise certain schools like Machakos Boys High School, Kabaa High School, Kitui High School, Makueni High School and Mulango Girls High School in Ukambani. Those were institutions of excellence where important men and women passed through sometime back. They did very well nationally. But today, they have become almost remote to the point that they are not producing as they ought to.

Mr. Temporary Deputy Speaker, Sir, we relate that to the overall management of those institutions, and the policy that the Ministry has taken to make sure that those institutions are run well. For some time, with all due respect, we must say that the Boards of Governors have operated like the Central Bank of Kenya (CBK). Their only business in schools is to raise funds to put up buildings, compete which institution has the best buildings, the latest model of buses and which institution has the best uniform! They care less about the expense of those things. They are the CBK for schools. They are impervious to persuasion. If you go there to persuade them not to introduce buses because a school is small and cannot afford it, they will not listen! They will pursue that idea, even when elected leaders suggest that something like that is not viable. So, the management of the schools has not been to the advantage of the students and parents.

So, the call for the amendment of the Education Act to ensure that parents have total authority in the management of schools is timely. However, there should be a balance in doing this. I hope that this Motion will encourage Board of Governors (BOGs) throughout the country to take issues relating to parents and schools more seriously. Schools nowadays are having numerous strikes and other embarrassing situations. Some girls

schools have been reported to have been invaded by ghosts. You wonder where these ghosts come from. BOGs do not move expeditiously to ensure that such things are forestalled. We sometimes wonder whether BOGs are really serious in managing schools or they are just there for the purpose of raising funds only.

Mr. Temporary Deputy Speaker, Sir, we should have in place a regulation governing a BOG's life. A BOG's life should not be unlimited. Most of them are life BOGs. In fact, some BOG members are senile. However learned the members of such BOGs may be, their chances of recovering good health [Mr. Maundu]

have ceased to exist. BOGs must have a definite period of existence. No BOG should be in existence for more than 10 years. After all, nobody has a peculiar and specific monopoly of knowledge and industry. There are many other competent Kenyans even where schools exist. So, I do not think it is wise to have a BOG life of more than 10 years.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Maundu in order to tell this House untruths? He said that BOG terms are not limited when we know that they are limited to a three-year term by law. So, BOGs do not have unlimited terms of office.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, I am conscious of the fact that Mr. Munyasia is an educationist. However, the renewal of BOGs' terms in office is so automatic that one can hardly tell whether the three-year term rule exists. So, whether that is the law---

The Minister for Vocational Training (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is continuing to mislead the House. Is it in order for him to claim further that some members of BOGs become senile in office when Members of Parliament sit in the panels that appoint BOGs? If the hon. Member---

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, I sympathise with my young friend for insisting that senile people should continue sitting on BOGs. He was not even here when I started contributing to this Motion. So, he is talking *per incuriam* in law.

Mr. Temporary Deputy Speaker, Sir, another aspect I would like to highlight is that decisions at the District Education Boards (DEBs), where Members of Parliament also sit, are made with extremely limited Parents Teachers Associations (PTAs) participation. That happens despite the fact that DEBs make decisions that affect institutions that are run by PTAs. Hon. Members will agree with me that most DEB meetings are held when Parliament is in session. Some of us have tried to persuade chairmen of the DEBs in our respective areas to call DEB meetings on Mondays and Fridays to enable us attend them. However, whenever those chairmen want to sneak in something, they call the meetings on Thursdays or Tuesdays, when we are sitting here, and make bad decisions. They refuse to reverse such decisions because they are in a money-making business. We have come to know of some levies imposed on

parents by DEBs long after the money has been collected from parents. We want parents to be involved in every forum that decides on the collection of levies in the name of advancing education. The Education Act is very loose as far as levy collection is concerned. All these things are done through a gentleman's arrangement, and parents are invited to ensure that they make a particular decision. We would like to see parents run learning institutions.

Mr. Temporary Deputy Speaker, Sir, PTAs also need to be strengthened in the disciplinary aspect of schools. What is the role of parents in upholding discipline in schools? There is no proper interaction between BOGs and school head teachers on one hand and parents on the other. BOGs and school head teachers only call parents to meetings when there is a looming crisis, or when they want to raise money for certain projects. We would like parents to be vested with the responsibility of determining the disciplinary actions that should be taken against indisciplined students. We have seen situations where schools have been left to be run down until students strike and destroy property, thus affecting the performance of students. So, we would like parents to take up this responsibility. I am sorry to point out that when some parents fail to discipline their children, they take them to school for somebody else to take care of them. We would like parents to take a very firm decision in this respect.

At the national level, parents do not seem to have a forum at which to take decisions regarding the running of learning institutions. We would like parents to be involved at the national level. The Ministry of Education should find a way of doing this. If the Education Act does not provide on this aspect, it must be provided through the amendment being sought, so that parents can have a say in the taking of decisions taken at the national level, be they financial or regulatory.

Mr. Temporary Deputy Speaker, Sir, you heard the Official Opposition shadow Minister for Education talk about changes being made to the education curriculum without the involvement of the public. What is the role of parents in these changes? Have they been invited to discuss the future of this country's education curriculum, and to ensure that it will not be too costly for them? With the policy of cost-sharing being done away with gradually, parents are going to bear all the costs of running institutions of learning. So, I think it is absolutely important to involve parents in all matters relating to running of learning institutions.

At this juncture, I would like to commend the Minister for Education for agreeing to employ more teachers for public schools so as to reduce the burden on parents and BOGs in paying some teachers. We would like this gesture extended to primary schools.

With those remarks, I beg to support.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion.

It is important for us all to realise the importance of education in this country. First and **[Mr. Omingo]** foremost, more often than not, the qualifications of some members of BOGs are quite wanting. Until recently, there has not been any specification of who is supposed to be in a BOG. A case in point is a school in my constituency where the BOG chairman signed minutes written in English, committing the school to pay out all the money it had. He was duped into signing those minutes, believing that he was only signing for payment of allowances. Those were funds contributed by the parents, who were not informed of that decision.

