

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 11th March, 2015

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. (Dr.)

Laboso) in the Chair]

PRAYERS

Hon. Deputy Speaker: We do not have quorum. I direct that the Quorum Bell be rung.

(The Quorum Bell was rung)

Order, hon. Members, we are now in a position to continue with our deliberations.

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

[The Deputy Speaker (Hon. (Dr.)

Laboso) left the Chair]

IN THE COMMITTEE

[The Chairlady (Hon. (Dr.) Laboso) took the Chair]

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL

Hon. Chairlady: Hon. Members, we are now in the Committee of the whole House to consider the Persons with Disabilities (Amendment) Bill, National Assembly Bill, No. 43 of 2013. It is a very short Bill and we should be able to dispense of it quickly.

(Clause 2 agreed to)

New Clause 2A

Hon. (Ms.) Muhia: Hon. Chairlady, I beg to move:-

THAT, the following new clause be inserted immediately after Clause 2-

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Access to services.

2A. (1) An institution or body offering services to the citizens shall, to enable persons with disabilities enjoy the services, avail within the institution or body, assistive devices and other equipment, including the services of a qualified interpreter for the deaf and the blind.

(2) The institution or body under section 21A shall disseminate to the public information regarding the availability of sign language interpreters for the deaf and the blind within the institution, or certain branches or regions of the institution

Hon. Chairlady: Just to help Members, you can explain what New Clause 2A is all about.

Hon. (Ms.) Muhia: Hon. Chairlady, this New Clause 2A intends to ask institutions like Kenyatta National Hospital (KNH) to have a desk with an interpreter so that if a deaf person visited them, they can be assisted. In police stations, they can put a desk aside so that in case a deaf person is arrested, an interpreter is availed. Time and again, those people have suffered because of not being able to communicate well.

Under Section 21A, that institutional body shall disseminate to the public information regarding the availability of sign language interpreters for the deaf and facilities for the blind person within the institution. This will include banks.

For instance, we have the Kenya Commercial Bank (KCB) or Equity Bank. They can set aside their Moi Avenue branches where an interpreter can be located. All deaf persons within Nairobi can then go to that branch. If it is Kitale, they can possibly go to Kenyatta or whichever branch that is designated. This information should be availed to them so that they are not stranded in the country not knowing where they can get services. So, the new clauses intend to give information to persons with disabilities, specifically the deaf and the blind, on where they can access services. It has been very difficult particularly in hospitals for doctors or nurses who have no sign language knowledge at all to communicate with deaf persons. I know of one case where one person was mis-diagnosed and treated for the wrong disease. One may say he or she is suffering in the stomach and possibly, it is the appendix. But the doctor cannot understand.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

Hon. Chairlady: Okay. Do you want to contribute on the same, hon. Makali? Then hon. Nyikal.

Hon. Mulu: Yes. Thank you, hon. Chairlady. While I really support this new clause in terms of the intentions, it might cause challenges in terms of implementation. What it is proposing to do is to make sure that those institutions have people who can assist persons with disability and, more so, the deaf and the blind ones. However, the question is this: Is this calling for a situation where those institutions will be forced to employ those people for them to offer that service? For instance, the second part of the

amendment is saying that you can have a centralized place for an institution where those services are provided. However, if I am based in Lamu and I want to go to a bank whose centralized branch is in Nairobi, does it mean that I will have to incur transport costs to come to Nairobi? We would really need to be a bit more careful with this clause in terms of implementation. Otherwise, we will have a law which may be very tricky to implement. That would be my observation.

Thank you, hon. Chairlady.

Hon. Chairlady: Hon. Nyikal. Was it on something else?

(Hon. (Prof.) Nyikal spoke off-record)

Okay. Hon. William Kipkemoi, is it on the same?

Hon. Kisang: Yes, hon. Chairlady, it is still on the same. After the passage of our Constitution in 2010, all of us, including those with disabilities, have rights. So, I support what *Mheshimiwa* has proposed, especially for public institutions like the Kenyatta National Hospital (KNH) and a large bank like KCB. Maybe, we can only require those institutions to employ one interpreter per branch so that it will be easy for our brethren with disabilities to access their services. Currently, most of them are suffering and they have to go through a lot of difficulties in getting services in those institutions.

So, I support that. Even though it might be difficult to implement in all institutions, we can pilot especially with Government institutions for a start. I support.

Hon. Chairlady: Hon. Onyura.

Hon. Onyura: Hon. Chairlady, not on this one.

Hon. Chairlady: Not on this one. Members, so that we do not get into this confusion, all those who do not want to contribute on this Bill, please, remove your cards.

Hon. Serut.

Hon. Serut: Thank you, hon. Chairlady. In the Constitution, there is provision that people with disabilities should be given services like any other Kenyans. However, as my brother hon. Makali has put it, we can go ahead and pass this. But the implementation will be very hard because it calls for, at least, a cost on the part of the institution. We have a number of people with disabilities scattered all over the country. Even centralizing such services and setting aside the Kencom Branch of KCB where people with disabilities in Nairobi can go may not be a solution. That is because we have others in Dandora and other places. So, I want to oppose this because when it comes to implementation, it will not be easy.

Hon. Chairlady: Okay. Hon. Gladys Wanga.

Hon. (Ms.) Nyasuna: Hon. Chairlady, first of all, I want to thank hon. Wanjiku Muhia for bringing this Bill. To deal with the issue of implementation, I want to propose that since public institutions are appropriated money by this Parliament, the Mover could move a further amendment to only cover public institutions. We appropriate money for public institutions and we know that people with disabilities have a right to receive services. While we cannot control so much what private institutions do given the fact that they have to deal with their own books and see if they have profit or not and if they can hire those people, we can compel public institutions to be able to provide for people with disabilities. It is in public institutions where our people receive most of the services.

So, this is my input, hon. Chairlady.

Hon. Chairlady: Okay. Members, I think we have ventilated enough on this amendment. Hon. Rotino.

Hon. Rotino: Thank you very much, hon. Chairlady. I support this amendment because people with disabilities have suffered for a long time. I have a case in point in my constituency where one person who was blind and deaf died because of mis-diagnosis. It is important that the Government compels those institutions, especially banks and hospitals - especially Level 5 hospitals - to have people who can interpret for the blind and the deaf.

So, I support this amendment very much.

Hon. Chairlady: Eng. Gumbo.

Hon. (Eng.) Gumbo: Thank you. This is a very good amendment. It is very pragmatic. The only thing that the proposer of this amendment can do is, maybe, look at how practicality can be dealt with in the regulations. If you can look at a way to deal with these issues and the challenges that the Members are citing through regulations, it will be easy taking into consideration what hon. Gladys Wanga and hon. Rotino have said. It is a good amendment. I do not think it would be good to just oppose it because of the difficulty in implementing it.

I support.

Hon. Chairlady: Hon. Mwaura.

Hon. Mwaura: Thank you, hon. Chairlady. I rise to support this amendment by hon. Wanjiku Muhia, who is a member of the Kenya Disability Parliamentary Association. The questions that are being asked are two. Number one is: Does it apply to the private sector? Yes, because this House legislates for both the public and private sectors. Number two is the cost element. That is the element that has been discriminatory for persons with disabilities in this country. When you want to provide services for persons with disabilities, you are reminded that it is too costly. That has been the greatest challenge. You can be assigned a Kenyan Sign Language interpreter while at the same time being a doctor or a banker. So, it is not in isolation. This law seeks to ensure that even the various corporations that we have can train their staff on Kenya Sign Language. That would go a very long way in providing services for deaf Kenyans.

Hon. Wetangula: Thank you, hon. Chairlady. I also support this amendment. Most of the time, when it comes to issues of disability, there is always this excuse of cost. This is something that we cannot run away from. We must support this amendment, so that every Kenyan is carried along. If I go to any service provider, I must access the service. I support this amendment that we must have sign interpreters in any institution that offers services to the public.

I support.

Hon. (Ms.) Seneta: Thank you, hon. Chairlady. I want to congratulate the Mover of this Bill, which is very important. It is a constitutional right for the people with disabilities. It is in the Bill of Rights in our Constitution. It is high time we compelled the Ministry of Education, Science and Technology to introduce sign language and braille reading within the curriculum through an amendment to the Education Act. Every citizen of this country should learn sign language at the primary level. There is no need for us to employ a specialist in this language when all of us, including mothers should have learnt

sign language. You may find yourself having a child who has special needs and you do not need to employ a specialist. You need to have understood the Kenyan Sign Language from the word go.

The private sector should also be compelled to employ a specialist to give service to people with disabilities. Just like they employ the rest of the employees, they should always have a slot for a sign language interpreter to serve that group of people.

I support this amendment.

Hon. Chairlady: Hon. Members, we cannot have everybody contributing. We have really ventilated on this matter. Let us have hon. Murungi and hon. Kemei and then we can close contributions and put it to the vote. Hon. Members, we have heard all sides and we need to bring it to the vote.

Hon. Murungi.

