

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 23rd July, 1996

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## PAPERS LAID

The following Paper was laid on the Table:-

The Public Accounts Committee Report on the Government of Kenya Accounts for the year 1993/94 - Volumes 1 and 2.

*(By the Chairman of the Public Accounts Committee (Mr. Wamalwa)*

## NOTICE OF MOTION

### ADOPTION OF THE 1993/94 PAC REPORT

**Mr. Wamalwa:** Mr. Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1993/94 which was laid on the Table of the House on 23rd July, 1996.

## ORAL ANSWERS TO QUESTIONS

*Question No. 144*

### INTERFERENCE IN POLITICAL MEETINGS

**Mr. Speaker:** Mr. Nthenge is not yet here? Next Question!

*Question No.488*

### RURAL POWER PROGRAMME IN KANGUNDO

**Mr. Mulusya** asked the Minister for Energy:-

(a) whether he is aware that over 80 per cent of the homesteads in Kangundo are in need of electricity supply and can actually afford to pay for the connection charges, if it is made available to the people;

(b) whether he is further aware that in the last fifteen years, groups of people have been constantly applying to the Kenya Power and Lighting Company Limited to be supplied with electricity but the quotations they receive are inflated and are very expensive for them; and,

(c) if the answers to "a" and "b" above are in the affirmative, what long-term and comprehensive proposals are there to extend the Rural Electrification Programme or any other subsidised programme to the interested groups, who urgently require electricity supply.

**The Assistant Minister for Energy** (Mr. Nang'ole): Mr. Speaker, Sir, I beg to give the following reply.

(a) Yes, I am aware.

(b) Yes, I am aware that groups of people have been applying for electrification and getting quotations from KPLC. However, I am not aware that these quotations have been inflated.

(c) The groups will be supplied with electricity after priority ranking by the Machakos DDC and when sufficient funds will be secured for the project. However, if they are able to raise the money as quoted by KPLC, they will be connected through a programme to be agreed between them and the company.

**Mr. Mulusya:** I thank the Assistant Minister for accepting and acknowledging that the people of Kangundo have been applying for electricity for a very long time. It is only that the Ministry and the Kenya Power and Lighting Company have not seen it fit to extend the Rural Electrification Programme to Kangundo for the people to benefit. However, it is from the Floor of this House that it has been made very clear that the DDCs are an illegality, because they have not been established by any law. The Machakos DDC has prioritized---

**Mr. Speaker:** Order! Order, Mr. Mulusya! If you are going to give a speech, when are we ever going to have the question?

**Mr. Mulusya:** Mr. Speaker, Sir, the Machakos DDC approved the Rural Electrification Project for Kangundo way back in 1994, but it has never been implemented. Can the Assistant Minister tell us, why the Ministry has not taken any consideration for all those programmes which the Machakos DDC and the Kangundo sub-DDC have been prioritizing every year?

**Mr. Nang'ole:** Mr. Speaker, Sir, I would like to correct the impression that hon. Mulusya is trying to create by saying that we do not work according to the DDC recommendations. We strictly go by the recommendations of the DDCs and the priorities of the Machakos DDC, for 1995 were for Makutano through Atwap to Mwala; from Chyulu through Kathieka-Liaithunu-Kalama-Ivani-Makuyuni to Kitwii. And also from Kimutwa through Mangauni-Mbuni-Kalama-Kangala-Kiatuni-Kola-Mbooni-Kali to Kiandili and many others. When we will have secured funds, we shall go by that.

**Mr. Mulusya:** Mr. Speaker, Sir, the Assistant Minister is misleading this House and the country at large. All the areas which he has read are in Makueni District and not Machakos District. In 1994, all the coffee factories in Machakos District were given the first priority for Rural Electrification, which was to be partly financed by a World Bank Project known as SCIP. Why is it that those coffee factories have not been given electricity up to now?

**Mr. Nang'ole:** Mr. Speaker, Sir, you will agree with me that the names which I have read are from Makueni District, which used to be part of Machakos District. On the other issue which hon. Mulusya has raised that funds were already available, if that was true, KPLC would have done some work.

**Mr. Kavisi:** Mr. Speaker, Sir, it is not true that all the areas mentioned by the Assistant Minister are in Makueni District because Makutano, Mwala and Kithimani are in Mwala Constituency. Thank you.

*(Applause)*

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir. Are you satisfied that the hon. Member was asking a question or was it part of the reply?

**Mr. Speaker:** I am completely dissatisfied.

*(Laughter)*

**Mr. Ndicho:** Thank you, Mr. Speaker, Sir. Can the Assistant confirm or deny that in essence there is no money in his Ministry for Rural Electrification Programme, and that this Programme is only there in theory to please people and that is why there is no single programme to electrify any part of this country through this Programme, and if there is, it is only those two who are politically correct? Let him confirm or deny those allegations.

**Mr. Nang'ole:** Mr. Speaker, Sir, while I agree with the hon. Member that we do not have enough money to carry on with the Rural Electrification Programme, at the moment there is electrification being carried on even in constituencies which are in the Opposition strongholds as hon. Ndicho is trying to put it.

**Mr. Speaker:** Mr. Mwaura's Question.

**Mr. J.N. Mungai:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order! The time for that Question is up, Mr. Mwaura.

**Mr. Mwaura:** Mr. Speaker, Sir, I was trying to put a supplementary Question to the Assistant Minister, but now you want me to ask my Question.

**Mr. Speaker:** I have called you to ask your own Question.

*Question No 681*

#### REVIEW OF RETIREES PENSIONS

**Mr. Mwaura** asked the Minister for Finance whether he could consider reviewing pensions of

the retirees whenever salaries for the civil servants and teachers are reviewed.

**Mr. Speaker:** Is there anybody from the Ministry of Finance? Next Question, Mr. Mumba.

*Question No 715*

SCIENCE TEACHERS FOR BAHARI CONSTITUENCY

**Mr. Ndzai**, on behalf of **Mr. Mumba**, asked the Minister for Education:-

(a) whether he was aware that there is inadequate staffing of science subjects teachers in most secondary schools in Bahari Constituency; and,

(b) when he will post a physics teacher to Kilifi Township Secondary School since there is none and the students are likely to fail their examinations; and,

(c) whether he could give a break-down, per province, of the number of secondary schools and the number of physics and mathematics teachers in each province.

**The Assistant Minister for Education** (Mrs. Ndetei): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that secondary schools in Bahari Constituency have a shortage of science teachers.

(b) I am also aware that Kilifi Township Secondary School has one physics teacher whose details are as follows: His name is Mr. Maina T. Chege, TSC No 349934, and he teaches mathematics and physics. The Ministry has also sent another physics teacher, whose name is Mr. Wariango Thomas Omwega, TSC No 366604, with effect from 1st July, 1996.

(c) There is an elaborate break-down of each province of mathematics and physics teachers in the country. It may be a little bit cumbersome to read all of it out, but I will just quote the most important statistics. In Central Province, there are 523 secondary schools and for mathematics, we have 156 places without teachers or vacancies not filled and for physics, we have 90. The total mathematics teachers in Central Province is 1069, and---

**Mr. Speaker:** Mrs. Ndetei, are you going to do that eight times?

**The Assistant Minister for Education** (Mrs. Ndetei): Yes, Mr. Speaker, Sir. That is why I said it is elaborate and---

**Mr. Speaker:** Could you lay it on the Table?

**The Assistant Minister for Education** (Mrs. Ndetei): Yes, Mr. Speaker, Sir, I will lay it on the Table. It is ready, but the basic idea is that there is no particular province with full establishment of teachers for those two subjects.

*(Mrs. Ndetei laid the documents on the Table)*

**Mr. Speaker:** Very well.

**Mr. Ndzai:** Mr. Speaker, Sir, according to "a", the Assistant Minister says that he is aware.

**An. hon. Member:** She is aware!

**Mr. Ndzai:** Mr. Speaker, Sir, she is aware. I thought she was he.

*(Laughter)*

Mr. Speaker, Sir, what action is the Assistant Minister taking to ensure that the shortage is no longer there in Bahari Constituency?

**Mrs. Ndetei:** Mr. Speaker, Sir, training colleges are still training teachers in all the subjects and the Government is making every effort to make sure that teachers are available for all the subjects. However, you will realise that it is difficult to realise an ideal situation where you have got full establishment because teachers are retiring, there are deaths and there are all sorts of things that make teachers not to be there on full establishment, but the Government is taking every action to ensure that schools are sufficiently staffed.

**Mr. Anyona:** Mr. Speaker, Sir, without seeing that list she is tabling there, it is very obvious that many schools throughout the country have no science teachers. How does this Ministry expect Kenyan children to sit for examinations in sciences and pass them entirely without teachers and what urgent programme do they have to train those teachers?

**Mrs. Ndetei:** Mr. Speaker, Sir, the Government is doing its best to ensure that teachers are available.

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. My point was: how do they expect children to sit and pass science examinations when they have no teachers and equipment? She has not answered that one. Tell us or you close those schools.