As an hon. Member said here, more often than not, the selection of BOG members is done through canvassing. Head teachers will always want to have people they can easily manipulate as members of BOGs. It is quite unfortunate that schools have been ripped of their finances. Some schools cannot even afford some very basic necessities because the commitment of their funds is at the hands of very few people, who more often than not are illiterate. So, the decision-making organ of schools should be controlled by parents since they are the ones who provide for the good of their children as well as the finances for running those schools. The policy of keeping parents off the affairs of schools and instead having schools run by BOGs whose members may not necessarily have interests in those schools, has made some schools very poor. Indeed, some schools are on the verge of collapse. Parents are the ones who send their children to these schools and it is unfortunate that all the decision-making including the tutoring of the students, is made by the head teacher in consultation with the Board of Governors (BOG).

It is important to note that the head teachers of these institutions, especially the secondary schools, have commercialised the institutions in terms of pupils for tuition. They have turned this tuition into a commercial venture and students do not have time to play or rest as they grow up. That is why we need to address the issues of violence and strikes in schools. This is because these students have been turned into mini-machines. They only have one or two weeks for vacation and then they are back to school again. If head teachers must make money from parents, let them do this by increasing the fees. They should allow the children to grow morally upright by interacting with the wider society. Parents hardly see their children. Tuition has now been commercialised. This is a venture through which the BOG and head teachers are making a kill.

At one time, the Minister for Education issued a circular to all schools to the effect that there should be no tuition during school holidays. Unfortunately, Ministers who are in charge of both private and public schools are not in control of the same schools. Policy-making in most schools has been left to the BOGs and head teachers. The

Ministry of Education, Science and Technology is supposed to regulate the operation of these schools. When the Minister issues a circular and it is violated, this indicates a weakness in the current system. It is important for the Minister of Education to note that when they propose guidelines for schools they should ensure that they are followed to the letter so that the presence of the Ministry can be felt. Private schools are not exceptional in terms of the educational system. The Education Act that governs the education system of this country is just but one. It is quite unfortunate that some of them are treated selectively.

As regards the conditions that our children face in schools, head teachers have commercialised student intake even beyond their schools' capacity. Members of the BOGs who are supposed to regularise the number that is required to be in schools just normally overlook this because they have a vested interest in terms of finances. You will find that a school which has a capacity of 100 students, has 220 students. These schools are being run in this manner because of the administration of the BOGs, and the head teachers who work in cahoots with them. That is why we had a disaster in Kyanguli. If a parent was the one to make the decision in terms of capacity and occupancy, I am sure that any right-thinking parent will always think about the safety of his or her child first. You will find that the chairman of the BOG comes from a different community and as such has no child in that school. Therefore, the decision he makes in terms of accommodation and the safety of students is compromised for the sake of his bread. It is not really advisable to have the BOG make decisions for schools because they do not have particular interest in this regard.

We have had commissions set up to investigate devil worshipping, drug abuse and strikes in our schools. We know where the problem is. The Ministry sits in an ivory tower and that is why even the simple basic instruction of "no tuition during holidays" is not taken seriously. At the end of the day nothing is done because of the wrong information passed to the Ministry by the BOGs, in liaison with the head teachers. If parents were to be involved in the running of schools, I am sure they would quickly demand for the results of the investigations in our schools, particularly the devil worshipping aspect.

When we find children taking drugs in schools, we are not bringing up future leaders. We keep on saying that we are bringing up leaders of tomorrow, but what kind of future leaders will they be? These are students who have been turned into mechanical machines. They study from January to December and only get three weeks for vacation. The Ministry should also take its own directives **[Mr. Omingo]** seriously and ensure that they are followed. The head

teachers usually overstay their tenures because they are getting money from the same school. A headmaster will stay in a school for ten years and he will claim to have developed a classroom or laboratory which is not equipped. Year in, year out, we are told there is activity or development fee. Nobody knows where that money goes to.

It is high time that parents were involved in the school management for the purpose of taking interest in the money they pay as school fees. They should also ensure that the money they pay is utilised for the benefit of the children they have taken to that school. Sometimes parents pay fees and it is explained to them how much they are supposed to pay for particular services. Mid-way through the term, the head teacher, together with the BOG makes a decision that they should add more money for, maybe, school uniforms, games kits or activity fees and yet some of this money is unaccounted for. The appointment of members of the BOG is chaired by the DC who is a member of most of these nominating bodies. The DC is chairman of the Agricultural Society of Kenya, the DEB and the DDC. The reason why we do not have an effective nomination policy is because the people who nominate, including the Members of Parliament and the DC, are too busy chairing several other meetings. That is why you will find that the term of a board expired five months down the line, but the DC has not had a chance to nominate a new board.

With those few remarks, I beg to support.

The Minister for Environment (Mr. Nyenze): Thank you Mr. Temporary Deputy Speaker, Sir. Education is a fundamental right for every Kenyan. It is very essential. While I agree with the Mover on most issues, I would request that we still retain the Boards of Governors because they have a role to play. These roles are definite and defined. The PTA contributes to most of the development in the schools in terms of money, but the board is constituted by very special people from different disciplines, and they provide a lot of guidance in terms of management of schools. These BOGs have a big role to play and they should not be scrapped entirely.

The Kenyan education system is very developed. I did not know that until I went out of the country where I met some friends who told me that they have brought their children to come and learn here in Kenya. It was only yesterday, a President of an African country thanked His Excellency the President for the professionals that are working in his country. This demonstrates the high level of training our colleges and other institutions of learning offer in this region. If you went to most of the countries in the sub-saharan region, there are many Kenyan professors working in colleges, others are doctors and so forth. So, that proves that our system works very well and we should not revoke it. I agree to a large extent with Dr. Kituyi's contribution that in some areas some head teachers run schools as though they are shops; they supply foodstuffs, firewood and many other commodities, which is illegal. The Ministry of Education should ensure this does not happen. The current system

could be better than the new system we may anticipate to bring in.

Mr. Temporary Deputy Speaker, Sir, there has been instability in some schools, which has been caused by poor management. We cannot put blame on the Boards of Governors entirely. Partly, the head teachers as the managers of those schools are to blame. The Kyanguli Secondary School tragedy should not take place again. I hope the Ministry of Education has enforced the directive from the Minister that all doors in dormitories should open outside and each dormitory should have more than two doors or exits, so that in case of fire students can move out freely.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that His Excellency the President has contributed to the high standard of education in this country by actively participating in putting up structures in nearly every constituency. All Hon. Members, including the Mover of the Motion, Dr. Kituyi, can bear me witness that His Excellency has even put his own money and physical strength in the development of these facilities countrywide. There is no single constituency where he has not helped put up structures.