Hon. Murungi: Thank you, hon. Chairlady. I also want to support this new clause as proposed by hon. Muhia. However, I want a clarification from her on the New Clause 2A (2) where she talks about the institutional body under Section 21A. Can she clarify whether it is Clause 21A or Clause 2A (1). This is a new clause and, maybe, she is referring to what she has proposed in Clause 2A (1).

Hon. Chairlady: Before she makes the clarification, let us have hon. Kemei and then she can have the last word before we put it to the vote.

Hon. Kemei: Thank you, hon. Chairlady. I support the amendment. My position is similar to that of hon. (Eng.) Gumbo. We will deal with issues of implementation through regulations. In the spirit of having a culture of constitutionalism in this country, we should mainstream people with disability in public service and public life.

I support.

Hon. Chairlady: Hon. Wanjiku Muhia, just clarify. There is a typographical error in the second clause.

Hon. (Ms.) Muhia: Thank you, hon. Chairlady. As I appreciate the Members who are concerned of the cost, it is clear that when issues of persons with disabilities are brought, we always think of the cost. I was interpreting sign language when I worked in one bank in Kenya. I learnt the language at work. It is not necessarily that it is too much cost. If they can employ the other staff, they can also employ a sign language interpreter. For instance, the PCEA Church at Milimani has a sign language interpreter during the service. So, even the churches are going in that direction. Considering the Bill of Rights where everyone has equal rights, all institutions should be compelled to offer this service, whether they are in the private sector or the Government.

Hon. Chairlady: Hon. Murungi, it has been clarified from the Clerk's Office that this is a typographical error. It is not Clause 21 but Clause 2A (1). Please, make that correction.

We now have a further amendment by hon. Mwaura on the New Clause 2A. If hon. Mwaura's amendment is carried, then hon. Wanyonyi's amendment will be dropped. The two of them are similar. If we carry this, we do not need to carry the second one. Hon. Mwaura!

Hon. Mwaura: Hon. Chairlady, I beg to move:-

THAT, the following new clause be inserted after 2 -
Amendment of

Section 15 of Cap
133

2A. Section 15 of the Persons with Disabilities Act is amended in Sub-section (6) by deleting the word “sixty” and substituting therefor the word “sixty five”.

The principal Act, the Persons with Disabilities Act, No. 14 of 2003, Section 24(5) and (6) had provided that because of the time lost in school and in getting employment due to various barriers for persons with disabilities, the retirement age for persons with disabilities should be 60 years. But with the Government change of policy for all civil servants and public servants to retire at the age of 60, then persons with disabilities provision for an extra five years was done away with by virtue of that directive. So, this amendment seeks to reinstate that instead of persons with disabilities retiring at 60 years, they may retire at the age of 65 optionally.

This would cure the problem that we have had in the past in terms of the Government giving contracts of two years, another two years and then one year. This problem had not been cured by the law that had provided for it initially.

(Question of further amendment proposed)

Hon. Chairlady: Is there any ventilation on this. Hon. Nyikal.

Hon. (Prof.) Nyikal: Thank you, hon. Chairlady. I support the further amendment by hon. Mwaura. I have had the experience of dealing with people with disabilities for a long time. Many times when the retirement age reaches, there are a lot of appeals and normally, they are on good grounds. In any case, our Constitution provides for affirmative action. In any society, if we look at persons with disabilities as not equally endowed as we are, it is a good principle.

I support.

Hon. Duba: Thank you, hon. Chairlady. I rise to support the amendment.

I had initially sought an intervention but what I wanted to raise is water under the bridge. That is because the matter has already been put to vote. I just wanted some specific provisions to be made in the earlier proposal we discussed. I support this amendment.

For a long time, we have ignored in both statute and administrative practise, the issue of women, the elderly, the youth and other people of various special needs and interests. It is time that, as a country we look at those special areas and recognise that there are people who deserve equal opportunity. In the Constitution and many other statutes, we have provided for care and special attention to them. Therefore, moving the retirement age from 60 to 65 is absolutely appropriate.

With those remarks, I support the amendment without reservations.

Hon. Chairlady: It is the other way round; from 65 to 60.

Hon. Duba: It is from 60 to 65, hon. Chairlady.

Hon. Chairlady: You are lowering it and not increasing it.

Hon. Duba: That is not what I understand, hon. Chairlady.

Hon. Chairlady: Thank you! I have been guided, hon. Duba. They can stay longer in service.

Hon. Duba: Exactly, because of the period lost as they struggle to fit in the society.

Hon. Chairlady: Thank you. That is very clearly understood. Let us have hon. Kiptanui.

Hon. Kiptanui: Thank you, hon. Chairlady. I want to believe that, as leaders, we understand the challenges being faced by persons with disabilities. If, indeed, we were able to extend the retirement age for all persons from 55 to 60, I do not think it is difficult for us to extend their retirement to 65 years. In addition to that, the Government gives persons who are aged 65 and above some Kshs2,000 per month. I urge hon. Mwaura to think outside the box so that in future we can reduce the retirement age for persons living with disabilities from 65 to 60 in order for them to benefit from that cash transfer scheme.

With those remarks, I beg to support.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to
the Bill, put and agreed to)*

New Clause 2B

Hon. Mwaura: Hon. Chairlady, I beg to move:-

THAT, the following new clauses be inserted immediately after clause 2-

Insertion of new sections 28A in Cap133.

2B. The Persons with Disabilities Act is amended by inserting the following new section immediately after Section 28-

28A. (1) The official language for the deaf is the Kenyan Sign language.

(2) The Kenyan Sign language shall be equivalent to English, Kiswahili or any other language for purposes of communication, examination, qualification or any other areas of equivalence.

Hon. Chairlady, as members of the Kenya Disability Parliamentary Association (KEDIPA), which has a caucus in this House of 12 Members of Parliament who are concerned with the welfare of persons with disabilities, we have been concerned about the various challenges that our deaf brothers and sisters have been facing with regard to qualifications in various domains and, in particular, even doing courses of their choice. Article 6 of the Constitution speaks about the official languages of this country. It says that the official languages are English and Kiswahili.

(Hon. Kang'ata consulted while standing)

Hon. Chairlady: Hon. Kang'ata, you risk leaving the Chamber if you continue carrying yourself in the manner you are doing.

Hon. Mwaura: Hon. Chairlady, the Kenyan Sign language is recognized officially as a language and the State is encouraged to promote this language. Therefore, the import of this new clause is to categorically state that the official language for the deaf in this country shall be Kenyan Sign language. I need to explain further. There is a difference between sign language and Kenyan Sign language. Sign language is specific to a country. We could have American or British sign language but Kenyan sign language is the official sign language for Kenyans. It is standardised for all Kenyans who are deaf. Therefore, the import of this amendment is to, first; align this law with the Constitution.

Secondly, the amendment will ensure that, if for example the language of instruction, as is the case, for the deaf, is Kenyan sign language and they qualify and pass very well, then the other languages cannot be used to disqualify such an individual who is deaf.

I have a case in point of a girl by the name Ashura, who had an 'A' in Kenyan Sign language. Because she had a B+ (plus) in English, she could not be admitted to study law, which was her career of choice. Lack of proper recognition of Kenyan Sign language within our educational institutions and our qualification frameworks has become a challenge for the deaf. Their representation in jobs and mainstream society has been greatly hampered by such a provision. Therefore, my proposal seeks to cure that problem by equating Kenyan Sign language with our other official languages for purposes of communication, examination, qualification or any other area of equivalence.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

Hon. Chairlady: Do we have anyone who is interested? Let us start with hon. Wetangula.

Hon. Wetangula: Hon. Chairlady I support the amendment which seeks to align the law with the Constitution. As the Mover has explained, the Kenyan Sign language is different from any other sign language. Therefore, the amendment has been proposed in recognition of what is provided in the Constitution. It will align the provision of the Act to the Constitution.

With those remarks, I support the amendment.

Hon. Chairlady: Hon. John Nakara, is your request on the amendment? He is not even in the Chamber. Are you in? Hon. Nakara, you are not even aware that I have given you the Floor?

Hon. Nakara: I am sorry, hon. Chairlady. I support the amendment because it will encourage our people to learn the Kenya Sign Language so that wherever they will be, they can communicate with the deaf. Secondly, it will create job opportunities for

interpreters in this country. Finally, it will encourage people who use sign language to perform fairly in their final exam. As hon. Mwaura has said, when deaf students do their final examinations, they do not perform very well because of the language problem. However, if we get teachers and interpreters who have learnt this language, they can perform very well in their final exams.

With those remarks, I beg to support.

Hon. Chairlady: Hon. Ochieng, you have the Floor.

Hon Ochieng: Thank you, hon. Chairlady. I wish to support this amendment but there are times we say something contrary to popular opinion, as we make laws and we may be seen to be opposing. We are saying that the Kenyan Sign language shall be equivalent to English, Kiswahili or any other language. Where I come from, there are deaf Luos who also use some kind of sign language. I do not know whether that language will also be equivalent to English or Kiswahili. The first part of the amendment which says that the official language for the deaf is the Kenyan Sign language, is quite okay. That is understandable. However, Article 7 of the Constitution says that the official languages of the Republic are Kiswahili and English. We are now legislating to say that the Kenyan Sign language shall be equivalent to them.