**Mrs. Ndetei:** Mr. Speaker, Sir, we expect the students to try their best and do with the teachers who are available to pass the examinations.

*Question No 758*

## DISMISSAL OF MR. AMIR

**Mr. Speaker:** Is Prof. Mzee not here? We will leave his Question until the end. Dr. Kituyi's Question.

*Question No 178*

## GRAVELLING OF SIKHENDU-LUGARI ROAD

**Dr. Kituyi** asked the Minister for Public Works and Housing:-

- (a) whether he was aware that the Sikhendu-Naitiri-Lugari Road was last gravelled in 1972 and has since become impassable during the rainy season; and,
- (b) when the Ministry intends to implement the Bungoma District Development Committee's recommendation that this important road be gravelled.

**The Assistant Minister for Public Works and Housing (Col. Kiluta):** Mr. Speaker, Sir, I beg to reply.

(a) The Sikhendu-Naitiri-Lugari Road was gravelled in August, 1983, by the Ministry through its then re-gravelling Unit. However, I am aware that the Sikhendu-Naitiri-Nzoia River section of the Road C 44, which is approximately 17.3 kilometres long in Bungoma District, is not passable during the rainy season. In April, 1996, a 12 kilometre section from Naitiri towards Sikhendu were graded at a cost of Kshs 90,000, and this Financial Year, 1996/97, the Ministry will grade the remaining 5.3 kilometres, gravel and spot patch the whole section which is 17.3 kilometres. When the patching is completed, the road will be motorable.

(b) The Sikhendu-Naitiri-Nzoia Road is prioritised and ranked by the local DDC as No 10 for gravelling which is the second last through their Minutes No 9 of 14th June, 1996. The Ministry will consider gravelling of this road in the long term after implementing the other roads of the high DDC ranking.

**Dr. Kituyi:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, since only a week ago the Minister was telling this House that the road prioritised as No 1 in Bungoma District by the DDC cannot be gravelled because there was no money for doing it, how can he start promising the House that the road prioritised as No 10 is having any chance of being spot gravelled at all?

**Mr. Anyona:** It cannot be gravelled even in the next 10 years.

**Col. Kiluta:** Mr. Speaker, Sir, this particular road, as I said, is No 10 in priority. We have got money set aside for priority road No 1, which is Manyancha-Sirisia-Chele.

We have set aside Kshs 24,000,000 for this purpose. We also have money this Financial Year to do spot-patching on the road in question.

**Mr. Kapten:** Mr. Speaker, Sir, can the Assistant Minister tell us the method they use to check and ensure that the money allocated to any particular project is actually spent on that project? I say so because you will hear that such an amount of money has been allocated to certain projects, but when you go to the project, you will find that it has not even started and yet the money has been used. How does he ensure that that money is spent on the allocated project?

**Col. Kiluta:** Mr. Speaker, Sir, we have got an Inspectorate Unit that does the checking of the roads once they are funded.

**Dr. Kituyi:** On a point of order Mr. Speaker, Sir. Arising from the claim by the Assistant Minister that they have an Inspectorate Unit which does its work, how can he explain the fact that he has brought a false reply to this question claiming that this road was gravelled in 1983 when indeed the last time the section from Naitiri to Lugari was ever gravelled was in 1972 when it was under the Ministry of Lands and Settlement? Since then that section has never been gravelled again. If they cannot even know that and give you a correct answer, how can you claim that they can do monitoring and inspection across the country?

**Col. Kiluta:** Mr. Speaker, Sir, I think the problem with the hon. Member is that he is never at home regularly. The Inspection Unit was set recently and---

**Dr. Kituyi:** Mr. Speaker, Sir, is this Assistant Minister in order, even if he wants to please those who have been quarrelling for defining the rights of the water for the people of Masinga, to allege here that I am never at home regularly when my home is along the un-gravelled stretch and I was at home two days ago?

**Col. Kiluta:** Mr. Speaker, Sir, the question of priority on the roads was done on 14th June. If he was a regular attendant of the DDC meeting, he would have known that this road was not prioritised at all.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. I wish the Chair to declare whether this Member of Parliament is in order to make a very dangerous claim. In the run up to the election it is very dangerous for a Member to be reported as not to be going home, and I want it to be on record that this Member should withdraw an allegation that I do not go to my constituency particularly in a matter referring to a road that leads to my own

home? He has to withdraw that claim.

**Mr. Speaker:** The Chair is satisfied that all Members go to their various constituencies. Next Question.

*Question No. 546*

MAINTENANCE OF ROAD D560

**Mr. Ndzai**, on behalf of **Mr. Rai**, asked the Minister for Public Works and Housing what urgent plans he had to ensure that Road No.D.560, Mazeras-Kaziamonzo is motorable throughout.

**The Assistant Minister for Public Works and Housing** (Col. Kiluta): Mr. Speaker, Sir, I beg to reply.

The Ministry will grade the road in August this year and, thereafter, will be able to gravel-patch, open culverts and replace all broken culverts along the Mazeras-Kaziamonzo Road No.D.560 to ensure that it is motorable. The subsequent exercise will be undertaken from January 1997 after gravel-patching is completed and it will be passable.

**Mr. Ndzai:** Mr. Speaker, Sir how much money will be spent on this project?

**Col. Kiluta:** Mr. Speaker, Sir, we have set aside Kshs 400,000 for this particular section of the road and we have set aside another Kshs9,875,500.40 million for other two roads in that area.

**Mr. Mulusya:** On a point of order Mr. Speaker, Sir. Can the hon. Assistant Minister tell us what the Kshs9,785,500.40 is for? Is it for Masinga Water project or what?

**Col. Kiluta:** Mr. Speaker, Sir, definitely this is money and we are talking of Kshs 9,875,500.40.

**Mr. Speaker:** Next Question, Mr. Muhika Mutahi.

**Mr. Ndzai:** On a point of order Mr. Speaker, Sir. He said Kshs 9,875,500-40. Is it for this road or for that area because he said that "We have set aside this amount for that area", and there might be so many sections of roads there. We want to know how much money was set aside for this particular road.

**Col. Kiluta:** Mr. Speaker, Sir, I have already said that we have set aside Kshs 400,000 for this particular road and the Kshs 9.8 million is for Kwale-Kinango-Lunga Lunga road.

**Mr. Speaker:** Very well. Mr. Muhika Mutahi.

**Mr. Mutahi:** Mr. Speaker, Sir, I beg to ask Question No. 277 and the Attorney-General is still making noise there.

*Question No. 277*

NEW COURT-ROOM FOR MUKURWEINI

**Mr. Mutahi** asked the Attorney-General:-

- (a) whether he was aware that the Mukurweini Magistrate's Court was built in 1939; and,
- (b) if he was further aware that the same court was condemned in 1988 by the Ministry of Public Works and Housing and the Ministry of Health in 1991 respectively; and,
- (c) if the answers to "a" and "b" above are in the affirmative, when the Attorney-General will consider putting up another court.

**Mr. Mulusya:** On a point of order Mr. Speaker, Sir. Is the hon. questioner in order to allege that the smiling Attorney-General is making noise?

**Mr. Speaker:** Order! Order, Members. It is that kind of language that tends to lower the dignity of this House and those Members who make those utterances. Proceed, Attorney-General.

**Mr. J.N. Mungai:** On a point of order Mr. Speaker, Sir. Is it also in order for the hon. Minister, Mr. Kones, to walk straight from that end to come and sit where he is when you are addressing the House? Hon. Kones did it.

**Mr. Speaker:** Order! Order now. Mr. Njenga Mungai, you are also out of order to utter any word when I am on my feet. He was also out of order to "transport" his body from one place to another while I was talking. Proceed, Mr. Attorney-General.

**The Attorney-General** (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

- (a) Yes, I am aware.
- (b) I am aware that a recommendation to condemn the court has been made by the two Ministries.
- (c) DDC has not yet prioritised the project. Once this is done and adequate land availed, budgetary provisions will be requisitioned alongside other projects.

**Mr. Mutahi:** Mr. Speaker, Sir, since this court was condemned six years ago, it is just about to fall because no repairs have been made on it. Can the Attorney-General assure this House that that court is going to be rebuilt again, especially the roofing because when you are inside it rains as if you were outside? It leaks and it is

about to fall. Can something urgent be done about this court since it is six years since it was condemned.

**Mr. Wako:** Mr. Speaker, Sir, technically the court has not been condemned but a recommendation has been made. What is required, according to the Ministry of Public Works and Housing, is an entirely new structure. For that purpose the Judiciary has asked for land to be allocated so that a new structure can be put up.

**Mr. Busolo:** Mr. Speaker, Sir, could that Attorney-General assure this House that this condemned court house will not be allocated to some land grabbers?

*(Laughter)*

**Mr. Wako:** Mr. Speaker, Sir, as far as it is humanly possible I can assure this House that it cannot be allocated to a private person.

**Mr. Mulusya:** On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to evade answering that question by saying; "in so far as it is humanly possible". Is he not telling us that this is going to be eventually grabbed?