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House by saying that the President has put up structures in every school and yet there are thousands of schools, although it is the responsibility of the Ministry to do that?

The Temporary Deputy Speaker (Mr. Imanyara): Order! He did not say every school; he said in every constituency.

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, hon. Members should differentiate between points of order and their own views.

Mr. Kihoro: You are right!

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Kihoro, for supporting me.

Mr. Temporary Deputy Speaker, Sir, if all hon. Members and Kenyans of goodwill who are well endowed with finances could put that kind of effort in revamping our institutions of learning, I am sure Kenya would have very good schools. In Kitui District, there is the Kitui Teachers College which [**The Minister for Environment**]

has stalled for the last five to six years. I would like to request the Ministry of education to revive it. In case they do not want to carry out training of teachers in that college, they should make it a constituent college of one of the universities for irrigation farming because Kitui is very dry. It is three-quarters complete. I am appealing to the Ministry of Education to convert this college into a constituent college of any of the universities that deal in farming. The land is available and it is a good institution on which the Government has spent so much money.

I would also like to request the Ministry to freeze fees payment for one year because there is crop failure and the rains have not come. This is a passionate appeal. The poor parents should be exempted from paying school fees for one year because there is a big drought and some parents cannot raise money to take their children to school. If you went to most of the schools in Kitui you would find that only two out of five children are in school while the rest are looking for wild fruits to eat. The Ministry should exempt the poor parents so that as they fight the famine, their children also get good education. Kitui is not like Kakamega or Bungoma where it rains every time. It is a semi-arid area, and in order to get water, you have to travel a long distance. The only incentive we can give the people is to exempt the parents from paying school fees for one year.

Mr. Kihoro: On a point of information, Mr. Temporary Deputy Speaker, Sir. The Minister should also extend his prayers to other parts of the country.

The Temporary Deputy Speaker (Mr. Imanyara): Are you informing him?

Mr. Kihoro: Yes, I am informing him. He actually agreed that I should inform him.

The Temporary Deputy Speaker (Mr. Imanyara): What are you informing him?

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I am informing him that Kitui is not an exception to other parts of this country where there is no rain. There are also other parts of this country that are dry and he should extend his prayers to places like the North Eastern Province, as a Minister of this Government.

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, I think that is good information because there are other places like Kitui which are dry. Thank you, Mr. Kihoro, for that information. But I am saying that Kitui is not like Nyeri and I am sure Mr. Kihoro knows it.

Mr. Temporary Deputy Speaker, Sir, we should improve the standards of management in schools by carrying out seminars for the members of the Boards of Governors. From time to time, hon. Members should interact with them and give proper guidance as regards governance of these schools. I am sure if we scrapped the Boards of Governors, many issues would go wrong because some parents in the PTAs do not have the necessary skills and talents to improve the performance of these schools.

Lastly, Mr. Temporary Deputy Speaker, Sir, the Government has done a lot in trying to improve education standards in this country. It is good to ask ourselves; compared to the neighbouring countries, how many schools and universities do we have in this country? What is the output of our universities? What is the quality of our education?

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, you will agree with me that this Motion is very crucial.

Education is very crucial in our lives. If it was not for education, the Chair itself would not be in this House. I would imagine that you would be somewhere in the interior of Meru, either harvesting miraa or doing something sinister. But because of education, you are here, chairing this sitting. So, this Motion is very crucial.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Katuku, are you suggesting that harvesting miraa is sinister?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I am not suggesting that harvesting miraa is sinister. But it is not like sitting on that Chair!

All I am saying is that education is very crucial. Recently, the Government appointed a Commission to look into the education system in Kenya in totality. The Koech Commission made a report, but its recommendations have never been implemented. I would suggest that, in line with those recommendations, we overhaul the Education Act, Cap.211. This is because the parents, teachers and other stakeholders were consulted in all aspects of education in this country. They made recommendations, but the Government is sitting on them. Why is the Government sitting on those recommendations? Money was spent to compile those recommendations. A lot of taxpayers' money was spent by education experts. Therefore, the Government should not sit on such an important report.

Mr. Temporary Deputy Speaker, Sir, the Motion as proposed by Dr. Kituyi needs to go further and address all other aspects of education in totality. I want to believe that this aspect of the Boards of Governors and the PTAs is just one small aspect of the whole matter. However, I agree with the Mover of this Motion that there is need to transfer powers from the BOG to the PTA. I would want further to agree with the Shadow Minister for Education that we need not only to overhaul the education system, but let us have some proportion in **[Mr. Katuku]** the BOG members. First of all, parents should take about 55 per cent of membership in the BOGs. This is because they are the main stakeholders in education. If they are many in the BOG, then the management of education in our schools will be done by people with the interest of their children at heart. Those parents will make sure that their children excel. If parents were given an upper hand in running of schools, it would be good for this country.

Technically, the appointment of BOG members must involve certain personalities like hon. Members, the representatives from the Ministry and the sponsors. But in reality, that does not happen. You will find that some people have vested interests in those BOGs and they will never invite hon. Members, local leaders like councillors, and DOs. They will go ahead and appoint people without consulting local elected

leaders. That is why you find that the BOGs have been imposed on schools by the Minister for Education, in collaboration with some kingmakers in certain areas. For example, in hon. Nyenze's area, you find there is a kingmaker who would want to make sure that certain personalities are appointed to such boards.

The Minister for Environment (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to insinuate that hon. Nyenze is trying to act as a kingmaker to put heads in certain schools?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I am not referring to Mr. Nyenze as a kingmaker. I have just gave an example of some areas. For example, in Mr. Nyenze's area, there are kingmakers, but he is not one of them. Mr. Nyenze reports somewhere and he knows very well. In Ukambani, there is a kingmaker and Mr. Nyenze knows this. Every Wednesday, they have a special "cabinet" meeting in Machakos. If you do not attend the meeting, you will be sacked the way Col. Kiluta was sacked. That is what I mean. This Cabinet---

The Minister for Environment (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member for Mwala Constituency, Mr. Katuku - we do not know whether he is in SDP or KNC - in order to say that in Ukambani there is a kingmaker and we have a special "cabinet meetings" every Wednesday when we know there is only one Government of President Moi which has a cabinet and we cannot have another cabinet in Machakos? Is he in order to say that we have a cabinet meeting in Ukambani?