I do not understand it but I still support in as long as it is going to make people who are deaf be able to communicate with the rest of the country.

Thank you.

Hon. Chairlady: Okay. Thank you for that. Hon. Bishop Mutua.

Hon. (Bishop) R. Mutua: Thank you, hon. Chairlady. I wish to support this amendment for two reasons: It will eliminate the automatic discrimination that exists when it refers to people as dumb because they do not communicate with other Kenyans easily. By making the Kenyan Sign language equal to Kiswahili and English, we are saying that it is going to be offered in schools like those other two languages. Therefore, anybody will understand and communicate with them and this will make them feel included.

Secondly, by making it an official language, it elevates it from the level of other vernacular languages like Kamba and Dholuo and makes it a more outstanding language because it serves a specific interest and that is going to make it a very important language.

Hon. Chairlady: Okay. Hon. Joseph Limo.

Hon. Limo: Hon. Chairlady, I stand to support this amendment because it is not only important for everyone in this country to understand the sign language, but it will cure the worries which hon. Members had in the amendment which was being brought by hon. (Ms.) Muhia where we were saying that it will be very difficult for institutions to implement the requirement to have, at least, somebody who understands the sign language. If all Kenyans are made to understand, at least, the basics of sign language in terms of just understanding what those people require, then we will have helped them to ensure that they are properly integrated in the country and that will be a very good step forward.

So, I support the amendment by hon. Mwaura.

Hon. Kiso: Hon. Chairlady, it is quite in order that we give consideration to people with special needs and this is in line with the Constitution. This is a very fundamental

way of communicating between those people with special needs and the other communities.

Therefore, without any reservations, I find it quite appropriate to support these amendments.

Hon. Chairlady: Hon. Members we have ventilated on this. Hon. Njuki, Member of Parliament for Chuka/Igambang'ombe are you going to bring a different opinion or just to support like everybody else?

Hon. Njuki: Thank you, hon. Chairlady. I was just concerned about the language issue because the intellectual capacity of persons with disability is not necessarily lower than the persons who do not have any incapacity. If you remember what happened during the burial of the late South Africa's President Mandela, somebody is said to have pretended to understand the sign language which, according to the Kenya Sign Language and what was being communicated and which was purported to have been in English, was not adding up. It means we have a serious gap between the demand and the supply for people who can speak this language.

Looking at our schools, there are languages that are offered and they are not compulsory. German, French and the others are offered. If those languages are put in our curriculum as optional so that we can have more people who understand sign language, then we will have a better way to accommodate those people. The serious problem is that we can actually pass this law but have a serious problem when it comes to implementation. That is because if we say that every hospital must have a sign language interpreter, you will advertise for a job and you will not have anyone who applies for it because very few people, unless those who pretend to understand, will actually apply for the job. So, it is important that, maybe, we have a further amendment in the Third Reading to suggest that it be offered in schools.

Hon. Chairlady: This is Third Reading. We are prosecuting the Third Reading now.

(Laughter)

Hon. Njuki: Then we need to have a further amendment, hon. Chairlady. That was my feeling.

Hon. Chairlady: The Mover, hon. (Ms.) Muhia, can you clarify?

Hon. (Ms.) Muhia: Just as a point of information to my good colleague, several universities and churches are nowadays teaching sign language, particularly the University of Nairobi (UoN). There are several graduates who have qualified.

Hon. Chairlady: Okay. I think there are some concerns which are valid. I am sure that the concerns that have been raised by hon. Ochieng, hon. Njuki and several other hon. Members are valid. So, we need to tighten it. There is some need to tighten exactly on the issues that have been raised, maybe, through subsidiary legislations. The idea is good, I believe, from what you have heard from the hon. Members. But we will leave that to them to decide through the vote.

*(Question, that the new clause be read a
Second Time, put and agreed to)*

(The new clause was read a Second Time)

*Question, that the new clause be added
to the Bill, put and agreed to)*

(Clause 1 agreed to)

(Title agreed to)

I now call the Mover to report.

Hon. (Ms.) Muhia: Hon. Chairlady, I beg to move that the Committee doth report to the House its consideration of the Persons with Disabilities (Amendment) Bill (National Assembly Bill No. 43 of 2013) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. Kajwang') in the Chair]*

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL

Hon. (Dr.) Laboso: Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Persons with Disabilities (Amendment) Bill, (National Assembly Bill No. 43 of 2013) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. Mover, Could you have the microphone, please?

Hon. (Ms.) Muhia: Thank you, hon. Temporary Deputy Speaker. I beg to move that the House doth agree with Committee in the said Report.

I request hon. Mwaura to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Mwaura: Thank you, hon. Temporary Deputy Speaker. I first wish to second this Motion and congratulate the Mover, hon. (Ms.) Muhia who has been very passionate together with hon. Members of Kenya Disability Parliamentary Association (KEDIPA) in championing the course of persons with disabilities. The deaf people in this country have suffered a lot and the greatest barrier has been communication. In fact, it is

said that even in a marriage, now that I am newly engaged, the most important aspect of a relationship is communication.

(Applause)

Therefore, the issue of communication for the deaf can only be enhanced by first recognising the Kenya Sign Language (KSL) and further providing for the availability of such services in all our spheres of public life. Therefore, I rise to second.

The Temporary Deputy Speaker (Hon. Kajwang’): Fair enough. Hon. Members, I want to propose the Question.

(Question proposed)

I have the list of requests. Are these people just waiting for their request list so that at the appropriate time they will contribute? Do you want to make comments on the Bill? The neatest way to recognise you is by pressing your intervention buttons if you want to make comments on this. You are so many and so, I will take one or two hon. Members. The hon. Member for Seme.

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker. I wish to appreciate what has gone on and the amendments that have been brought to the Persons with Disabilities Bill. The point I want to bring is that as we go on, there are many laws that we have that are not being fully implemented. With regard to persons with disabilities, as much as we are doing them one by one, we have done this. We have done the sign language and we have talked about buildings. These are the comprehensive ones. The Parliamentary Committee on disability should look at all of them. Where we have the biggest problem for persons with disabilities is public transport. Although there is a law and regulation on that, it is not being implemented. We need to put all these together so that persons with disabilities get comprehensive support.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member for North Imenti.

Hon. Dawood: Thank you, hon. Temporary Deputy Speaker. I would like to congratulate the Mover of the Bill, hon. (Ms.) Muhia. In this country, we have forgotten the disabled. This one will go a long way to assist the disabled to access services. We need to do much more than just this. We need to do a lot for the disabled. Even the other special schools which we have in this country, at the moment, they will go on strike because teachers have not been paid for the last three months. I wish we can come up with ways that this House can tell the Ministry to pay the special schools because if the teachers go on strike today, I do not know what is going to happen to them.

With those few remarks, I would like to congratulate the Mover. Let us see, as House, what we can do for the disabled.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. The last one on the list is the hon. Member for Westlands.

Hon. Wetangula: I thank you, hon. Temporary Deputy Speaker. I also wish to congratulate the Mover, hon. (Ms.) Muhia, and the amendments brought by hon. Mwaura and myself. The Persons with Disabilities Act needs a total overhaul because there are so many provisions in that Act that are not in line with the Constitution. We need to amend the Act to align it with the Constitution. Kenya has signed and ratified the UN Convention on the Rights of Persons with Disabilities. So, we must be alive to these issues when we are debating and dealing with matters of persons with disabilities. These amendments are very important. We need to look into this Act and make sure that all the other provisions that are not in line with the Constitution are aligned with the Constitution.

I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. For the HANSARD, I direct the Clerk-at-the Table to establish if we have a quorum. Quorum being present, I put the Question.

(Question put and agreed to)

Mover, we are moving to the Third Reading.

Hon. (Ms.) Muhia: Hon. Temporary Deputy Speaker, I beg to move that the Persons with Disabilities (Amendment) Bill (National Assembly Bill No. 43 of 2013) be now read a Third Time. I also request hon. Mwaura to second the same.

Before hon. Mwaura stands, I wish to thank hon. Members most sincerely for their contribution. They have shown a lot of concern in different clauses. I want to tell hon. Members that I am committed to repealing the whole Act of persons with disabilities starting with the Education Act. I shall be doing that and asking for their support in future.

Thank you very much.

Hon. Mwaura: Thank you, hon. Temporary Deputy Speaker. I once again wish to congratulate the Mover of the Bill for the manner in which we have executed the Bill. I also want to thank hon. Members for their support. Indeed, there are some issues that were raised as a matter of clarity but, just for purposes of record, I want to say that the Kenya Sign Language is the official language for the deaf away from even the mother tongue sign languages. If you are a mother and you get a deaf child, there is a way in which you communicate. But this is the standard one.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Mwaura, if you studied the House for the two years you have been around, this is something you would just bow to the Speaker. You made enough comments when you seconded the Bill, and we move on.