**Mr. Speaker:** Order Mulusya! Are you by any chance suggesting that the hon. Attorney-General is anything but human? That is totally out of order. Could we give serious Members a chance?

**Mr. Wamalwa:** Mr. Speaker, Sir, I should have really raised a point of order because the Attorney-General stated that this condemned court has not been rebuilt because the DDC has not prioritised it. I thought courts were Government buildings that did not really need to be prioritised by the DDC. If the High Court today was collapsing here in Nairobi would he wait for the DDC to prioritise it before it is rebuilt?

**Mr. Wako:** Mr. Speaker, Sir, the High Court is a National Institution and we shall move at a national level not at the district level. As far as this particular court is concerned, the DDC should prioritise it, but in order to expedite the process, the Judiciary has taken the initiative, not only to have new plans for the courts ready, but also to ask for an allocation of land sufficient for the purposes of the court because where it is now situated is a very small piece of land.

**Mr. J.N. Mungai:** Mr. Speaker, Sir, the Attorney-General is a custodian of all laws and he must make sure that they are obeyed and now he continues to allow a court that has been condemned to be used. Could he agree or deny that he is breaking the same law that he is supposed to protect by allowing this court to continue being used whereas he knows that it can easily sink in and kill people? Is it not criminal?

**Mr. Wako:** Mr. Speaker, Sir, as I stated, a recommendation has been made but technically the decision to condemn has not been made.

**Mr. J.N. Mungai:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Mungai!

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

**Mr. Speaker:** Order, Mr. Mutahi!

**Mr. Nthenge:** Mr. Speaker, Sir, I beg to apologize for entering the Chamber late and ask Question No.

144.

*Question No.144*

INTERFERENCE IN POLITICAL MEETINGS

**Mr. Nthenge** asked the Minister of State, Office of the President what concrete steps his Ministry has taken to ensure that Provincial Administration stops interfering with licensed political meetings.

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Speaker, Sir, I beg to reply.

My Office has issued very strict instructions to all the Provincial Administration officials not to interfere with properly licensed political meetings as long as the speakers at these meetings maintain law and order, refrain from incitement and insults against other leaders.

**Mr. Nthenge:** Mr. Speaker, Sir, up to now, is there any administrative officer who has been punished for interfering with already licensed meetings while senior Members, and citizens, like myself are still waiting to address the nation?

**Mr. Awori:** Mr. Speaker, Sir, there has not been any officials that have been punished for the very simple reason that all meetings that have been interfered with by the officials were as a result of the insults and the bad behaviour of the Members of the Opposition at those meetings.

**Mr. Wamalwa:** Mr. Speaker, Sir, I would be very grateful if the Assistant Minister would define to this House, what precisely amounts to an insult to warrant the disruption of a public meeting and under what laws of Kenya does whoever interrupts such meeting get that power to do so?

**Mr. Awori:** Mr. Speaker, Sir, any word that is hurled at the Head of State, which reduces his stature, is

an insult.

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

**Mr. Speaker:** Order, Mr. Mulusya! Order, Members! There are certain Members who, all the time, would want to hijack the occasion to get involved in a Question by way of a point of order. It is Question Time and can the Chair be left alone to check on Members who can intervene in this issue.

**Mr. Munyasia:** Mr. Speaker, Sir, could the Assistant Minister tell this House why members of the Provincial Administration come to attend our meetings, when we clearly state in the licenses that these meetings are for the Opposition and these members are not members of the Opposition? Why do they come to attend our meetings.

*(Applause)*

**Mr. Awori:** Mr. Speaker, Sir, they go to these meetings to maintain law and order.

**Mr. Shikuku:** Mr. Speaker, Sir, arising from the Assistant Minister's vague reply, as to what is an abuse, does he expect us to sing Halleluyah and praise the Government in our meetings? Would it be an abuse when we state facts like "this Government is corrupt". Is that an abuse?

**An hon. Member:** And the Government of thieves.

**Mr. Shikuku:** Also, Mr. Speaker, Sir, could he tell this House why, for example, when we were supposed to go to Molo, for a campaign meeting, we were blocked. There was no abuse, there was nothing, but the police were there to make sure that we do not get into Molo. Had we abused this corrupt Government?

**Mr. Awori:** Mr. Speaker, Sir, the question referred to public meetings. As far as the blocking is concerned, perhaps it was a normal road block which was to maintain law and order and ensure that, only lawful people travelled to Molo.

**Mr. P.N. Ndwiga:** Mr. Speaker, Sir, the Assistant Minister continues to mislead this House. First, he said that it was a normal road block in Molo, and earlier on, he had said that any word that a DO imagines that it is meant to reduce the stature of the Head of State, is an insult. Could the Assistant Minister tell this House, because the Head of State, is also the President of a Party, at what point do we criticise the Head of State or the President of KANU?

*(Applause)*

**Mr. Awori:** Mr. Speaker, Sir, at no point should the Head of State ever be insulted.

**Mr. Kapten:** Mr. Speaker, Sir, hon. Wamalwa wanted to know the law under which the and other provincial administrators operate. Some of us have read the Chiefs' Authority Act, Public Order Act and the Penal Code. Could the Assistant Minister tell us under which law these provincial administrators operate, especially on insult?

**Mr. Awori:** Mr. Speaker, Sir, police officers are there to ensure that law is protected. It is in the Kenya Laws.

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

*Question No.681*

#### REVIEW OF RETIREES PENSIONS

**Mr. Mwaura** asked the Minister for Finance if he could consider reviewing pensions of the retirees whenever salaries for the civil servants and teachers are reviewed.

**Mr. Speaker:** Is there anyone from the Ministry of Finance? There is none.

**Mr. Mwaura:** On a point of order, Mr. Speaker, Sir. I have the written answer to my Question, but there is no Minister to answer it yet there are two Assistant Ministers in that Ministry!

**Mr. Speaker:** Order! I said last week that it is the duty of the Ministers to attend this House. In fact, I will go further and say that, the prime duty of any Member, either in the Front Bench or the Back Bench, is to attend Parliament first and everything else next.

*(Question deferred)*

**Mr. Speaker:** For the second time, Prof. Mzee's Question!

*Question No. 758*

## DISMISSAL OF MR. AMIR

**Prof. Mzee** asked the Minister for Transport and Communications:-

- (a) if he is aware that Mr. Anwar Suleiman Amir, an employee of Kenya Ports Authority, P/No.51-40285 was unlawfully dismissed on 14th February, 1992, after 16 years of service without being paid any terminal benefits;
- (b) if he is aware that Mr. Amir was acquitted on charges of forgery and others arising from the forgery instituted by KPA Criminal Case No.977 of 1990, and in spite of that he was not reinstated back to work;
- (c) if he is also aware that Mr. Amir entered a Civil Case against the KPA No.573 of 1993 and was awarded and paid three months salary and house allowance in lieu of notice and damages for wrongful dismissal but not terminal benefits; and,
- (d) if he could, therefore, ask the Kenya Ports Authority to pay Mr. Amir his terminal benefits or reinstate him.

**The Assistant Minister for Transport and Communications** (Mr. Morogo): Mr. Speaker, Sir, I beg to reply.

(a) It is not correct that Mr. Anwar Suleiman Amir, an employee of Kenya Ports Authority, P/No.51-40285, was unlawfully dismissed on 14th February, 1992, after 16 years of service without being paid any terminal benefits.

Mr. Amir was first interdicted and placed on half salary after he was found to have fraudulently altered KPA medical prescription forms to enable him benefit by Kshs19,520.

(b) Mr. Amir appeared in the Chief Magistrate's Court, Mombasa, charged with the offence of forgery contrary to Section 349 of the Penal Code. He was acquitted by the court under Section 210 of the Criminal Procedure Code. Subsequently, KPA reviewed Mr. Amir's conduct and concluded that his continued employment with the Authority was not in public interest and accordingly his services were terminated. However, he was allowed to retire on pension.

(c) It is true that Mr. Amir sued the KPA for wrongful dismissal under Civil Suit No.573 of 1993. The court ruled in his favour on the grounds that he had not been accorded the opportunity to state his defence against the charges raised against him by KPA. He was awarded Kshs111,373 which were paid to him through a KPA cheque No.21274 dated 20th January, 1995.

In addition, Mr. Amir had already received terminal benefits in lump sum payments of Kshs 24,570.60 on 20th March, 1992. Currently, he receives a monthly pension of Kshs708.10.

(d) Mr. Amir has been paid all his terminal benefits and, therefore, the question of his reinstatement does not arise.

**Prof. Mzee:** Mr. Speaker, Sir, I am really surprised because I read the judgement on both cases. The problem is that the prescription on the medical form was done by a medical officer who was not authorised to do so, and not a forgery as such. That is why he was acquitted by the court.

Secondly, when I discussed this matter with Mr. Amir two months ago, he had neither received his pension nor his lump sum. I am really surprised now to hear that this cheque was written as early as 1995. I would like the assurance of the Assistant Minister that this payment was made because I am going back to Mombasa to see if it is there.