Mr. Katuku: Mr. Temporary Deputy Speaker, I do not want to get involved in regional politics. It is a well known fact. If the Minister does not attend that meeting this Wednesday, he will be fired.

Mr. Kiunjuri: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform Mr. Katuku that as much as he is tackling this matter with a lot of good will and on an educational basis, and for the good of the nation, the Minister is tackling it from a political point of view and legitimizing his seat in the Cabinet.

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, that is what I am saying. In the appointment of the BOGs, you find that---

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Maisz): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order to allow the hon. Member to speak from the Dispatch Box when he is not supposed to do so?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I am certain you did not understand what he said. I want to proceed. If you have understood, you had better tell me what he has said.

In the appointment of BOGs in schools, some members are imposed by some kingmakers in certain areas. You find that those fellows do not have even the minimum qualifications. I attended one of the boards meetings in my

constituency where a Harambee had been conducted by the President to purchase a bus for the school. Those people took the money and deposited it into a fixed account. The students went on strike because they were demanding a bus. When I attended the meeting, the proceedings of the board meeting were conducted in Kikamba language because some of the members of the board could not even understand Kiswahili language. That is why I am saying we must have well educated members of the BOGs and at least 50 per cent of them should be parents. We can have others from sponsors. Even sponsors themselves appoint the same people year in, year out. It has become a routine that if the church or other sponsors want to appoint somebody in the BOGs, they appoint illiterate old men. Why can they not appoint young and educated people who know what our education system entails?

If education is not run well in this country, we will end up having problems tomorrow and the years to come. This because-

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Katuku, it is now time for the official Government respondent to give a response.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, allow me to give Mr. Twaha two minutes of my time.

Mr. Twaha: Mr. Temporary Deputy Speaker, Sir, I would like to thank hon. Kituyi for bringing this Motion, not only for its substance, but [Mr. Twaha] also for the eloquent manner in which he moved it. We could not be here discussing this Motion if the parents had not borne the burden of building schools. I think this House should recognise the fact that 50 per cent of pupils who finish Standard Eight do not find places in secondary schools. Just like this House passed the Kenya Road Boards Act where Kshs5 million was given to every constituency for the development of roads and other infrastructure, in future, I would like to propose that a Motion be brought to this House stipulating that Kshs5 million be set aside for every constituency for the development of schools to accommodate that 50 per cent of the students who do not get places in form one.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, just allow me to give one minute of my time to my friend, hon. Chanzu.

The Assistant Minister for Energy (Mr. Chanzu): Mr. Temporary Deputy Speaker, Sir, I just want to add my voice to what my colleagues have said on this important Motion.

I wish to reiterate that education is very important for the development of any nation. Therefore, the Government plays a central role. The Government

can only play this role by ensuring that its citizens acquire education when it has the mechanism to do it. This can only be done through the Boards of Governors (BOGs). Therefore, the role played by the BOGs is very significant. The only way I view it is that we need to strengthen the BOGs by ensuring that they are manned by men and women of integrity. The criteria of selection should be looked into so that we have capable and competent people.

Mr. Temporary Deputy Speaker, Sir, the Parents and Teachers Associations (PTAs) play an important role in the management of schools through their own organisation and representation in the BOGs through their chairman. We should also strengthen the PTAs so that we have more involvement through the PTAs. By so doing, the PTAs can play their rightful role. Otherwise, I see nothing wrong with the existing structure. We only need some improvements.

Thank you.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, first of all, I would like to thank the Mover of this Motion, Dr. Kituyi, for the eloquent manner in which he moved this Motion. It is always a pleasure that a Motion which has unanimity from both sides of the House is brought here. I do not think there is any hon. Member who can oppose this Motion. It is a pity that towards the end of his contribution, his speech started degenerating into personal vendetta. But I want to thank all the hon. Members who contributed immediately after Dr. Kituyi spoke.

From what I have gathered, I think we are repeating ourselves. It is important that a country that has to develop must have a good educational system. There is no gainsaying in the fact that Kenya has got a good educational system. What we need is to improve upon it. From the remarks made by most hon. members, it comes down to the question of management of schools by BOGs. But I am surprised by some of the sentiments expressed by some hon. Members. I know that there is a criteria of appointing members of BOGs. I also know that there is a set panel of people who sit down to choose suitable people within the community to be members of BOGs. In fact, in many areas where I have visited, the chairman of the panel happens to be the district education officer who receives proposals for nomination from various groups. He normally asks the local Member of Parliament to nominate six people to the BOG, to represent the local community and special interest groups. So, the quality of the members of the BOG should reflect the thinking of the local Member of Parliament because he is given the opportunity of leading other members of the panel. The other members of the panel are the local councillor, the sponsor and the Provincial Administration. Surely, with these people sitting together, they should be able to arrive at a good BOG.

Mr. Temporary Deputy Speaker, Sir, once members of the BOG have been appointed and inauguration has taken place, the Provincial Director of Education would avail himself in the first meeting of the BOG and set out the

criteria on how that BOG should conduct its business. If he is a good Provincial Director of Education, he will be carrying with him the Education Act. The Act is very clear on who qualifies to be a member of the BOG. It must not be anyone who will supply anything to the school, to avoid conflict of interest. If there are schools like the Mover of the Motion has mentioned, where some people grow trees, cut them and sell them to the school, that person should be disqualified immediately from being a member of the BOG.

Mr. Temporary Deputy Speaker, Sir, the BOG is definitely the arm of the Government at the school. Its purpose is very clear; to bring professionalism in the management of the school. Provided that the BOG members were properly selected, they will take the interest of the community at heart. There are BOG members who have stated quite clearly that they do not want sitting allowance because they are aware of the poverty afflicting schools in their areas. They clearly state that the

[The Assistant Minister for Education, Science and Technology]

money that should be paid to them as sitting allowance should go towards enhancing the quality of physical facilities in those areas. In my constituency, there are seven secondary schools and BOG members of three schools resolved that they should not be paid any sitting allowance. But if a member of the BOG can produce a ticket that he travelled from very far and he needs a refund, that will be given.