Hon. Mwaura: Thank you, hon. Temporary Deputy Speaker. I thought you just make few comments.

I beg to second.

The Temporary Deputy Speaker (Hon. Kajwang’): Next time you would do better just to bow and accept that the House can move.

(Hon. (Prof.) Nyikal stood in the gangway)

Order! This hon. Member for Seme; I will allow you to exit first before I finish.
Can I put the Question?

Hon. (Eng.) Gumbo: On a point of order.

The Temporary Deputy Speaker (Hon. Kajwang'): Not at this point hon. Member for Rarieda. Let me put the Question. I have confirmed that we have a quorum in the House for purposes of making a decision.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

MOTION

RE-INTRODUCTION OF EXAMINATION RANKING SYSTEM OF SCHOOLS

Hon. Wakhungu: Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that Article 35 (1) (a) of the Constitution provides for the right of access to information held by the State; further aware that the education sector has recently been marred by confusion and unnecessary anxiety due to the abolishment of the ranking system in national examinations; concerned that this action by the Ministry of Education was arrived at without due consultation with all relevant stakeholders including Kenya Union of Post- Primary Education Teachers (KUPPET), Kenya National Union of Teachers (KNUT), the parent associations, investors in the sector among others, contrary to Article 118 of the Constitution; cognisant of the fact that the ranking system has been a long-held tradition in the sector both locally and internationally, and has been a source of positive competition, motivation, rewarding and an important guideline for resource allocation; this House urges the Government through the Ministry immediately reverts to the ranking system for national examinations and, specifically, the Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE).

Hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Wamalwa, just one minute. I see many students in the Gallery. I am sure this Motion must be very special to them. I want to recognise the presence of Nkoroi Mixed Day Secondary School in Kajiado North. I am told that this school was established courtesy of hon. Manje. So, please, applaud the children who are in the Gallery.

(Applause)

Hon. Wakhungu: Hon. Temporary Deputy Speaker, it has been a tradition that after examinations, ranking is done. However, looking at the approach that was used by Prof. Kaimenyi, whom I respect very much, I can say here that his was not a participatory approach. We have heard an outcry and many complaints from KNUT and pupils that the ranking system should be reversed. The ranking system motivates students. It has also motivated the teachers. Whatever you do, you want to know how you have performed. I want to quote some professors in the Harvard Business School - that is Prof. Kaplan and Prof. Norton. Those are the people who developed the balance score card and they said this: "If you cannot measure, you cannot manage." I have seen engineers harp the same message. I think hon. Gumbo will talk more about that. In every process, whatever you are doing, you must be able to measure. Once you have measured, you should be able to rank. I want to give an example of our presidential elections. After Kenyans voted, they had to do the ranking to establish who was number one, two and three. President Uhuru Kenyatta was number one and that is why he is the President today. You can imagine a situation where there is no ranking.

(Applause)

Hon. Temporary Deputy Speaker, ranking is done everywhere.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Wamalwa, just a minute. Member for Ugenya, what is out of order?

Hon. Ochieng: Hon. Temporary Deputy Speaker, thank you so much. I did not intend to interrupt the hon. Member, but relevance is a very important virtue as part of debate in this House. How do you compare presidential elections to examinations ranking? Is it really relevant?

Hon. Members: Yes!

The Temporary Deputy Speaker (Hon. Kajwang'): Let me rule on that. The Member is rising to ask whether you are in order to be irrelevant to your Motion. I understand that the context in which you are using your analogy is on ranking so that there is somebody who is number one or one who is in a position different from the other. In that context, I, therefore, rule you not to be out of order. So, you may proceed.

(Laughter)

Hon. Wakhungu: Thank you, hon. Temporary Deputy Speaker. Even in the animal kingdom, we also have ranking. Before that, my friend hon. David Ochieng had approached me and he knows why he rose. In due process, we will know why. Most of our schools go out for benchmarking. Traditionally, when it comes to benchmarking, you only benchmark with the best. How will you know the best? You will know the best after ranking has been done. For instance, in my constituency, I have in mind a school called St. Anthony which has struggled so much. However, with teamwork from the teachers and financial support from the Constituencies Development Fund (CDF), they are now ranking themselves Number six overall in this country. I want to congratulate my principal, hon. Cosmas Nabongolo, for the work well done. He is the reason why we have this good performance. Although we had really wanted to come officially---

(Hon. Serut interjected)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Wamalwa, do not speak to your colleagues across the Chamber.

Hon. Wakhungu: I am sorry. You know I respect hon. Serut. He is my neighbour. He knows how we relate to each other. So, please, I will answer that one when we are at the tea place.

Hon. Temporary Deputy Speaker, schools do benchmarking. Alliance High School has topped. We have seen many other schools from the rural villages which have not done well visiting the schools which have done well. You can only know that a school has done better than yours through benchmarking. Hon. Washiali is looking at me and I know his schools in Mumias have been doing very well. I want to congratulate him. We have had issues where my schools had planned a tour to Mumias and learn how schools in Mumias have been performing and what practices they have been putting in place.

In yesterday’s newspapers, KNUT came out and said that if the ranking system is not reverted back, then they are going to develop their own way of doing the ranking. So, we do not want to have this confusion. It is important that the Government puts in place a ranking system that is reliable and valid.

Hon. Temporary Deputy Speaker, when I was in my constituency, I overheard some principals saying: “Now that the ranking system is not there, we do not need to work hard because we will just be like any other person.” For as long as ranking is not there, this will compromise the standard in teaching and hard work. We want to reward people who are doing well, but how do you do it? You only reward them if you recognise them. There is no way you can recognise them if the ranking system is not there.

Looking at the history of this issue, in other jurisdictions like the United States of America (USA), universities are ranked. You will be told that this and that university is this and that number in terms of performance. Recently, University of Nairobi was ranked third in Africa and first in the region. How did we know this? We knew this because there is a clear criterion of ranking.

The Temporary Deputy Speaker (Hon. Kajwang’): The problem with hon. Wamalwa is that you seem to be controlling the House from where you are. Please, proceed.

Hon. Wakhungu: Let me continue. Sorry, hon. Temporary Deputy Speaker. Even when you go to universities, after the exams, there are categories of ranking. That is First Class Honours and Second Class Honours, Upper and Lower Divisions.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. Let us hear from the Member for Samburu West. What is out of order?

Hon. Lati: Hon. Temporary Deputy Speaker, is it in order for the Mover of the Motion to tell us something that is not true; that universities in USA are ranked based on examinations? American universities are not ranked based on examinations but rather, they are ranked based on variables like getting---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Wamalwa, are you misleading the House in that context?

Hon. Wakhungu: Hon. Temporary Deputy Speaker, he is talking about criteria. I did not go to the criteria. He said they are ranked based on different criteria.

The Temporary Deputy Speaker (Hon. Kajwang’): The point of order is whether the hon. Member is misleading the House? Just respond to that.

Hon. Wakhungu: He is misleading the House, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): No! Just a minute. The Member for Samburu West has risen in his place to contend that you are misleading the House. So, will you just respond limited to whether it is a fact or not that the issue you have said is true.

Hon. Wakhungu: Hon. Temporary Deputy Speaker, the truth is that I am not misleading the House.

The Temporary Deputy Speaker (Hon. Kajwang’): Can you justify it?

Hon. Lati: If I got him right, he was basically looking at the criteria and yet, the issue here is ranking. In the USA, you will find different people ranking schools differently, based on different criteria.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Member for Samburu West, you cannot rise on a point of order before your point of order has been explained. You are moving in a manner to suggest that you do not want to listen.

Hon. Wakhungu: Hon. Temporary Deputy Speaker, we have seen schools like Harvard Business School and the Massachusetts Institute of Technology (MIT) being ranked as the top universities in the world. This has been in the public domain. Maybe, the Member is not aware that those issues have been happening. It is only that there are different criteria.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. You have explained yourself very well. There is a point of information. Do you require information from the Member for Kitutu Chache North?

Hon. Wakhungu: Yes, I require that.

The Temporary Deputy Speaker (Hon. Kajwang’): Alright. Go on. Why do you not seem to have the microphone?

Hon. Onyonka: Hon. Temporary Deputy Speaker, I just want to help my brother, hon. Wamalwa, the Member for Kiminini. I want to explain to him the following: The truth is that all international universities are rated and ranked. In the United States of America, the only difference is that they rank them from the perspective that some of them are science-based and others are business-based. Even universities which teach theology are ranked according to the subjects that they teach.

Hon. Wakhungu: Hon. Temporary Deputy Speaker, the advantage of ranking is motivation and healthy competition. I am urging this House to support this Motion so that next year, when we have the Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE) results, we can revert to the ranking system that has been there. We do not want our children to be demotivated. As I speak, I can see there are students here today. I am sure they are here because they knew this Motion was on the Order Paper. I want to assure all stakeholders that Parliament has all the powers.