**Mr. Morogo:** Mr. Speaker, Sir, the hon. Member can check with our Mombasa office. I have given him the cheque number and the amounts and that confirms the payment.

**Mr. Anyona:** Mr. Speaker, Sir, last week, we had a Question here where a chief somewhere in Thika was interdicted because there was a matter in court against him. Upon being acquitted, he was reinstated in his job. We did raise a Question here with the Minister in the Office of the President about many cases of Kenyans who get charged, interdicted and when they are acquitted, they are dismissed and the Minister denied that.

He said that he wanted cases of people in the public service, including parastatals, who had been sacked even after they had been acquitted by a court of law to be cited. Here is one such case! Can this Assistant Minister and the Minister of State, office of the President, explain this discrepancy?

**Mr. Morogo:** Mr. Speaker, Sir, unfortunately, both of us cannot stand at the same time to answer a question. I am dealing with the case that falls under the Ministry of Transport and Communications, and I have given the hon. Member an answer to his Question.

**Mr. Anyona:** Mr. Speaker, Sir, the Assistant Minister in the Office of the President, hon. Julius ole Sunkuli, undertook that if any case was given to him where a matter like this had happened, he would investigate and reverse that decision. Here is such case! Is he now going to do that?

**Mr. Speaker:** Maybe they should sit together.

**Prof. Mzee:** Mr. Speaker, Sir, I am very disappointment. It looks like this is a vendetta on this poor man. There were two cases in court and he won all of them. Just because the Authority lost in both cases, they are trying



to hit at this man by dismissing him. I still feel that he should be reinstated at least on a contract basis.

**Mr. Morogo:** Mr. Speaker, Sir, it would not be in public interest to reinstate Mr. Amir as his case has carefully been discussed and looked into by the management at the KPA and they are satisfied that he should be left on pension.

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

**Mr. Speaker:** I am sorry, Mr. Mwaura, but I have already made an order for deferring your Question to next week. In any case, we are already running out of time. We have three Questions by Private Notice. So, your Question will be answered next Week.

*(Question deferred)*

## QUESTIONS BY PRIVATE NOTICE

### SHOOTING OF ITE FARM RESIDENTS

**Mr. Kapten:** Mr. 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 the Administration Police and Chief of Kaibei Location in Trans Nzoia District have since Thursday, 20th June, 1996, terrorised residents of Ite Farm and all the surrounding areas by shooting innocent people, including a school boy?

(b) If the answer to "a" above is in the affirmative, how many bullets were fired by the Chief and the Administration Police between the period of 20th June, 1996, to 24th June, 1996, when they were on the farm?

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Speaker, Sir, I beg to reply.

(a) What I am aware of is that the Administration Police and the Chief of Kaibei Location were on the 20th June assigned to a Mr. Kabui of Ite Farm to enforce Court Order Ref. Civil Case No. 207/91 of 15th January, 1992, requiring the squatters to be evicted from the farm. No school boy or anyone else was shot dead in the incident.

(b) The Administration Police fired 40 bullets in the air to scare away the squatters who were getting unruly during the exercise.

**Mr. Kapten:** Mr. Speaker, Sir, I wish the Assistant Minister was fair in answering this Question. On that particular day, the Assistant Chief of Kainde Location accompanied by the administration police went to the farm. In fact, there was no court order. When they got to the farm, they started shooting randomly in the air. One Standard Eight boy who was coming from school by the name Moses Wanjala was shot at by the Assistant Chief. He was injured and hospitalised. It is not true that only---

**Mr. Speaker:** Are you now answering yourself, or asking a question?

**Mr. Kapten:** No, I am not answering.

**Mr. Speaker:** Put your question, please!

**Mr. Kapten:** It is not true that only 40 bullets were fired in the air. There were more than 200 bullets fired in the air. Can the Assistant Minister go back and investigate, and get the truth about this boy who was shot? In fact, I have pieces of evidence which I want to lay on the Table.

**Mr. Speaker:** What are they?

**Mr. Kapten:** Evidence. They are spent cartridges

*(Hon. Kapten laid the spent bullets on the Table)*

*(Applause)*

**Mr. Speaker:** Order! Order! Order, hon. Kapten! If these are bullets of any type, either spent or in use, you are certainly in possession of offensive weapons in the House. You are now ordered to take away those things from the Table, proceed to the door, pass them on to the Sergeant-at-Arms, who will ensure that they are securely locked, to avoid any injury to any hon. Member or to any other person in this House. Please proceed, now.

In fact, I am even surprised how an hon. Member can, in the first place, get into this House with things like that. Proceed straight away.

**Mr. Kapten:** Mr. Speaker, Sir, I will proceed, but they are spent. They are of no harm.

*(Hon. Kapten removed the spent bullets from the Table and withdrew from the Chamber)*

**Mr. Speaker:** Very well. Order, hon. Members! I am afraid I still have two Questions by Private Notice unanswered. In fact, in fairness to hon. Kapten, we have not given him a lot of audience and time. But there is a Question by Private Notice from hon. Obwocha which I have postponed four times. I think it is fair that I now skip Question No. 2 by hon. Githiomi, which I believe has not been postponed in the past, I could be wrong, but I think we did this also partly last week. We dealt with that Question, but I think it was partly done. But I will, in all fairness, postpone that Question to Thursday, and give hon. Obwocha a chance to ask his Question.

**Mr. Obwocha:** Thank you very much, Mr. Speaker, Sir.

**Mr. Kapten:** On a point of order, Mr. Speaker, Sir. You have not given any time to my Question. Even the Assistant Minister has not finished answering it.

**Mr. Speaker:** I have said that since you are also partly to blame---

**Hon. Members:** No! No!

**Mr. Speaker:** Order! I am the one communicating with the hon. Member. You are partly to blame, but I have said that I will give your Question time, maybe, next week. For now, hon. Obwocha, has had his Question postponed almost for four weeks.

**Mr. Obwocha:** Thank you very much, Mr. Speaker, Sir.

#### CLOSURE OF PORT'S SECURITY DEPARTMENT

**Mr. Obwocha:** Mr. Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

(a) Is the Minister aware that Kenya Ports Authority (KPA) is closing down its security department and hence rendering many workers jobless?

(b) If the answer to "a" above is in the affirmative, which private security firm has been contracted to offer security services to KPA?

**The Assistant Minister for Transport and Communications (Mr. Morogo):** Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that KPA is closing down its security department. Therefore, there are no workers that are going to be rendered jobless.

(b) In view of the answer in "a", the hiring of a private security firm to offer security services to KPA does not arise.

**Mr. Obwocha:** Mr. Speaker, Sir, the answer given by the Assistant Minister is misleading because the Executive Chairman of KPA, on 26th June, 1996 said in a meeting of the Kenya Clearing and Forwarding and Warehousing Association in Mombasa, that they are going to close down the security department, therefore rendering several Kenyans jobless. These people want to hire a firm called Group 4 Security Services to carry out security work in their port, yet there are Kenyans who are employed to carry out this work. Can the Assistant Minister tell this House why the Board has not been consulted on this very important decision that is affecting many Kenyans?

**Mr. Morogo:** Mr. Speaker, Sir, I have said that there is nothing like that which is happening. I do not know why I should answer such a question by hon. Obwocha. Let him take it from me that nobody will be rendered jobless.

The security people at KPA will continue with their jobs.

**Dr. Kituyi:** Mr. Speaker, Sir, considering that the Executive Chairman of KPA is a major shareholder in Group 4 Security Services, could the Assistant Minister give his undertaking that at no time, is the Chairman going to be allowed to use a company in which he has an interest, to displace other people in the security system of KPA?

**Mr. Morogo:** Mr. Speaker, Sir, the hon. Member is raising issues that are not before KPA at the moment. I cannot address issues which are not there. I have said that the KPA security personnel are there, and they are going on with their work. I am not worried about Group 4 Security Services because it does not arise at KPA at the moment, neither will it ever arise.

**Mr. Anyona:** Mr. Speaker, Sir, can the Assistant Minister confirm or deny that there are plans to restructure the security services of KPA, and in that process, a foreign firm has been hired to carry out the restructuring process?

**Mr. Morogo:** Mr. Speaker, Sir, I deny that.

**Mr. Obwocha:** Mr. Speaker, Sir, the Assistant Minister is denying all these questions and yet I have a report here, where the Executive Chairman, Robert Briensen is doing this. Can the Assistant Minister be asked to go back and check his facts, so that Kenyans are not rendered jobless?

**Mr. Morogo:** Mr. Speaker, Sir, I am surprised at what hon. Obwocha is saying. If the Executive Chairman has an idea, which has not come into operation, how does he expect me to respond? I have said that if this matter ever comes up, it will not be allowed at the KPA. So, I do not know why we should worry over

something which has not even arisen at the moment.

**Mr. Speaker:** The time is up now!

**An hon. Member:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** I am sorry. The time is up.

Next Order!