Mr. Temporary Deputy Speaker, Sir, under the circumstances, I would to propose the following amendment because I am in agreement with the Mover of the Motion:

That the Motion be amended by deleting all the words after the word "Kenya" appearing in the seventh line to the end, and inserting the following words in place thereof:-

"To provide for the legalisation of the PTAs and the re-structuring of the BOGs with a view to increasing the authority of PTAs in the management of public secondary schools."

Mr. Temporary Deputy Speaker, Sir, we take very seriously the role of PTAs. Indeed, in the colonial days, the Government took the responsibility of building all schools and financing its services. Since the 1980s, the situation has changed and education standards have improved because of the co-operation between the Government and the community. The community undertook to supply all the physical facilities and the management of the school while the Government undertook to supply teachers and bring professionalism to the schools. Under the circumstances, I agree entirely with the Mover on the importance of PTAs being involved in the management of the schools. We cannot-

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Mr. M.A. Galgalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that the community undertook to provide physical facilities as if they did it out of their own volition? They did it as a result of the failure of the Government to provide the necessary structures for their children!

(Applause)

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, that is an argument. It is not a point of order. The PTAs have been responsible for providing physical facilities at the schools and the Government recognises this role. As a result, we feel that the best way that we can implement the proposals and thinking of the Mover is to give a greater role in the BOGs to PTAs. The details as to how many members; whether it will be 50 per cent community and 50 per cent appointed, that is something that will be worked out later.

Mr. Temporary Deputy Speaker, Sir, indeed, it would be unfair for PTAs to take the responsibility of collecting money and then allowing the BOGs to spend it. But this varies from one area to another. Members of Parliament and other leaders in the community must take greater interest in the schools in their various areas. If they did this, right now, when there is poverty in the country, the burden on the parents of providing grandiose buildings in the various areas would not be there. If you travel right across the country, you will be amazed to see huge buildings, as the Mover says, costing between Kshs20 million and Kshs40 million, facing a main road in an area where such buildings climatically are unsuitable. But this is simply because of the quality of the people who are sitting on these BOGs and PTAs. A Member has mentioned of a member of BOG who was illiterate; that is very surprising. It is quite clear that if you are selecting people to sit on the BOGs of a secondary school, the minimum you can do is to appoint someone who reached secondary school level. If you are lucky, you should be able to get people with higher education in order to look at the interest of the children in the school.

Mr. Temporary Deputy Speaker, Sir, the provision of uniforms, desks, vehicles and so forth, comes down to the level of members of PTAs and BOGs. Coming back to the question of PTAs---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Awori, I just need to remind you that you need to be seconded.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I will be very brief on that and then I will ask my colleague to second me.

Still on the question of PTAs and their importance,

we must take cognisance of the fact that members of PTAs are elected annually. So, when we are thinking in terms of bringing their representation in the BOGs, that is the point that we will have to take into consideration, knowing that some of them may be there for only a short time.

Mr. Temporary Deputy Speaker, Sir, I would like to ask my colleague to second the Motion as amended.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Thank you, Mr. Temporary Deputy Speaker, Sir. I am happy that hon. Members have accepted the amendment because the issue here is what role the PTAs should be playing in schools. The PTAs are very important because these days, schools are built by parents. In [**The Assistant Minister for Education, Science and Technology**]

fact, all the physical facilities are provided by the parents. Even the sponsors - the churches - these days have nothing to offer to the schools. The schools are built by parents. But we must consider this: If the PTAs were to take over from the BOGs, then the link between the schools and the Government would not be there. A school in North Eastern Province or Coast Province would be operating under its own PTA and the Government link to these schools to provide policy will not be there. That is why we support the role of the BOGs.

Mr. Temporary Deputy Speaker, Sir, during the selection of BOGs, Members of Parliament are supposed to be there. When Mr. Katuku said that sometimes they are not invited, I could not believe it. If a Member of Parliament is not invited, he can write to the Minister for Education, complaining that he was not invited to the selection of BOGs. That matter will be taken very seriously because he is supposed to be there. The sponsor is supposed to appoint four people to the BOG, and the selection board, which includes the Member of Parliament and the area councillor, are supposed to appoint three people to represent the community. They are supposed also to appoint three people to represent special interests. If we need architects or retired teachers to advise us, they come in the special interest.

Mr. Temporary Deputy Speaker, Sir, I want to use this opportunity also to say that BOGs should manage the schools without fear. Many BOGs in this country have left the management of schools to the head teachers and, therefore, we get problems. These BOGs are appointed; they are not parents. Parents can easily be intimidated by head teachers because they have children in that school. I hope Members will agree with me that if you attend a parents' meeting in a school where your child is, you are not even able to propose something because you fear---

The Temporary Deputy Speaker (Mr.

Imanyara): Mr. Karauri, I do not want to take Dr. Kituyi's time because the time for the proposal is now.

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

(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)

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir. I do concur with the hon. Assistant Minister in the desired amendments. I am glad with the Motion as amended. I wish to donate the first two minutes to my comrade, Mr. Kihoro.

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. We do support the amended Motion. I want to make three comments about the state of education in this country. Education levels in this country have fallen. If we imagine how Kenya was like in terms of education 20 to 25 years ago, education levels were very high. If anybody went to join university in Britain, that person did not have to do an access course to be able to join any university after doing "A" Levels in this country. Today, if you go to Britain, you have to do an access course for one year, you will have to prolong your education, something that should not happen. I am glad to see that the Government has started implementing the recommendations of the Koech Report. It is important that the Government does disclose that to Kenyans so that our parents can also start supporting their kids who are in school. There are very important recommendations that we hope are going to bring back the level of education in this country to where it is supposed to be, or it had been.

The other important issue is also to introduce the subject of Information Technology in our schools. When we reform the BOGs and the PTAs, we must make sure that, that very important item, in terms of today's communication, will be introduced in our schools so that our children will be properly equipped when they ultimately go to meet the world out there.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, allow me to donate another two minutes to Eng. Toro.