We have already talked to the Committee on Education, Research and Technology and they are also looking forward for us to revert to the system that we

know, so that we can have the ranking system back. In our education sector, at the end of the term, you expect to have a report card for your child. One of the critical pieces of information that you get from the report card is that your child is being ranked. You are told which subjects he or she has done well, and which ones he or she has not done well in.

Prof. Kaimenyi had earlier mentioned that we are trying to compare the incomparable. We have national and district schools and it is very clear that ranking can be categorised. We can have the national schools and the district schools ranked separately. This can also be used as a basis for resource allocation. For example, under the CDF, if a school from your constituency has done poorly, you will be able to identify some of the gaps in terms of why that school is not doing well. It can be issues of laboratories, which I have implemented in my constituency by building twin laboratories. That has contributed highly as far as performance is concerned.

This is a straightforward Motion.

The Temporary Deputy Speaker (Hon. Kajwang’): Just one minute before you finish. Hon. Member for Malindi, what is out of order?

Hon. Muzee: On a point of order, hon. Temporary Deputy Speaker. While I support--- I have a point of information.

The Temporary Deputy Speaker (Hon. Kajwang’): Order, Member for Malindi! Just hold on. You must have been here the other day when there was a Communication from the Speaker’s Office that we intend to enforce the Standing Orders religiously. First of all, rise and state what you think is out of order within the Standing Orders.

Hon. Muzee: It is a point of information.

The Temporary Deputy Speaker (Hon. Kajwang’): I am afraid I cannot give you a chance. Member for Kiminini, do you need some information?

Hon. Wakhungu: I do not need information, hon. Temporary Deputy Speaker. I can move forward and then he will have a chance to contribute.

The Temporary Deputy Speaker (Hon. Kajwang’): He does not need information. Proceed, please.

Hon. Wakhungu: Hon. Temporary Deputy Speaker, the Member will be given a chance to contribute. This is a very critical issue that will help us in terms of improvement of performance. I am mentioning the issue of ranking and once you look at the schools which have performed poorly, you will identify the challenges that those schools are facing. It will be a very critical basis for one to use in terms of allocation of resources. If a school is not doing well in science subjects, maybe, the problem is lack of a laboratory. So, you can allocate CDF funds for the construction of a laboratory.

Ranking will improve performance, bring about motivation and improve the quality of teaching system. I do not want to labour so much. We have had outcry in the media. All Kenyans are talking and they want the ranking system to be reinstated, so that we can know how people are performing.

There are two Members who are supposed to second the Motion. We have hon. Jacob Macharia, a Member of the Committee on Education, Research and Technology and hon. Limo. I do not know what discretion you are going to use. Hon. Limo was the first one.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member for Kiminini, I will send you out to read your Standing Orders, so that you can come back well informed.

(Laughter)

Hon. Wakhungu: Hon. Temporary Deputy Speaker, I move and request hon. Limo to second.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. The Member for Kipkelion East, I am just looking for you down the list. Proceed!

Hon. Limo: Thank you, hon. Temporary Deputy Speaker. I stand to second this Motion. This is a very important Motion which is going to bring order to the education sector. After the abolition of the ranking system, there was confusion in the country. It was like the country was in darkness. In fact, the other day when the KCSE results came out, there was a lot of circulation of different results by different people because we lacked official communication from the Ministry. There was a lot of circulation on the internet and in the media, which were not accurate and, therefore, misleading and bringing confusion to the education sector.

Whereas the Cabinet Secretary for Education, Science and Technology mentioned that ranking had a lot of negative issues, he totally ignored the positive issues. I find the decision by the Ministry to abolish ranking both misleading and untimely. Kenya is still a young developing nation. In the education sector, we have had traditions. We cannot wish away our traditions just because of a negative issue, which can never supersede the positive issues. Many people are interested in the ranking, including the children in the schools. I have a young boy in Standard Eight and when the KCSE results were announced, he was very worried. He asked me why the Cabinet Secretary was only considering the negatives and not the positives. That shows you how our children enjoy the ranking. They want to be mentioned that they have topped the country.

The ranking has been a motivation. One time, the former Minister for Education, Prof. Ongeru, mentioned Weiwei High School in Pokot, which had done very well. That was a motivation to others. I still mention to the rural schools in my constituency that it is possible to top in the country just like Weiwei High School did. However, in the absence of ranking, a school like Weiwei High School, which is deep in the interior, could not have been known in the country.

The Temporary Deputy Speaker (Hon. Kajwang’): “Weiwei” means it is constructed along the highway or something like that?

(Laughter)

Hon. Limo: No, hon. Temporary Deputy Speaker. I am not putting it in bad light. But it is known that most of the schools in the rural areas are disadvantaged because of their infrastructural level. I am not saying that because they are far, they cannot do well. The students in those schools can be motivated by being ranked.

The other issue is that Kenyans have a right to information. When you deny information to Kenyans, some people will come in to mislead them.

People can now use such loopholes to con Kenyans. We want order in the education sector. It is high time we returned order in the sector. Having said so, it is not only in the education sector where ranking is done. Within the Executive, the same Ministry that has stopped the ranking of schools is among the Ministries which are being ranked now. The persons who are running the Ministry are under performance contracts. How can Prof. Kaimenyi say that ranking of schools is not good when his own Ministry is being ranked through performance contracting? Even employees in private companies serve under performance contracting. They are ranked on an annual basis through an appraisal system. Top performers are given bonuses and salary increments. Even churches have gone to competition. They rank themselves during choir competitions.

Hon. Temporary Deputy Speaker, schools still participate in extra-curricular activities, including drama and music festivals, during which they are ranked. Even our friends who enjoy watching the English Premier League can attest to the fact that football clubs and individuals are ranked according to performance. Therefore, ranking is a worldwide tradition that we cannot wish away. Ranking in schools has been a very good pillar in terms of creating internal competition. Teachers and students compete amongst their peers. Such competition helps to improve the performance of schools. Rewarding of teachers and students has been based on ranking.

When ranking schools, you categorise them into best performers and worst performers, and then you reward them on that basis. I remember one Reverend in my constituency---

The Temporary Deputy Speaker (Hon. Kajwang’): Just a minute, Member for Kipkelion. You are doing very well but the Member for Nambale thinks something is out of order. What is out of order, Member for Nambale?

Hon. Bunyasi: Hon. Temporary Deputy Speaker, it was an earlier intervention. For now, I am waiting to contribute to debate. Therefore, you can ignore the intervention.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, do not press the intervention button unless you want to intervene.

Proceed, Member for Kipkelion.

Hon. Limo: Hon. Temporary Deputy Speaker, when we rank schools, we reward the top performers because, at the end of the day, the objective is to improve the standard of education in the country. I can refer the House to a case where a member of the clergy called Rev. Langat, at one time, decided to reward the worst performing schools in my constituency. He rewarded a school called Tendeno Primary school and another one called Chepcholiet Primary School. He gave them Bibles. That single action changed the performance of the two schools. They are now performing very well. Last year, when one of the schools called Simboiyon Primary School was ranked amongst the least performing schools and another one called Utafiti Primary School was ranked among the best performers, I visited both schools to establish why one school did very well while the other did so badly. Surprisingly, Simboiyon Primary School, which was performing poorly, has become the best improved school. The school improved by 45 points. Therefore, ranking of schools helps to improve the standard of education in the country.

Finally, since I want to save time for my colleagues to contribute to this debate, I would like to wind up by advising the Ministry to apply different styles of ranking for

different situations. At one time, I was at Nakuru High School where we applied a system called “drive yourself”.

The principal then was motivating us to perform well. When he was transferred to another school, he tried to apply the same technique and he could not perform. He realised that he could not apply the tradition of Nakuru High School to his new station. Therefore, we cannot copy the tradition of another country and impose it on Kenya, where we are still developing. We are still using performance indices to understand why certain schools perform poorly so that we can fix the prevailing problems. This may involve improving the infrastructure and motivating pupils and teachers of certain schools.

Therefore, ranking schools according to performance in national examination is still relevant in Kenya. We cannot rely on a report which was done some years ago. There must be a reason why some Ministers in the past did not implement that report. Prof. Kaimenyi and the Ministry of Education should have engaged the stakeholders in discussions and came up with the way forward, instead of relying on a report which was put aside by many Ministers in the past.

With those remarks, I beg to support and urge hon. Members to support the Motion so that, we can have it implemented and bring order in the education sector.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Ugenya, you have the Floor.

(Loud consultations)

Hon. Members: Hon. Temporary Deputy Speaker, I second the Motion.

An hon. Member: --- *(off-record)*

The Temporary Deputy Speaker (Hon. Kajwang’): I beg your pardon. Even we, Members of the Speaker’s Panel, make mistakes. It is good for humans to make mistakes.

Member for Kipkelion East, did I hear you seconding the Motion? Can you go on the HANSARD as seconding the Motion? What did you say?

Hon. Limo: Hon. Temporary Deputy Speaker, I second the Motion.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Ugenya, you have the Floor.