## COMMITTEE OF SUPPLY

### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 31 - Ministry of Education

**The Minister for Education** (Mr. Kamotho): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

I would like to take this opportunity to thank you and also the hon. Members of this House, for giving me this opportunity to move the Vote of the Ministry of Education, for the recurrent and development requirements for the 1996/97 Financial Year.

**Mr. Speaker:** Order! Order! Hon. Members, do we take it that this House is not interested in the education of this nation? Proceed, Mr. Kamotho.

*(Hon. Biwott consulted with a colleague)*

**Mr. Mulusya:** On a point of order, Mr. Speaker, Sir. You have ruled before and this is also in the Standing Orders of this House, that when you are in the Chair or speaking, no hon. Member should move around. When you were speaking, hon. Biwott was very busy conversing with his colleague. Was he in order to do that? Why is he so defiant?

**Mr. Speaker:** Order! Order! When the Speaker is on his feet or communicating to this House, everybody, and I mean everybody, "freezes". Proceed.

**The Minister for Education** (Mr. Kamotho): Mr. Speaker, Sir, my Ministry will require K£1,535,671,310 for the Recurrent Expenditure, and K£129,553,260 million for the development expenditure of the 1996/97 Financial Year. The money we are asking for will be used as follows. For General Administration and Planning, the Ministry requires K£1,257,253,900. This amount reflects an increase of 11.36 per cent over the figure of the previous requirement. Secondly, under Sub-Vote 311 my Ministry will require K£25,521,346 for primary school education. This figure reflects an increase of 28.62 per cent over that of the previous year. Thirdly, under Sub-Vote 312 the Ministry will require K£5,553,614 for teachers' education. This amount reflects an increase of 3.62 per cent over that of the previous year.

Under Sub-Vote 313 the Ministry will require K£2,357,520, which is a reflection of an increase of 8.16 per cent over the figure of the previous financial year. Under Sub-Vote 314, which covers miscellaneous services of the Ministry, the Ministry will require K£4,876,680. This figure reflects an increase of 8.98 per cent over that of the previous financial year. Under Sub-Vote 315 - pre-primary education - the Ministry will require K£270,075, which reflects an increase of 4.95 per cent over the figure of the previous year. Under secondary school education, Sub-Vote 316, the Ministry requires K£27,134,175. This figure reflects an increase of 68.68 per cent over the previous year's figure. It is in this particular requirement where K£20 million will be required for secondary school bursaries fund. This amount is double the allocation of the previous year.

Finally, I turn to the Recurrent Vote. Under university education the Ministry requires K£212,675,000. This figure reflects a decrease of 6.66 per cent over the previous year's figure. The decrease in university education allocation has come as a result of the current Government policy to try as much as possible to reduce public expenditure on university education, so that individual universities can engage themselves in income generating activities. In this way, some of the money which is saved on university education can be utilised for the promotion and development of primary and secondary school education. I would like the House to note that in the past almost 90 per cent of the development vote of the Ministry of Education was actually going to universities. Therefore, we have initiated new policy initiatives to try and reduce public expenditure on university education in order to try and improve the quality of education at the secondary and primary school levels.

The amount I have just stated totals to K£1,535,622,310 which reflects an overall increase of 9.3 per cent over the figure of the previous year. Something else that I would also like the House to note, is that about 80 per cent of this money goes to the Teachers Service Commission (TSC) for remuneration and administration of teachers. Therefore, the recurrent vote of the Ministry of Education is made up mainly of salaries and expenses on

administration and management of teachers for primary schools, teachers training colleges and other middle level colleges, including technical training institutes, and also management and administration of the TSC. One particular area that I would like the House to note, where we have remarkable increase of the allocation to the Ministry, is the social dimensions for national development. In respect of this particular area, the Ministry did request the Treasury to allocate it more money this year, to enable it purchase text books for primary schools, particularly in arid and semi-arid lands.

Mr. Speaker, Sir, as a result of our request, we managed to get an increase from K£6 million during the previous year, to K£8,500,000. That money is for purchasing text books which will be given to primary schools throughout the country and in particular, the arid and semi-arid areas of the country. The other area, Mr. Speaker, Sir, where we have notable increases under the Social Dimensions Programme, is the purchase of school milk. The School Milk Programme which this House is aware of, is very popular with school kids. We managed to get an increase from Treasury from K£7,450,000 to K£9,200,000. I would like the House to note that this is a very important item in many places, particularly arid and semi-arid areas, and pockets of poverty in urban areas. The milk is important because even in such areas and even in high potential districts, we have noted an increase in the number of children attending schools as a result of the commodity. It has also led to a reduction of school drop-outs at the primary school level in many places in this country. In addition, this money assists the national economy by purchasing milk from the small scale farmers of this country. We do not use this money to import milk and so, this money goes to the farmers of this country, thus rejuvenating and strengthening the economy of this nation.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House by stating that, the milk is bought from small scale farmers, when we know that it is bought from KCC where the large scale farmers also put their milk?

**The Minister for Education** (Mr. Kamotho): Mr. Speaker, Sir, that is an argument, which I think, the hon. Member, can put across when he catches your eye. He can make his contributions at that stage.

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. The Minister is misleading, not only this House, but this nation. We know very well that there is no school milk that is being given to schools, and then the Minister says that K£9.2 million is going to that programme. Could he tell us, that when he gets this money for this year there is going to be milk in these schools, because the other years there has been no milk?

**Mr. Speaker:** Order! Order! Mr. Ndicho and Dr. Lwali-Oyondi, you are perfectly entitled to your arguments, but you must wait until it is your time, so that you can forward your arguments. In any case, at the Committee Stage, you will still be able to put that question directly to the Minister. As **[Mr. Speaker]** it were, both your points of order, are strictly speaking not points of order, but they are points of argument. So, you and every other Member, hold your points of argument until you catch my eye!

**The Minister for Education** (Mr. Kamotho): Thank you, Mr. Speaker, Sir. I would like to confirm that any time I am moving around this country, children of primary schools do send me to thank His Excellency the President for the school milk.

Mr. Speaker, Sir, for the Development Estimates, my Ministry---

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. Have you not noticed that in the course of the whole afternoon, the hon. Mulusya is persistently making contributions on his seat and disrupting all of us who want to listen to the hon. Minister for Education? Is it not in order to tell him to go out?

**Mr. Speaker:** Order! Order, Members! As I said, unless a Member's behaviour is such that he or she causes disorder, the Chair does not hear or see what they do. Proceed!

**The Minister for Education** (Mr. Kamotho): Mr. Speaker, Sir, on the Development Vote, as I stated earlier, the Ministry will require K£129,553,260. The Development Vote is very important although as I said, most of this money in the past has been going to the development of our universities. But of late, we have changed our emphasis to make sure that even the partial development of primary schools and secondary schools is looked into. This year, we have cast our eyes on pre-primary education, and in this respect, a total of K£292,075 will be required under the Sub-Vote 315, which is under Training of the Field Services.

Mr. Speaker, Sir, Sub-Vote 315 on Secondary Education under Head 800, will we require a total of K£27 million. As I said earlier on, K£134,175 is mainly to cater for bursaries and other requirements. Under the Universities, a breakdown of what I stated earlier, the Commission for Higher Education which is taking a greater and greater role in the management and administration of universities will need K£3,300,000. The University of Nairobi, K£50 million; Kenyatta University, K£34 million, and University Students Loans Scheme K£49,320,000. This money falls under the Recurrent Vote of the Ministry. Egerton University will need K£29,750,000; Jomo Kenyatta University of Agriculture and Technology, K£9,275,000, Maseno University, K£9,100,000 and Moi University, K£27,930,000. That covers fully the recurrent requirement for the Ministry of Education.

Mr. Speaker, Sir, turning to the Development Vote, the Ministry, as I stated earlier will require K£129,553,260. This is broken down as follows:-

On General Administration and Planning, the Ministry requires K£10,338,000 which is 8 per cent of the total development requirements which will be utilised as follows:-

Headquarters Administrative Services will need K£5,750,000, of which the Government of Kenya will make a contribution of K£1,312,000 out of the total, and the rest of the money is from the external donor funding.

Under Head 835; Headquarters Professional Administrative Services, K£2,430,000 would be required. There is a very notable item under this particular Head, that is Item 187 which has a provision of K£2,400,000. This provision is intended to supplement the recurrent provision of the Higher Education Loans' Board, which as we can remember, was inaugurated late last year, and, therefore, there was no allocation for this particular item. But because now the Board is fully settled, we have provided this money for the procurement of the essential services to ensure efficient administration of students' loans by the Board.

Under Head 836 - Curriculum Support Services we require K£1,323,000. And under Head 839, the Kenya National Examinations Council, requires K£600,000. This is mainly to provide more equipment and also replace some of the equipment which might have broken as a result of age of the equipment.

Under Head 841, Teachers Service Commission (TSC), we require K£300,000.