Eng. Toro: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion as amended. I will be specific on one issue only. I would like to bring the attention of the Assistant Minister to something that might

cause mismanagement of the parents' money once it is contributed to the secondary schools. I would like to draw the attention of the Assistant Minister to a recent issue of the Kenya Gazette; the Exchequer and Audit Act and the Public Procurement Regulations 2001, released by the Minister for Finance. When we talk about safeguarding the money contributed by the parents and giving the PTA a bigger role to manage the affairs of that money, you will find that if we talk about the

[Mr. Toro]

composition of the tendering committee, and the tendering committees in secondary schools are the ones which manage the money, you will find that the chairmen of those tender committees in the secondary schools as per these regulations, are the principals. When the chairman is the principal, it means that the executive of the school is given all the powers to handle the money. If you look at the composition of the tendering committee, we have, at least, two members of the BOG, two members of the teaching staff, and at least one member of the PTA and the chairman of the PTA.

Then, it goes ahead and provides that the chairman, who is the principal, is entitled to veto any decision of the committee. Now, that is very dangerous and I do not know whether the Minister has looked into that issue and seen whether the interests of the secondary schools are safeguarded. This is because they should raise an objection if it is not.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, which section of the Act makes the head teacher the chairman?

The Temporary Deputy Speaker (Mr. Imanyara): Order! He is reading out the new regulations that were introduced last month.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, you can see how ignorant the Assistant Minister is. I said that the Exchequer and Audit Act and the Public Procurement Regulations 2001, and that is Legal Notice No.61, Kenya Gazette Supplement No.24. You will find that---

The Temporary Deputy Speaker (Mr. Imanyara): Give the date of the Legal Notice!

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, it is 30th March, 2001. You will find that we are talking about safeguarding the money contributed by the PTA and the principal has the executive powers, even to veto the decision of the tendering committee. I think it is prudent that the Assistant Minister looks into that and sees how the parents' money can be safeguarded, because I do not think that is in order.

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir. First, I wish to congratulate all the hon. Members who have made very competent and generous remarks during the debate of this Motion.

Particularly, I was sweetly surprised by hon. Twaha for his generous words. It is good to notice that we have consensus, and fundamental changes have to be made about the infrastructure of education in this country. But there are a few things which came up in the course of the debate, which I want to mention in passing and which are not directly---

*(Mr. Mkalla consulted with
Messrs. Angwenyi and M.M. Galgalo)*

Mr. Temporary Deputy Speaker, Sir, if you will protect me from the Chief Whip of KANU, Mr. Mkalla---

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

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I was bemused listening to Mr. Nyenze, the Minister for Environment who was celebrating like President Moi has done once in a while; that we have expatriates from Kenya working in Botswana. I know that it is true that there are expatriates working in Botswana, and I also know that there are more Kenyan doctors in South Africa than Kenyan doctors in private practice in Kenya. Last Friday, I had the privilege to be hosted for lunch by young Kenyan professionals in the City of Cologne in Germany, who were on the cutting edge of digital technology. But is that something to celebrate? We should be mourning why we have lacked the institutional capacity to utilise our trained personnel and we are driving them into exile to work for other people! We should be unhappy that digital revolution has not even been heard of in our country. We have some of our best working for the rest of the world. In a country where we do not have sufficient doctors, we have too many doctors in South Africa. We should be complaining. Why are we not able to utilise our manpower? Why are we not having a linkage between training and employment, and retooling of skilled labour in order for it to be relevant to the market place? Why can we not create an enabling environment, politically, for the retention and utilisation of our trained manpower? We should not just celebrate that they are working in Botswana, because even Botswana is doing better than Kenya.

There are just two to three things that I wanted to mention. The culture of using commissions as fire extinguishers, so that people stop talking about a problem and then you privatise the results of a public commission, should be abandoned in this country. The proceedings of the Koech Commission are public domain, and this is a matter that is of need for Kenyans to know. We should not be begging! We demand that the Koech Commission Report be made public and be the basis of reform in the Ministry of Education, Science and Technology.

Dr. Ochuodho: On a point of information, Mr. Temporary Deputy Speaker, Sir. I just wanted to inform Dr. Kituyi that the Kitui District Hospital, where the Minister for Environment, Mr. Francis Nyenze, comes from has no doctors.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, that is not something to celebrate. I wish to say the following two or three things.

An hon. Member: All the Kamba doctors are in Botswana.

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order, even after we supported his Motion, to say that Kenya has forced expatriates to go when---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Nyenze! You are now debating.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I encourage hon. Members to learn and understand and follow logic on some of these things. It helps!

There were just two things that I was going to say.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the hon. Member saying that the Koech Report has not been made public. We laid the Report on the Table and it was distributed to hon. Members. How else do we make it public?

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I said that the Koech Report should form the basis of reform in the education sector. The Assistant Minister for Education, Science and Technology should understand that.

I was trying to emphasize two little things. First, the Government should abandon the current attempt to re-introduce a double intake in the universities. This country suffered for a decade because of such a mistake in the past. We have not recovered from the consequences of that double intake. Do not undertake a politically-driven double intake in the universities! You do not have the capacity to sustain quality education when you double the huge numbers that you already have and an overrun on infrastructure in the universities.

The other thing is that we are suffering the consequences of the destruction of tertiary education outside university; the destruction of technical training colleges, converted into constituent colleges; celebration of massive expansion of university education at the expense of polytechnic education, which is more critically needed for middle-level, technical-skilled industry. You must redress that as part of rehabilitating the relevance of education in Kenya.

Finally, as national leaders, we must not run away from the reality that there are some parts of our country which are under-performing and falling behind. When North Eastern Province can go for two to three years with less than five admissions to the public universities; without a single girl getting a C in Mathematics, it should be a collective responsibility of

all Kenyans. Sometimes I brag that Kimilili Constituency took 215 students to public universities last year. Busia District took 37 students. I should be concerned about what happened to education standards in Busia District!

With those remarks, I thank the whole House for the support, and I beg to move.