Hon. Ochieng: Thank you, hon. Temporary Deputy Speaker. I want to thank hon. Wakhungu for bringing this particular Motion. The way this Motion goes will determine how we deal with this particular issue of ranking of schools. I rise to oppose the Motion with a couple of reasons. I will start with the very basic mundane ones and proceed to the real ones.

The mundane one is that we are doing something that is going to take our educations to the drain. We are politicising education. Even Members of Parliament want to run on the platform of schools that have emerged tops. We cannot afford to politicise education. What I have seen in this House today amounts to politicisation of education. People want to be happy that schools in their constituencies have emerged tops in national examinations. We cannot compete on those kinds of things. In my opinion that is

mundane. I am also happy that the so-called ‘ranking’ is not anchored in any law or policy. Therefore, the idea that there was no consultation in doing away with ranking of schools is legally unfounded. Which law provides for ranking of schools? Which public policy says that schools will be ranked based on examination results? There is no such law or policy and, therefore, nobody has done anything wrong. In my opinion, vilifying the Ministry or the Minister for abolishing ranking of schools is going too far. We need to look at the real issues, which I want to talk about.

First, for a long time, this country has been deeply concerned about the results than the process. We are so concerned about the “A”s and the “B”s; about which school was number one but we should be more concerned about the process and not the end. In education you cannot say that the end justifies the means. In education, we want an all-rounded student. We want our children to leave school when they have learnt everything that they ought to learn and not just exams.

We have reduced our children into cramming machines. I have a child who is in Class Two and he leaves home with a bag full of books on his back. I remember when I was in Class Two; I used to carry three books to school. We are making our children to be like machines. They cannot learn and that is why when they leave school, they are unable to fit in the job market. That is because they have not been “tooled” enough. They have not been given enough information that will make them survive in the job market. For a long time - and I say this tongue in cheek - there is a saying out there that it is easier to get a Class Eight dropout to change a bulb for you than to get a graduate in electrical engineering to do it. That is because we are focusing on examinations. We are not focusing on technical, practicals or what our children should learn. I will say this one and substantiate if necessary, we have let our schools be concerned more about dealing with the Kenya National Examinations Council (KNEC) here. This is about: How will my grades be? Who will get a mean grade of 10.4?” Instead of the teachers focusing on teaching, they are focusing on getting headlines. That cannot be allowed to continue.

What hon. Wamalwa is proposing is going to enable this to continue and make our children zombies instead of making our children people who have learnt and who can get survival skills after school. We cannot rely on “mean scores” as the barometer for telling us how well our children are. It is simplistic to imagine that children who get “A”s are very sharp and, therefore, are better than those who get C+ (plus) and D+ (plus). When exams are being done, somebody could be sick or bereaved. Circumstances are very different. You would know because you live in this country that there are schools that have only four classrooms and yet, they are high schools. They do not have a laboratory but children from those schools also get “A”s and others get “D”s.

We cannot rank schools based on exams. Ranking would be good but let us rank the schools based on all the parameters. How many in that particular school are doing athletics and football? How many are good in singing? This is so that the ranking is done in a holistic manner and not only in exams. What we should be talking about and what I heard the Mover of this Motion confuse with ranking is called grading. When someone gets a First Class Honours degree and another one gets a Second Class Honours degree, that is called grading and not ranking. Let us know the difference between the two. In grading, someone gets an “A”, another one gets a “B” or a “C”. In the university, someone may get a First Class Honours and another one gets a Second Class Honours.

That is grading and not ranking. That is why you are going to get ten people getting the same grade. This is very important so that we know what we are talking about.

There is unnecessary and unhealthy competition in our schools because of ranking. People have stopped teaching and doing what they are supposed to do. We are no longer using what we call pedagogy. We are not using good teaching methods because what we want, at the end of the day, is results and our faces to be seen on television. You have seen and heard how teachers in some schools tell their students to register for national exams in other schools. In Class Seven, they were 100 pupils but in Class Eight, they reduce to 50 pupils because some have been told they cannot register there since the school wants better results. In high schools, you see schools telling some students that they will be registered in other schools because they do not want to lower their mean grades. We cannot allow that.

We want equal access to education for all our children so that ranking is not used as a tool to bar our children from accessing opportunities in schools. It is very important to note that ranking also works on the morale of the students and teachers so that we vilify those who do not get good results. We glorify those who get good results. We are one country. We cannot continue doing this because it affects part of the country. It makes some of our students to lose hope in life and to think that exams are the only things that you need to pass for you to be able to live in this country.

This has also seen our schools using unethical methods. You have heard - and we have gotten reports from the Ministry of Education, Research and Technology and our committees here - of some schools using very unethical methods to make their students to pass exams. You have heard of schools spending money to buy exams and requiring their students to pay more school fees to enable tuition to happen. If we continue ranking, we will be taking our schools down the drain rather than making our children learn skills.

I want to urge this House to look at this Motion for what it is that, if we are going to allocate resources to schools, it should be done equitably and not based on the results. This is to ensure that access to school is equal to every Kenyan regardless of the results, where the school is based, who the principal is and whose children go there.

With those very many remarks, I heartily oppose. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): Okay. Your contributions remind me, where this Speaker comes from, students do not fail exams; they just disagree with their markers.

(Laughter)

I have two amendments here that have been duly approved by the Speaker. I think the best way to handle them before you debate this is to dispose of them first. We will handle them in the order in which they have come. The first one is by the hon. Member for Magarini Constituency. Could you press the intervention button? I am informed that you want to move an amendment. Can you proceed?

Hon. Kombe: Thank you. I wish to move an amendment that the Motion be amended by deleting the word "urges" and substituting it with the word "resolves." When we say we urge the Government, we are giving room to the Government to do or not do. However, when we have "resolves" then this House is dictating on the terms that we have to revert to the grading system. Without the grading system, we are not headed anywhere.

That is just the same as saying that we should have Kenya Certificate of Secondary Education (KCSE) and Kenya Certificate of Primary Education (KCPE) certificates of completion. There is no need of having marks in this case. It is simply marking but not awarding marks. Being a teacher by profession, I do not think that, that is the right direction to go. I ask my fellow Members to support my amendment so that we have the word “resolves” which will dictate the Government or the Ministry to revert back to the ranking system.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Who will second your amendment?

Hon. Kombe: Hon. Kang’ata.

The Temporary Deputy Speaker (Hon. Kajwang’): Who did you say that was? Hon. Member for Magarini, who will second your amendment?

Hon. Kombe: Hon. Kang’ata.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Langat?

Hon. Kombe: Hon. Kang’ata, Member for Kiharu.

The Temporary Deputy Speaker (Hon. Kajwang’): Let us have the hon. Member for Kiharu.

Hon. Kang’ata: Thank you. May I support the proposed amendment, which is to delete the word “urges” as crafted by the original Mover of the substantive Motion and to substitute with the term “resolves”. The term “urge” is very different from the term “resolves”.

If we say, “urge”, it will be like pleading with the Executive to comply with our substantive Motion. But when we say “resolve”, it will mean that the Executive will be compelled, strictly speaking, to adhere to our resolution. It is very crucial for us that when we debate issues in this House, the Executive adheres to our resolutions. The reason is very clear in the Constitution. One of the powers that have been granted to the National Assembly is to discuss and resolve issues of public interest. So, we do have a mandate that is clearly spelt out by the relevant provisions of the Constitution for us to come up with binding resolutions. Therefore, when we have words like “urging” it is like we are pleading with the Executive and our real powers appear to have been whittled down. The proposed amendment, therefore, is going to be in line with the Constitution. If you look at the substantive aspect of the Motion, it is very crucial for us, as a House, to compel the Executive to revert to the ranking system.

Hon. Speaker, on that important aspect of the substantive issue, which is so related to the proposed amendment---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Kang’ata, do not debate the substantive Motion; just debate the amendment.

Hon. Kang’ata: Can I ask for your direction? Will you give me time to contribute on the substantive Motion?

The Temporary Deputy Speaker (Hon. Kajwang’): No! There is no direction Member for Kiharu. The directions are in your Standing Orders.

Hon. Kang’ata: I can speak again. Thank you. So, I move the amendment and pray that---

The Temporary Deputy Speaker (Hon. Kajwang’): Well, you are only speaking to the amendment and that does not deny you the opportunity to speak to the Motion. We will come back to the Motion.

Hon. Kang'ata: Thank you. So, I second the amendment.

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

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Gem, you are speaking across the seat and I cannot see your intervention here. Have you changed the rules? You need to have done an intervention. Give him the microphone.

Hon. Midiwo: Hon. Temporary Deputy Speaker, it is these cheap gadgets. I rise on a point of order. This particular Motion was before the House Business Committee (HBC) in the form prescribed by the Member for Magarini. We debated it. The only way this Motion found its way to this House was when that word was changed to “urge” and I want to explain that.