Under Sub-Vote 311, Primary Education, my Ministry will require K£15,314,500 which is 11.9 per cent gross expenditure requirement which is to be utilised under the following heads:- Primary schools themselves require K£2,029,500 and School Milk and Feeding Programme, K£13 million. This is mainly for acquiring equipment, machinery and materials. That is why it falls under the Development Vote.

Under Sub-Vote 312, Teachers Education, the Ministry will require K£31,906,000 which is 24.6 per cent to be spend by Diploma and Primary Teachers' Training Colleges.

In this allocation, there is a very notable increase in gross expenditure under Head 847 from K£8,499,176 in 1995/96 financial year to K£27,770,00 in 1996/97 financial year. This increase is attributed to the urgent need to finance completion of various Teachers Training Colleges like Taita Taveta in Voi, Garissa Primary Teachers Training College and also the continued completion of Kitui Teachers Training College, and also to clear the bills which were remaining under the World Bank Credit 1673KE.

Under Sub-Vote 313, Schools for the Handicapped, I will require K£3,458,000 which reflects only 2.7 per cent increase of the gross Development Vote.

Under Sub-Vote 315, the Early Childhood Care, this is a relatively new Vote in the Ministry because, as I mentioned the other day here, Government is putting greater emphasis on early childhood development. We have a project with the World Bank which will require quite a bit of money, but as of now, the Ministry requires K£2,150,000 which is only 1.7 per cent of the Development Vote of the Ministry.

Under the new Sub-Vote 316, Secondary School Education, the Ministry requires K£8,416,500.

Finally, the Ministry will require for University Education under Sub-Vote 318, K£57,925,266, which is 44.74 per cent of the total Development Vote. On this, we require the money as follows:- The Commission for Higher Education needs K£38,730,000; University of Nairobi K£4,017,032; Kenyatta University K£1,850,000; Egerton University K£2,845,000; Jomo Kenyatta University of Agriculture and Technology K£2,113,728; Maseno University college, K£4,200,000, and Moi University, K£4,169,500

All this money is meant to try and complete some of the on-going projects in all these public universities.

At this juncture, my Ministry would also like to record its thanks and satisfaction to the support we have been receiving from the donors. I would like, therefore, to call upon this House to record its appreciation to the World Food Programme, UNFPA, DANIDA, Germans, GTZ, UNICEF, Governments of Finland, Belgium, UK, Japan and Netherlands among many others, who have contributed significantly.

With these remarks, I wish to conclude by thanking you and all the hon. Members of the House for listening to me with keen interest as I move both the Votes of the Ministry of Education, particularly the Ministry---

**Mr. Mulusya:** On a point of order, Mr. Speaker, Sir. My point of order is that before the Minister concludes moving his Votes, last week he promised to make a statement on that child who was killed by teachers in Limuru. Could he make that statement before he finishes?

**Mr. Speaker:** Order, Mr. Mulusya! You know normally at what time Ministers make Ministerial Statements! I think you have a problem in following debate in the way it is set, and maybe we will need something to control you better than even sending you out. I am completely baffled about how to deal with you! Proceed, Minister!

**The Minister for Education (Mr. Kamotho):** Mr. Speaker, Sir, it is now my pleasure and honour to request the House to approve my Ministry's Vote.

I will make the Ministerial Statement on Thursday.

Mr. Speaker, Sir, I beg to move.

**The Minister for Information and Broadcasting (Mr. Makau):** Mr. Speaker, Sir, the Vote that has been moved by the Minister for Education is an extremely important one for everybody who is in here. When you look at the expansion of education since 1978 up to now, you can see the role that the President himself has played. He

has shown personal concern for the education of the youth in this country. Many people have wondered, written and spoken about the situation of education in this country. This country has benefited a lot from the expansion of education. A lot of people have gone through the primary and secondary schools as well as through the universities. The university education has recorded a lot of expansion and many Kenyans have gone through the universities. When we talk of unemployment, we should bear in mind that any country which educates people according to the availability of employment opportunities is not thinking positively. The Marshal Plan in Germany was very successful because, by the time it was initiated, there was enough trained manpower. This country is on the right track as regards the training of people and we should train more people because we are almost on an industrial take-off.

Mr. Speaker, Sir, in seconding this Motion, I would like to comment on some of the issues that have been raised by the Minister for Education. The whole country is extremely grateful to the Minister for Finance for the money set aside as bursary for poor students in secondary schools. Schools should be made to understand that this money set aside for bursary should benefit the needy students. So, it is very important for the Ministry of Education to make sure that the bursary allocation in the secondary schools is transparent. While we appreciate that the money is available, there is always the question of the mechanism that has been used to allocate bursaries to various students in secondary schools. Many a time, the allocation of bursaries to the needy students seems to have been kept as a secret in many schools, whereby the leaders do not know the criterion that is used to allocate the bursaries in these schools. So, I would like to appeal to the school administration and all the administrators in the Ministry to make sure that the headmasters and headmistresses in secondary schools involve the people, especially, the leaders to know how that money is allocated and to know the criterion that is used to identify the needy students. Many a time, people want to know the criteria used by the schools. For example, when you say that Makueni District has been allocated Kshs11 million, what is the criteria these heads of schools use to identify needy students and allocate this money? This is an area that needs to be streamlined so that we are fully aware of the method used in selecting the beneficiaries.

Another area that is of concern concerns the loans given to students in the universities. We are very grateful that the loans scheme is still existing. By the time the Higher Education Loans Board (HELB) was set up, there were teething problems. Many students were rioting and some of the universities were almost closed down because of that. Sometimes, there are cases where a number of students come from one family and only one of them gets a loan to assist him continue with his education while his brother or sister is denied. So, it is important to streamline these problems that were faced. Since the money available is not a lot, especially for administration, I would like to appeal to the Ministry of Education to ensure that they do not go for luxurious offices where a lot of rent is paid. For example, offices for the Commission for Higher Education or the HELB should be put in places which are not very expensive. I am saying that because the rent for a building like Anniversary Towers is very high and we might find that a lot of money is consumed on renting such buildings instead of being spent on students loans. We should also be concerned about setting methods of loan recovery to enable other students also to benefit from these loans. In 1974/75, when the loans scheme was started, there was no method or scheme of loan recovery, and up to now, a lot of loans have not been recovered. I would like to appeal to the Ministry of Education to look into other comparative analysis of the loans scheme all over Africa. One time, I remember giving an example of the loans scheme in Ghana, whereby, there is a good recovery system, so that the loans given to students are recovered to benefit other students. While giving these loans to these young students who have just come from secondary schools, it is very important to ask ourselves: When you give money or the loans to the students, do they buy the text books? Do those who have joined the university buy textbooks as it used to be, by using a voucher? It has been established that many students have come out of the university, and they have neither bought any books nor established a library. The Ministry of Education and those concerned should look into this seriously. It might not sound very important, but I am worried that the money given to the students for food may not be enough. We should look into ways and means of checking whether that voucher system will be successful.

Talking from a point of experience and knowledge, I know that a lot of students find themselves having no food. After getting that money, they use it on other things and start bothering their parents who cannot afford to give them money for food.

Mr. Speaker, Sir, I would now like to turn to the Commission for Higher Education. In this country, we know that we are using a lot of foreign exchange because parents are sending their children to foreign universities in Britain, United States which are very expensive and to India where we have a lot of students. I know that it is very important to look into all the factors that will call for establishing of private universities in this country. We would save a lot of foreign exchange and the parents would be saved a lot of problems if the Commission for Higher Education would speed up the consideration of applications for setting up of private universities. I know it is very important to make sure that the quality of education is maintained, but at the same time, we can save a lot of foreign exchange and also save the parents the agony of having students that have gone abroad and, later the universities become so expensive that the parents cannot afford to send money to their children. Those students later find themselves in difficult situations. I have seen many students in the United Kingdom, United States and

India, who live miserably because their parents cannot send them money. That is why I am appealing to the Commission for Higher Education to look into the applications that are pending, check and make sure that more private universities are established in this country.

Finally, there is one area that the Ministry of Education should look into when revising the Education Act.

The Parents Teachers Association (PTA) are operating without any legality. I would like to appeal to the Ministry of Education which is responsible for the funding of secondary schools to ensure that an Act of Parliament is put into place to make PTAs legal.

Mr. Speaker, Sir, with those few remarks, I beg to second.

*(Question proposed)*

**Prof. Mzee:** Thank you very much, Mr. Speaker, Sir.

The importance of education is reflected in the huge size of the Budget allocated to it. Approximately 25 per cent of the Recurrent Expenditure for all the Ministries is allocated to the Ministry of Education, and this stresses the importance of education in this country. In spite of the emphasis on education, there is a great imbalance in the quality of education available to different groups of Kenyans. I emphasize that the quality of education available to different groups of Kenyans is of significant variations. There is a vast variation of quality education from province to province. Some provinces have been favoured more than others. There is also a vast variation from district to district where some districts are more favoured than other districts and within towns, there are areas which are getting better education than others.