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

Resolved accordingly:

THAT, in view of the fact that the largest cost in the development and maintenance of most public secondary schools has reverted to the parents and local community, and given the need for the owners of the said schools to have a right through their agents to make most fundamental decisions in the stewardship of the schools, this House urges the Government to introduce a Bill for an Act of Parliament to amend Sections 10, 11 and 12 of the Education Act, Cap. 211 of the Laws of Kenya, to provide for the legalisation of the Parents and Teachers Associations (PTAs) and the restructuring of the Boards of Governors with a view to increasing the authority of PTA in the management of public secondary schools.

The Temporary Deputy Speaker (Mr. Imanyara): Next Order! Mr. Mbela's Motion.

LEAVE TO INTRODUCE THE ELECTRIC
POWER (AMENDMENT) BILL

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

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled Electric Power (Amendment) Bill to provide for a rational allocation of rural electrification funds to each constituency having regard to national interests and economy.

Mr. Temporary Deputy Speaker, Sir, this Motion has come to the House because of the importance of electricity in development. There is no development that can be carried out without power, and certainly when we talk of industrialisation, that is not possible if we do not have reliable power. Electricity creates employment instantly every time it goes to a particular market or area, either through technicians wiring the buildings or small informal [Mr. Mbela] businesses through welding or even electronics, but more

importantly, through irrigation. We need electricity in every settlement where there are people or industries.

Since its inception in the early 1990s, rural electrification has consumed billions of shillings and yet the more money has been spent, the more money is required. Resources have been inadequate. The past practice has been to shift money from one area to concentrate on another so that whatever development is done can be felt. By doing so, development in some areas has been ignored. There are accusations, of course, that rural electrification in the past has been used as a weapon for rewarding good service, or if you are an enemy of development, you are excluded from receiving some of those services. However, I think that comes up because of the shortage of the actual funds. We need to have more resources, particularly for rural electrification.

I would like to report to the House that my Committee, which I am privileged to chair, of Energy, Communications and Public Works, retreated to Safari Park Hotel to study this situation and imbalances therein, and to see where achievements have been made and where we need to do a lot more. In doing so, we found that apart from the old history, which was a bit personal, the recent expenditures provided for about French Francs 9.15 million and then also aid of about Spanish pessos 20.8 million. I would like to say that the French Franc 9.15 million signed on 17th March, 2000 was to be spent on districts in the western part of the country, namely, Busia, Siaya, Kisumu, Bungoma, Kakamega and Nandi. I would also like to say that the Spanish aid of \$20,824,698 signed on 5th August, 1998, again, went to the same areas, although I noticed that there was a heavy expenditure particularly in Central Province and Kajiado District. I am not bringing up controversies. I would like to table this document so that you can study it and make your own interpretation.

(Mr. Mbela laid the document on the Table)

If you look at Project No.31 - Lugari Divisional Headquarters, you will find that it is supposed to consume Kshs54.5 million and yet, these are the same areas that were earlier on covered by the French credit.

Mr. Temporary Deputy Speaker, Sir, what I am trying to say is that there has been a bit of imbalance in the past. I am on record in this House as having said that when it comes to roads, 85 per cent of the funds, in the last 15 years, have been spent west of Nairobi. I am not saying that the situation is bad when it comes to electricity and development in that line, but it certainly needs some attention. At a time when the resources are scarce, it is important that when we get donor funds, they should be equitably shared so that their impact is felt throughout the country. In some cases, I feel that even Parliament should come in so that it can approve

some of the major expenditures instead of being left to the desk officers, or the officials of the Ministry where the money comes through.

Mr. Temporary Deputy Speaker, Sir, apart from the donors who have brought the bulk of the funds, the main source of the development fund is realised through the levy under Section 129 of the Electric Power Act of 1997. This Act says that the Minister is allowed to impose a levy for all electricity consumed in the country, the proceeds of which shall go to the Rural Electrification Programme. I would like to point out that this levy stands at 5 per cent. When I looked at my electricity bill, I noticed that what is collected and used for Rural Electrification Programme is actually less than 10 per cent of what you spend on fuel cost adjustment. This is a very scandalous item, if you can ask me.

Mr. Temporary Deputy Speaker, Sir, I recently took the Departmental Committee on Energy, Communications and Public Works on a tour to Coast Province and visited the famous Westmont and found that Westmont is supplied with 56.5 metric tonnes of fuel at consumers' cost. When this figure of the supplies is then computed, thereafter, it works out to be more than ten times the amount that we are able to collect as levy for the actual development of our country. I feel that for us to increase the levy collected, the figure of 5 per cent may have been reasonable at the time it was conceived. I know it was at 2 per cent or a long time and then it was adjusted to 3 per cent for about six months before it was allowed to go to 5 per cent. This could have easily gone up to 10 per cent without hurting the consumers very much. But by rationalising or correcting some of the ills in the energy sector, you would be able to give some producers electrical fuel, which is free so that they can generate more electricity and then you can pay them handsomely.

Mr. Temporary Deputy Speaker, Sir, contracts must be implemented to the letter. I have doubts, although I have not looked at that contract recently; I have doubts as to whether that free provision of as much as 56.6 metric tonnes of free fuel is provided for. There are few amendments which I would have liked to introduce. I had intended to amend Section 130 of the Electric Power Act by introducing a new Section 130(3) which would provide for the rationalising or sharing out of those resources. When the Committee went into retreat, it studied the situation, particularly with regard to how the money has been spent in the past, and we found out that certain provinces were very well provided for. We found out that the worst hit [**Mr. Mbela**] area was Eastern Province. There was a system of analyzing what had been going on in the past. But Eastern Province was the worst hit, followed by Coast Province and certain parts of the Rift Valley Province.

Although Nyanza Province was provided with assistance from the French Government, it still came out fairly poor as an area that should have been provided with power because of its population and potential for

development. We felt that as we go into the issue of sharing the resources equally among the constituencies, we should not forget what has been done in the past. In the first five years, we should share equally 60 per cent of the resources that are available among the 210 constituencies. We should leave 30 per cent to be used in areas which were forgotten. We feel that sharing of the resources amongst the constituencies is the best way of serving the country. We have tended to ignore certain parts of the country so much that one wonders how people from these parts can be considered to be equal citizens of the same country as the people from the other areas.

Mr. Temporary Deputy Speaker, Sir, access to energy is a human right. Without energy, one cannot develop. Denying somebody access to energy is like denying him food.