The Temporary Deputy Speaker (Hon. Kajwang’): Just a minute hon. Midiwo. You are contributing and you are right. Proceed, except that do not – for lack of a better word – poison the minds of Members by dragging in what you have discussed in the HBC. Could Members approach debate on this Motion independently?

Hon. Midiwo: Hon. Temporary Deputy Speaker, the HBC is a Committee of this House.

The Temporary Deputy Speaker (Hon. Kajwang’): Unfortunately, Member for Gem, that Committee does not have a report before this House.

Hon. Midiwo: If you have given me a chance, then I oppose.

The Temporary Deputy Speaker (Hon. Kajwang’): No, proceed.

Hon. Midiwo: Hon. Temporary Deputy Speaker, if you say, “resolved”--- This House agreed largely with some of us yesterday when we said that we do not want this house to do the work of the Executive. The work of this House it to check the Executive. When you say “resolve” does it mean that we are we making policy for the Government? Is it something this House wants to make as we move forward under the new Constitution?

(Loud consultations)

If you want to answer me, it will be good if you rose on a point of order. It is like a market now!

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Gem, you are too senior to speak with Members without addressing the National Assembly.

Hon. Midiwo: Hon. Temporary Deputy Speaker, the Member was talking to me. It is so unfair. I will ignore him for what he deserves. We concluded that we want the Executive - now or in the future - to sell its policies to this country. This is a Government policy. What we are debating here, the Government has spent taxpayers’ money to arrive at it. It is not an arbitrary action by the Government. I do not want to delve into the meat or the body of the Motion because I will want to oppose the Motion. I am on the

amendment. My reasoning is that, today, it is Jubilee's Government and tomorrow it might be Jakoyo's government. When I am in Government and I have proposed a policy, I want that policy to be tried and tested. It is interesting that a Jubilee Member of Parliament can propose to its Government that it does something against its own policies! What is wrong with this Jubilee Government? Who is in charge? Is it the Member of Parliament for Magarini or is it the Cabinet?

I oppose.

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

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

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

COMMUNICATION FROM THE CHAIR

DELEGATION FROM TANZANIAN PARLIAMENT

The Temporary Deputy Speaker (Hon. Kajwang'): Order, hon. Members! Before we handle the next amendment, I am pleasantly informed that we have Members of the Tanzanian Parliament in the Speaker's Gallery. They are Members drawn from the Committee in charge of Local Government in the Parliament of Tanzania. Their mission in this country is to learn the role of Parliament in social security, especially in relation to county governments.

I want to recognize them in a special way. I will call out the name of every Member of the delegation. Please, rise where you are called so that Members can see you.

Hon. John Paul Ewanji, Member of Parliament (MP), Vice Chairman and Head of Delegation. Members, please, applaud to those members of the delegation!

(Applause)

Hon. Rosweeter Faustine Kasikila, MP.

Hon. Rashi Ali Abdallah, MP.

Hon. Mkiwa Adam Kimwaga, MP.

Hon. Moses Joseph Machali, MP.

Hon. Asha Mohammed Omari, MP.

Hon. Christopher Olonyikie ole Sendeka, MP.

Hon. Sabreena Hamza Sungura, MP.

Hon. Conchesta Leonce Rwamlaza, MP.

Mr. Mwajuma Ndugu Ramadhani - Committee Clerk.

Mr. Valerian Mablangeti, Director of Operations at the Local Authority Pension Fund in Tanzania.

Alright, let us have a round of applause for the entire delegation.

(Applause)

(Resumption of Debate)

We proceed with the next amendment. Member for Seme! Just a minute! If you press the intervention button, I will see your request. . There you go.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, as I start my contribution, I need a bit of your guidance. I wish to contribute to the Motion and at the end of that, I will move my amendment. Is that in order?

The Temporary Deputy Speaker (Hon. Kajwang’): No. the Standing Orders are clear. You are just talking to the amendment. That does not have any effect on your debate on the Motion, Member for Seme.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I beg to move:-

THAT, the Motion be amended as follows:-

(i) Subject to deletion of the words “reverts to the ranking system” appearing immediately after the word “immediately” in line 10 and substituting thereof with the words “establishes a comprehensive ranking system with clear criteria”; and,

(ii) Subject to insertion of the following new words immediately after the closing bracket at the end of the word “KCSE” in the last line:

“The ranking system should take into consideration the recommendations of the reports of various task-forces on education in this country.”

I seek those amendments because ranking is good in enhancing competition. However, competition needs to be in a level playing field. Ranking will enhance competition and guide parents and students in the choice of schools that they would like to go to or take their children to. Ideally, ranking should take into consideration all the factors that are important in education, including infrastructure, teacher to student ratio, discipline and fees paid in the school. All those are important factors. Unless this is done, we have a system that gives us a summation assessment of the student, but has nothing to do with the process through which the student has gone. So, all you get is somebody who you can say passed the exam. It really does not tell you how much is in the character of the person or the ability of the person to adapt. The biggest question in our schools today is: When our children pass highly or at whatever level, are they able to adapt or is it just rote knowledge that they have acquired through rote learning?

The ranking system that we have now---

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Seme, limit yourself to your Motion of amendment.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, this is leading to and supporting my amendment.

The Temporary Deputy Speaker (Hon. Kajwang’): Your debating skills are so closely related that I am trying to create the divide between when you are debating the Motion and when you are prosecuting your amendment. So, I want you to limit yourself

to the amendment so that we can save time. We will come back to the Motion and you will have a lot of time to discuss it.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, all my discussions are actually related to supporting my amendments. Today, ranking has also been commercialised to a large extent. Schools even stop kids from doing exams.

The Temporary Deputy Speaker (Hon. Kajwang’): You see, we run into trouble because in the Motion, you are going to discuss ranking. However, right now, you are trying to justify why you think that instead of “reverts to the ranking system” you say “establishes a comprehensive ranking system.” I have heard you very well on the issue of comprehensive ranking system. You have said that there are several other things that need to be put together. Now, please, let us know your justification for the provision that “the ranking system should take into consideration recommendations of the reports of various task-forces on education in this country”. You shall have done well.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I stand guided. In this country, we have had many task-forces and committees set up to look at the issues and problems in the education sector, ranging from discipline to inability of our graduates to live up to their grades. Sometimes, there have been complaints that they do not measure to the standards after they have passed very well. All those task forces, as far back as the Koech Task Force to as recently as the Kilemi Mwiria’s Task Force, the Douglas Odhiambo’s Task Force and a Report of a Committee in the Tenth Parliament which was looking into the reasons for frequent strikes, should be considered. All of them indicated that there is a problem with ranking as it is and they have made recommendations that would be useful. That is why I am proposing the amendment that the ranking system should take into consideration all those reports.

In this country, we are in the habit of having task-forces, committees and reports. Once those reports are made, they lie in shelves and on tables. They are not used. That is the basis of my second amendment.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. Who will second your amendments?

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I am asking hon. Gumbo to second my amendments.

The Temporary Deputy Speaker (Hon. Kajwang’): The Member for Rarieda, please.

Hon. (Eng.) Gumbo seconded.

The Temporary Deputy Speaker (Hon. Kajwang’): I cannot see you in the intervention list.

Hon. Members: He has bowed.

The Temporary Deputy Speaker (Hon. Kajwang’): Oh yes, you have. That is absolutely the epitome of a high ranking Member in the House.

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

Member for Bondo.

Hon. Ogolla: Thank you, hon. Temporary Deputy Speaker. I want to support the amendment because we are reminded that even the ranking system that we wanted to

revert to is not based on any systematic or proper criteria of how it is supposed to be done. We should not revert to what we are not very clear about and how it is going to be done. We should work out a comprehensive and proper system of ranking that might not necessarily be based on one exam in one year. One of the challenges that the Ministry of Education has been trying to grapple with is this idea of competition. That is because we are relying on one exam alone for purposes of measuring performance, particularly of students. So, when we get to a comprehensive system or we adopt or work out some additional guidelines and criteria, it will help a great deal in making sure that the ranking is done in a proper manner. If you remember what hon. Ochieng of Ugenya was talking about, even that initial ranking was not based on any policy, law or anything else. This will now give us the opportunity to work out proper guidelines. Even if it is a matter of policy or legislation, we need to have it in place before we start ranking.

At the moment, there is a lot of double-speak from the Ministry of Education, Science and Technology, and a lot of pretense. The education sector is one that we cannot run through pretence and double-speak. I support the amendment that we should come up with a comprehensive ranking arrangement. It should be such that it is not just one examination which is the indicator of good performance, but many other variables.

I remember that some task-forces had recommended a little bit earlier a form of continuous assessment as it is done at the university. It should be such that, at the end of the day, we do not have one examination that everyone is competing in where there is a cut-throat kind of competition where everyone wants to have an “A” and they ignore the rest of the other things that the students are supposed to do.

I support the amendment.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member for Butula, can you press the intervention button? Can you find where he is sitting? Do not continue pressing. Just leave it now. Let us see if we can help you or you can use a neighbouring microphone.