*[Mr. Speaker left the Chair]*

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

Under the cost-sharing scheme and political patronage in particular, the financial resources which are available in different provinces, districts and within areas in towns is not the same. For example, in Mathare Valley, the resources available there for education which are allocated both by the Ministry and through cost-sharing are smaller than those of schools in Lavinton. There are more financial resources available in schools in Lavinton than the resources available in Mathare. There are far more people living in the slums of Korogocho and Mathare, than the population living in Baringo District. Baringo District has more resources according to this Budget available in education than what is available in Mathare. In actual fact, the allocation in Mathare is only one-eighth of what is allocated for Baringo, if you listened to the statistics carefully. While the population in Mathare exceeds 350,000 people, those in Baringo are only 347,000 and yet, Baringo has a larger allocation of finances---

**The Minister for Education** (Mr. Kamotho): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mislead this nation by comparing Baringo as a district and Mathare slums without realising that Mathare is in the City of Nairobi and the City Education Department is not under the Ministry of Education budget? It is administered by Nairobi City Council.

**Prof. Mzee:** Mr. Temporary Deputy Speaker, Sir, I am talking about education for Kenyans, whether living in Mathare or in Baringo District. They should be given the same attention. Those were the Minister's ideas. He was just wasting my time. In actual fact---

**The Assistant Minister for Local Government** (Mr. Kamuren): On a point of order, Mr. Temporary Deputy Speaker, Sir. Since hon. Prof. Mzee once worked in Baringo, is it in order for him to bring Baringo District into the subject before the House when he is supposed to discuss the Motion?

**Prof. Mzee:** The people in Mathare who are over 350,000 have only one Member of Parliament while in Baringo District, there are five and that is why they can afford to stand here and interrupt this debate.

**The Minister for Information and Broadcasting** (Mr. Makau): On a point of order, Mr. Temporary Deputy Speaker, Sir. There is an allegation that has been put in this House when we are debating allocations. The Baringo District he is talking about is a district and it has an allocation. Could he show us the allocation of the Mathare he is talking about in the Printed Estimates? He is trying to besmirch a district just for cheap publicity. Can he show us the allocation of Mathare? Mathare is under the City Education Department. Can he show us where the allocation for Mathare is?

**Mr. Mulusya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mine is on a security matter in this House. Is hon. Keah in order to walk into the Chamber with a Somali sword?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order, Mr. Mulusya. At least we should be kind to our colleagues Mr. Mulusya. The rules require that if a disabled Member walks into the House, he can limp with his stick and then the Sergeant-at-arms or his representative will take it back. It is very unfair to see

your colleague painfully limping in and then you say, he walked in with a weapon. He has not even sat down and the Sergeant-at-arms is ready to take away his stick when he sits down!

**Prof. Mzee:** Mr. Temporary Deputy Speaker, Sir, I will kindly request you for an extra four minutes which have been taken by other people.

I would like to talk about the 8-4-4 system of education. The 8-4-4 system of education requires an urgent review. Since its inception in the 1980s the 8-4-4 system has not achieved the objective it was supposed to.

The major objective of the 8-4-4 system was to produce pupils who are trained for jobs or other skills. The 8-4-4 system has completely failed in this. The syllabus is heavy and an unnecessary burden. It makes some teachers and pupils fail because of this system. To date, most of the schools do not have workshops. After 12 years of education, the pupils education level is equivalent to the British "O" level which takes only 10 years to achieve. In addition to that, the Kenya Certificate of Secondary Education syllabus is very poor in preparing students for university education. Graduates from the university are said to be substandard.

The "A" level syllabus of the past, prepared pupils better for university education. For this purpose, I beg the Ministry of Education to look into the 8-4-4 system and consider failures which the 8-4-4 system has caused both in preparing students for university education and student's skills and review the system accordingly and probably go back to the old system where we had "O" level and "A" level. That system was better, because it contributed more in training our pupils than any other pattern. That system was better than any other.

Mr. Temporary Deputy Speaker, Sir, we need to expand our middle level colleges in this country. In 1980s, middle level colleges were converted to universities, for example, Jomo Kenyatta University of Agriculture and Technology, Egerton University, Maseno College Campus, Laikipia College Campus and others. All these are middle level colleges. Instead of expanding middle level colleges, we have destroyed them when we need to expand middle level colleges. We need to do away with 8-4-4 system of education and instead train artisans in the middle level colleges. We need to introduce more middle level colleges and cut down the university expansion. The Ministry of Education Policy is absolutely very wrong and it is a pyramid which is upside down.

Mr. Temporary Deputy Speaker, Sir, because my time has been taken, I would like to comment on the fact that the dignity of this nation can only be upheld if we realise universal compulsory education in this country. By this time after 30 years of Independence, this should be achieved in this country. Education should be compulsory to all the young people in this nation. If we have not achieved that after 30 years of Independence, I cannot see how, and this Ministry has absolutely no education policy at all, we can get there. At the present time, most of the money which is allocated to the Ministry of Education goes to the university and to support the bloated bureaucracy in the Ministry of Education and in the Teachers Service Commission (TSC). You will find that the bulk of the money goes to the administration instead of going where it is supposed to go. The fact that they have converted the grants which used to be given to schools into bursaries, you are not helping anybody; but you are cheating yourselves by cutting down the amount of money which is available to schools at the present time. What you are calling bursary used to be given to secondary schools as grants. That should continue and if it wants to---

*(Applause)*

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, let me say that the Government continues to put a great deal of emphasis on education in realisation that education is a very fundamental strategy for the development of human resources and manpower in this country. Secondly, I would also like to say that, indeed, the challenges that are being faced in this very important area are the access of education for every child because we do believe that education is a right of every child. Also another challenge which is important is to sustain the quality while at the same time improving on it. We must continue to offer education which is of the highest standard. Even much more important, another challenge is that of equity to ensure throughout the whole country, education will continue to be provided proportionally. It is for that reason that a very quick examination of the budget of the Ministry of Education reveals that more than 30 per cent of the total Recurrent Expenditure has been devoted to education. Indeed, the proportion is much more when one takes into account that education facilities are not only confined to the Ministry of Education, but they are spread in quite a number of the Ministries. If you go to the Ministry of Health, they are also offering education, although of a specialised nature in a number of the training facilities for nurses, clinicians and other courses. You would also find similar education facilities in the other Ministries, like the Ministry of Agriculture, Livestock Development and Marketing, Transport and Communications and so on. When you take everything into account, the Government has definitely allocated a substantial amount of money to the Ministry of Education and as I said, this is a demonstration of the Government's determination to ensure that education is available.

Mr. Temporary Deputy Speaker, Sir, having said that, I think it behoves me to touch on a number of very important factors that I think should be looked at in a very objective manner, and not to be politicised. Education, when it is being discussed, I do not think we should politicise it because nothing is more important than this area of



manpower development. Today, our economy has been based essentially on agriculture and we have said throughout in the various publications that the Kenyan economy has its backbone in agriculture. Agriculture has served this country adequately and it has provided the food security for this country. It has also provided the bulk of the employment opportunities while at the same time, providing substantial foreign exchange earnings. But anyone knows today, that this country is being faced with a very major problem of unemployment of the youth. As we are talking today, and I think this is something to be taken into account, we already have two million people out there without employment. That has nothing to do with the Government and I think these are issues to be considered seriously, they are not simple issues. At the same time---

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Vice-President, and Minister for Planning and National Development, in order to state categorically that two million people are out there unemployed bearing in mind the fact that the other time, he said that 550,000 people have already got jobs? Is he in order to contradict himself?

**The Temporary Deputy Speaker** (Mr. Wetangula): Where is the contradiction? He has not said that the two million people are less or inclusive of the 550,000 people.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, those kind of hollow arguments would not help us to solve the problems of the day. I repeat, so that the hon. Member may very well understand the gist of my own argument. We, currently---

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Vice-President and Minister for Planning and National Development, you have not contradicted yourself in anyway.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, that is true, but let me impart some knowledge to an hon. Member who may have a problem in understanding this because this is important. We have two million people today who are unemployed and this must be understood. Every year and these are data which are known, we have got another 500,000 young people who are going out looking for jobs. At the same time, the only jobs that we are able to create per year is only 250,000 out of which only 26 per cent are from the formal sector. Therefore, I believe the hon. Member was referring to what was contained in the Economy Survey, when I said that 250,000 jobs have been created. Indeed, they have been created. Today, therefore, what we have to do to face the challenge of creating employment if we have to re-orient our economy, we can no longer continue to rely entirely on agriculture, but we have to industrialise this nation. This is the challenge, to be able to re-orient our own economy, to be much more exporting, to become an industrialised state and a newly industrialising society. If we have to achieve this goal, education has got to play an important role. We must have the necessary manpower. A quick comparison does show, yes, in terms of the trained manpower and education, Kenya, today, in terms of number when you look at it and in the various proportions, we are almost at par with the South Asian countries when they began to industrialise in 1970. We do have that.