With those few remarks, I beg to move and request hon. Angwenyi to second the Motion.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to second the Motion.

We all know that electricity is now a necessity for all our homes. The bulk of this nation's population has been depending on firewood for its energy. The bulk of this nation's population has been depending on fuel imported from elsewhere for energy. As we all know, we do not have firewood now in most parts of this country. We do not have adequate firewood in parts of the North Eastern, Central, Nyanza, Rift Valley and Coast Provinces. So, rural electrification is essential to our people. It is essential for both domestic use as well as industrial development. There are a lot of areas in this country which could have developed much faster if they had power, but they could not develop because power has been made a luxury that only the rich people of this country can afford to have in their areas of operation.

We are saying that this Parliament must undertake to make sure that electricity is provided to our people. Certain people do not get access to electricity simply because the Government has not provided it countrywide. As we also know, electricity is a clean and efficient source of energy. If we were to provide electricity to all our rural homes, then our people would be released from the chore of going to fetch firewood and concentrate on productive activities. The Government policy has been that electricity should be supplied through the rural electrification programme to the entire country. The Government has not implemented that policy. In fact, the KANU party has got it as part of its manifesto to provide electricity through rural electrification to the entire country, but it has not done it because this Parliament has not asked the Government to come up with a clear policy as to how this can be achieved.

This Motion intends to provide a way forward.

We have been having projects for the rural electrification being prioritised by the District Development Committees (DDCs). We know the inefficiency of the DDCs. Whatever they pass is never implemented, whether it be roads or the rural electrification projects. We are now providing a mechanism whereby this Parliament will monitor and evaluate the implementation of the policy of providing electricity to our people through the rural electrification programme.

I am not saying that there has been no electricity supplied through the rural electrification programme in this country, but what has been there is concentrated in specific areas. Sometimes electricity has been provided to an individual over a distance of 100 kilometres. We had a case in Naivasha, where somebody was provided with electricity through the rural electrification programme without assisting the people living along the electricity line. A 100 kilometre electricity line was constructed to support only one home. So, we are saying that since the Government has been unable to provide, equitably, electricity through the rural electrification programme, we should now base its provision on constituencies. Let us now base it on constituencies so that a Member of Parliament and the people who live there can make sure that the funds which are allocated to them have been utilised adequately for their benefit. That will eliminate favouritism and politicising rural electrification.

We had STABEX funds which were supposed to provide electricity in our coffee factories. The entire programme was misused, politicised and the funds were never used for the purposes for which they were intended. We do have a levy which raises about Kshs1 billion a year. I am asking this Parliament to provide, through the budgetary allocations, funds to the Ministry of Energy for rural electrification. If we can provide another Kshs4 billion or so, which people steal from public coffers with impunity, and give it to that Ministry to allocate to every constituency, we will monitor whether it has been allocated and used for that purpose. We do get donor funds which have been misused in this country. We borrow money from the donors, and it is paid by every citizen in [Mr. Angwenyi] this country, but that money is used in specific areas only, year in, year out.

Mr. Temporary Deputy Speaker, Sir, as my Chairman said, we received in excess of Kshs2 billion for rural electrification in the last one year from Spain and France, but that money has been concentrated in specific areas which are already developed. There are areas in this country, for example, Tana River District, where there is no electricity at all. It is a whole district with no electricity at all, and yet we get those funds. But instead of channelling some of those funds to that area, we are not doing it. The money is given to the same areas which received money last year.

What we are saying is this: For us to be seen to be

people of equity, and people who think about the welfare of all Kenyans, let us base the allocation of those resources for rural electrification on constituencies. That way, every constituency in this country may get a kilometre of rural electrification this year, and another two kilometres the following year. If we had been doing that for the last three years when we had famine, maybe Tana River District could have had about nine kilometres of electricity lines.

Mr. Temporary Deputy Speaker, Sir, I talked to one Member of Parliament from Tana River District. He told me that when the cockerel crows in the morning, people in the rest of Kenya expect light, but in that area, they say that it heralds darkness. That is a very bad statement he made about that area, which voted for the cockerel, which heralds darkness! What I am saying is that we should base rural electrification on constituencies.

Mr. Temporary Deputy Speaker, Sir, a few months ago, we had a power shortage in this country. The people took advantage of that calamity to import equipment into this country duty-free. In fact, they got fuel which was tax-free, which we cannot even provide to our farmers who are the mainstay of this country. They got fuel which cannot be provided to our transporters who are the mainstay of this country's economy. They misused that calamity to import equipment. We found one firm which is paid to the tune of Kshs100 million a month, whether or not it produces electricity. If you give Kshs100 million to my constituency, it will be 50 per cent electrified. But we are giving that money to one company, whether or not it provides any electricity. Because of that, contracts were awarded to those people, some of whom are of dubious nature.

Mr. Temporary Deputy Speaker, Sir, we found

that, that company pays a higher rate than what is paid to the Kenya Electricity Generating (Kengen) Company. The company is supposed to liberalise the power sector in this country. Be that as it may, I would like to urge this House to support this Motion so that we can approve it.

(Question proposed)

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I rise to support this very important Motion. Firstly, I would like to say that I have been put in a position where I can only laugh at the Government, which claims to have a vision of industrialising this country by the year 2020. This is a good year figure. However, on the

ground, it has no meaning in terms of industrialising this country. How do you industrialise a country without having the basic raw material for industrialisation? We do not have any coal or electric power. How are we going to industrialise the country by the year 2020 without having basic things such as electric power?

This is a very important Motion because, according to statistics, only 5 per cent of Kenyans have access to electricity, while 95 per cent of them live in the dark and use kerosene lamps at night.

The Minister for Petroleum Energy (Dr. Masakhalia): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that only 5 per cent of Kenyans have access to electric power when we know that the correct figure is closer to 10 per cent?

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I will not object to what the Minister has said. If only 10 per cent of Kenyans have access to electricity, 37 years after Independence, that is still a very dismal record. If we are talking of 10 per cent of this country's 28 million people, then we are talking of less than 3 million Kenyans having access to electric power.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kihoro, you will continue next time.

Hon. Members, it is time to interrupt our business. So, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.