Having said that, there is a challenge that we must take. It is the fact that while we do agree that every child who should go to school must go to school, at the primary level today, only 76 per cent of the primary education age population is enrolled. So, indeed there is a small shortfall or a small bit of that percentage that has declined. This is an area and a challenge not just to the Government but all of us leaders to take out the advocacy outside there to the wananchi and to talk to them about the importance of education and for us to make all the efforts to ensure that all the primary-going children go to school.

Mr. Temporary Deputy Speaker, Sir, there is also another problem which has been seen that there are many dropouts, much more so with the girls. In some areas we have had problems where young girls are married off by the old men and it is there. This must be again spoken openly so that all the children, whether boys or girls, have a right to education. And we must ensure that they go to school and are maintained there. Another major problem which is true and which all of us must face, is that the Government has put in substantial resources and we must expand the facilities for secondary school education. The Government will do its best to increase more resources but again in the spirit of cost-sharing. We leaders, and the Government should do as much as possible to ensure that more facilities for secondary schools are provided. And why do I say that? I think if you look at the data, it has been shown that perhaps only about 27 or 25 per cent of the Kenya Certificate of Primary Education (KCPE) leavers are able to gain access to the secondary schools. So, you can all see that there is almost another 70 per cent of primary school children who do not have access to the secondary school education due to lack of facilities. And this is a major challenge, not for the Government and the Minister alone but it is a challenge to the nation that can be solved collectively, through collective participation and total understanding that we must develop this nation and develop the manpower to ensure that Kenya continues to industrialise. But even further as you go to university, the percentage of secondary school leavers who gain access to the university is even smaller; not even 5 per cent. So, that is the challenge. Again, in saying that, I must also point out that the Government has done its best. I want to say this because the time is very limited here that we must lay a great deal of emphasis on the relevance of education. We must ensure that as much of our education today, is also geared now towards technical education which is the education which is going to be relevant. Let me go very quickly to round it up. We want

ethics in our education.

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

**Mr. Mwaure:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to this very important Motion of the Ministry of Education's budget. The fact that the Ministry of Education is requisitioning funds from our Exchequer to the tune of over Kshs 1 billion to go towards education clearly shows how important education is in any country, and also our country.

Mr. Temporary Deputy Speaker, Sir, let me first of all start with the question of the university education. It is very important that those who plan for the establishment of our universities and for the number of students who are to be admitted to our universities should plan clearly by giving university students education that is going to enable these students the opportunity to be employable because there is no need to have so many graduates in a country who are unemployed after they have graduated from university.

Mr. Temporary Deputy Speaker, Sir, when you read in our newspapers, for example, today, you will see forty heavily armed gangsters and you will ask yourself how many of these are youngsters probably with "O" or "A" level education or probably graduates who, because they are not employed, have to turn to criminal activities. It is, therefore very important that the planning of our university education should really be geared towards giving these students education that will deter them from being gangsters but be employable. Recently there was a United Nations Development Programme conference in Tokyo whereby some of our people who attended it have come back here and have tried to compare this country with Singapore as concerns university education and they have found that university graduates upon graduating are straightaway employed because their training is tailored to the job opportunities that are available in that country.

Mr. Temporary Deputy Speaker, Sir, let me come to the University Students Loans Board where the Minister has also requested for money from the Exchequer to help in this area. The University Loan Scheme is a recent development and we would urge that critical analysis should be given to the individual, particularly to the poor students, who are bright. This country should make sure that no poor bright child shall be denied an opportunity to acquire university education just because their parents are unable to pay the fees of such students. It is, therefore, very important and the Minister assured us at one time here that no student will be expelled from the university because of lack of university fees. We have created this loan scheme to ensure that bright poor students are not expelled from university.

Mr. Temporary Deputy Speaker, Sir, the budget of the Ministry of Education should look very clearly on the amounts of money for teacher training. We would like at that stage, when the Minister is introducing his budget to be able to tell the nation, and this Parliament, if this country is self-sufficient with teachers that we have trained in this country. This is because you hear them saying: "We have more teachers than the Teacher's Service Commission (TSC) can absorb". We would like this matter to be clarified because it is an area which needs to be very clearly looked into.

Mr. Temporary Deputy Speaker, Sir, the Ministry's budget has also a new item which I think is very important. This is the childhood care. When the Minister was introducing his budget, instead of him saying that this is a new item, we would also have liked to hear or at some stage, get the Minister tell this House how this programme of childhood care is going to be managed.

Mr. Temporary Deputy Speaker, Sir, is this for example, equal to pre-primary education? What age of this early childhood care is going to be introduced? I believe this is a very important thing which the Ministry of Education introduced because if our youth are not brought up properly through early education and proper counselling, these are the things that make our youth get spoiled in various bad areas. Therefore, it was good for the Ministry to have introduced this kind of programme.

I would also like to touch on an issue that affects teachers, particularly "A" level teachers, both the trained ones and those who have not been trained. Recently, the Ministry of Education - and I do not know whether Teachers Service Commission (TSC) was involved - has introduced some courses for the untrained "A" level teachers who have gone for a few weeks or few months induction course. They are "A" level teachers but they have never been to teachers training. When they have come out, some of them have been promoted to SI, whereas those "A" level trained teachers who have been teaching for years have not been promoted to SI. We would like TSC, in collaboration with the Ministry, to look into this issue so that these teachers are not demoralised.

Another area which I would also like to touch on is what, the Minister knows which happened last week, somewhere in Limuru, when a child died because of being punished by teachers. This is an area where the Ministry of Education must now look into very seriously, to ensure that corporal punishment is not allowed to continue in schools. Teachers must be properly trained because it is very unfortunate that teachers should go on rampage and beat children to the extent that these children die. This is a very serious matter which we really want the Ministry to look into very seriously, especially to introduce counselling of teachers in the schools in order to avoid a repeat of this thing.

Mr. Temporary Deputy Speaker, Sir, on the Minister's Budget, the Vice-President and Minister for Planning and National Development pointed out when he was speaking that the fact that education is not only

given in the true sense of educational institutions but it is also spread to very many Ministries.

With these few remarks, I wish to support.

**The Assistant Minister for Finance** (Mr. Keah): Thank you Mr. Temporary Deputy Speaker, for awarding me this opportunity to contribute to this Budget. Before contributing I must apologize to the House for the unanswered Question by the Ministry of Finance. I was supposed to answer that Question, but because I had gone to see a doctor, I was late.

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member said that he wishes to contribute on this Budget; it is not a Budget, it is a Vote!

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I thank hon. Shikuku, for the timely intervention on that point and in putting me right. I have been in bed over the last two weeks, that is why perhaps, I am stammering a little bit and I do apologize for that. As I said, I was supposed to answer that question, but I was not here and I apologize to the House. I will answer that Question, tomorrow or any other time that you are ready to put it on the Order Paper.

Mr. Temporary Deputy Speaker, Sir, in contributing to this Vote, I want to thank the Ministry of Education, indeed, for a commendable job they are doing in the provision of education to our youth. The fact that the Budget has around 40 per cent voted to education, shows quite clearly the importance of education within the Government policies and within our Republic. This is the right thing.

The importance of manpower cannot be over-emphasised in our Republic. If you educate one child, you have in fact made provision for water, roads, commerce and for everything because once you have educated that child, you have given that child the weapon to fend himself with and to look for the improvement of all the other aspects that are necessary for development. So, education is really fundamental and I would like to thank the Minister for Education and the Government for this.

Mr. Temporary Deputy Speaker, Sir, let me now go straight to a number of points that I want to comment on here. First of all, I want to commend the Government for the Bursary Scheme. I only want to appeal to the Board of Governors to be fair in the distribution of this Bursary Fund. It should be given to the really needy students.

I know the emphasis is to the needy and brainy students, but I want to appeal also that there is room for the needy and not so brainy children, because what do we do with those children? They still have to go through the processes of education and they should be given a share of the cake. While I appreciate the trust in the needy and clever children, we should not forget those who are not so clever in the process of distributing these bursaries.

Mr. Temporary Deputy Speaker, Sir, while I thank the Ministry for the Bursary Scheme, I also want to thank them indeed, for the school feeding programme. There is need to enhance this school feeding programme and make it as practicable as possible because it has really helped, particularly the drier and poorer areas. I can talk about Kaloleni Constituency. We are not short of those drier areas nor poorer areas and the school feeding programme has really assisted in making sure that we have a good enrolment in the schools. Otherwise, a hungry stomach cannot attend any school and the school feeding programme is indeed commendable.

I want to commend the Ministry for the introduction of this early childhood development. I trust that this is intended to be from zero age to the age when the children can join primary school. Not only should they provide teaching facilities or rather train the teachers, but in my view, the infrastructure is necessary. How can you allow infants to attend school under a tree, or outside in the open air, which is the case today. I would like to compliment them and suggest that in addition to the training of the nursery school teachers, they should also find it possible to provide some grants for the construction of the physical facilities like buildings.

Mr. Temporary Deputy Speaker, Sir, at this point on school buildings, I would like to see the Ministry provide money to rehabilitate some of the very old schools.