Hon. Onyura: Hon. Temporary Deputy Speaker, I support the amendment by Prof. Nyikal. It makes a difference. I consider supporting it with the amendments rather than the way it is. We will then set up a task-force that can look at all the reports that have come up and develop a comprehensive ranking, grading or scoring system that takes into account the various factors. It should not take into account just one factor of examination. It should take into account all the other factors like extra-curricular and public health activities within the school. It should take into account the totality of all the activities in the school. We can have weights for different factors, so that each factor has a different weight. Through that, we should have a better and more meaningful ranking system than the previous one that was just encouraging our children to be robots.

I support the amendment.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you, Member for South Imenti!

Hon. Murungi: Thank you, hon. Temporary Deputy Speaker. I also want to support the amendment as proposed by hon. Nyikal. If those amendment sail through, even the Members who were contemplating to oppose this Motion should rethink of their stand. Those who have opposed the Motion on the Floor have said that the ranking is done from one examination and is not comprehensive. If it is comprehensive, we can

have some policies that provide for continuous assessments right from Form One, Form Two, Form Three and Form Four. We can borrow a leaf from what happens at universities. Once you enter university, you start earning your degree. You start working for your degree right from the beginning. I support this comprehensive ranking which has been proposed by Prof. Nyikal. This will go a long way in improving the performance of our students.

The problem we currently have is that our national examinations are done in Form Four. If you revise in some areas, the examination can favour you because you might have revised in a certain area which was examined. Therefore, if this is done right from Form One, one does not need to cram the whole syllabus from Form One to Form Four. You dispense with the Form One syllabus and you go to the Form Two syllabus.

I support this amendment by hon. Nyikal.

The Temporary Deputy Speaker (Hon. Kajwang’): The last one; Member for Rangwe.

Hon. Ogalo: Thank you, hon. Temporary Deputy Speaker. I would like to support the amendment by hon. Nyikal.

The Temporary Deputy Speaker (Hon. Kajwang’): Hold on, hon. Members. We are still discussing the amendment. We have not come back to the Motion. The Motion is still alive. Member for Wajir, this is the beauty of debate in the National Assembly. Everybody has a right to say something. If you want to contribute to the amendment, please, press your intervention button and I will follow the order at which they come. I am the one who knows the order in which they are coming here. So, I do not know why some of you are giving me gestures and facial expressions enough to intimidate the Speaker. You know that this Speaker will not be intimidated.

Proceed!

Hon. Ogalo: Thank you, hon. Temporary Deputy Speaker. I would like to support the amendment by Prof. Nyikal. If this amendment is carried into the Motion, I will not have a problem with this Motion as it is. My problem with the ranking system as it has been is that, it limits education to only one thing called passing examinations. If we tracked the top ranked pupils and see how they perform in secondary schools, it is not consistent. That makes the ranking system poor. If we carry the amendment by Prof. Nyikal, we will develop something that can enable us rank schools and students in the same manner that universities are ranked internationally. That is by the way the students perform, the amount of money invested in that school and the kind of infrastructure in that school. That will be very important. You cannot compare a national school funded with Kshs30 million a year with a day school which does not have any national Government funding and rank the two. That does not work.

I urge this House to adopt and support the amendment by Prof. Nyikal to make this Motion useful and one that can help the education sector in this country.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you, Member for Kwanza.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I do not know whether it is my capacity which is a problem. Much as I want to support this amendment, leaving it at “we establish a comprehensive ranking system with clear criteria” without mentioning the criteria, what are we talking about? Are we talking about athletics, boxing

or what are we talking about? I would want to know the criteria much as I support the amendment.

Secondly, the system as it was, was okay. I want to agree with the Mover that the criteria should be clearly spelt out. As it is, we are leaving it open and it can lead to other problems. Much as I also want to take into consideration reports of task-forces in the education sector in this country, those reports have been sitting in the shelves. We cannot introduce them at this late hour because they are too many. We have had so many task-forces, including the previous one. Again, I do not know what they recommend that can be put into the ranking system.

I would like to know specifically the criteria. I also want to know the various task-force recommendations so as to relate them to the ranking system. We are meandering and not getting clearly where we are going.

I rest my case.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Shinyalu!

Hon. Anami: Hon. Temporary Deputy Speaker, I would like to support the amendment as moved by Prof. Nyikal, while comprehensively supporting the whole idea of ranking. We cannot take for granted the gains we have made through the ranking system. Competition is part of life. When we present the criteria and conditions for competition, then we are sure that our children are going to perform well in their examinations.

Hon. Temporary Deputy Speaker, I want to underline the aspect of co-curriculum because the process of character formation takes place through inclusion of students’ attitude in co-curricular activities. That is my main reason for supporting the amendment – to include comprehensive consideration of the process of character formation of the young citizen, so that he can become a better member of the society.

With those remarks, I beg support the Motion, together with the amendment that was proposed by Prof. Nyikal.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Can I put the Question on the amendment? Hon. Members, once the amendment is disposed of, you will debate the Motion and vote to decide whether to carry the Motion as amended or not. We need not waste too much time on this amendment.

Hon. Members going by the mood of the House, I will put the Question, paragraph by paragraph.

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

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, we shall, therefore, revert to the Motion as it was, of course subject to changing the word “urges” to the word “resolves”.

(Question of the Motion as amended proposed)

Hon. Members, the Motion had been seconded and proposed, and someone had contributed in opposition. I now give the Floor to the Member for Marakwet East. We are now on the Motion as amended.

Hon. Bowen: Hon. Temporary Deputy Speaker, I rise to oppose the Motion, as amended.

In any competition, we must have a fair referee and a fair playing field. You cannot talk of comparing or ranking a school in Nairobi and a school in Turkana, where we have a serious insecurity situation, with children learning under trees without school equipment. Maybe, before we talk of ranking, we must ensure that our schools have standard facilities and are equally resourced. As we speak, we have a serious shortage of teachers across the country. We cannot be talking about ranking schools as per this year's results when we know that there are no teachers in North Eastern region. There are no teachers in Mandera and Garissa counties, and in other parts of the northern Kenya region and yet, we are talking of putting students in that region in the same measure with students in Nairobi and other parts of the country.

Ranking has made some schools to engage in malpractices so that they can top the list of ranking. Ranking has led to cheating and corruption in schools. Some schools go to the extent of corrupting examiners so that they can top the ranking list.

Hon. Temporary Deputy Speaker, ranking is just a marketing tool for private schools. It is nothing else! We have seen strong opposition coming from the private schools associations. Before we talk of ranking, let us ensure that the infrastructure in all public schools across the country is of the same standard. We want school "A" to compete with school "B" when they have an equal number of teachers, enough libraries, enough laboratory equipment, enough teachers and own the resources. We have even seen university students who have graduated with First Class Honours. However, when they go for interviews as accountants or software engineers like me, they cannot even write a simple arithmetic programme. The education sector in the country is focused on schools becoming number one. We are not looking at the quality of the school curriculum. We want to develop a curriculum where you can have even a Class Eight student understanding what he or she is going to do in the future. We do not just want to make our students cram exams for the sake of becoming number one in school. We want to make them professionals. We want to make them acquire skills and expertise for their future professions.

Even though the Motion has been amended by hon. Nyikal, you cannot again force the Government to implement all the resolutions of this House, especially when it comes to policy making. You can only engage the Government when it comes to policy issues. This is not legislation but a policy matter under the Ministry of Education, Science and Technology.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Samburu West, is there something out of order?

Hon. Lati: No! I just want to contribute.

The Temporary Deputy Speaker (Hon. Kajwang'): You want to contribute?

Hon. Lati: Yes, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Your intervention button was on.

Member for Kathiani, is something out of order?

Hon. Mbui: No. I just want to contribute.

Hon. Bowen: Hon. Temporary Deputy Speaker, let them know that they are interfering.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Do not tell me what I need to tell them to do.

Proceed, Member for Marakwet.

Hon. Bowen: Hon. Temporary Deputy Speaker, I am saying that my colleagues just want to contribute and they know that I am not out of order at all.

Hon. Temporary Deputy Speaker, I was saying that before we talk of ranking, we need to engage the Ministry of Education. We need to engage the Government to seek to see that all the facilities in schools--- We want to see that all our schools have electricity. We talk of village girls’ or boys’ school where there is no electricity. They are using lamps. Some are even using firewood and then you want to rank them with those with electricity?

So, hon. Temporary Deputy Speaker, I want to oppose this Motion and say that until we have all facilities, staff and everything in our schools, then we can come back and talk of ranking schools. Otherwise, I oppose the Motion. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Okay; Deputy Leader of the Minority Party.

Hon. Midiwo: I thank you, hon. Temporary Deputy Speaker. I rise to contribute on this Motion. The only way I would---

Hon. (Ms.) F.I. Ali: How?

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. (Ms.) Fatuma is wondering why you have the microphone. Hon. (Ms.) Fatuma will read Articles 107 and 104 of the Constitution and answer herself. Proceed, hon. Midiwo.

Hon. Midiwo: That is my DC, I think she can read.

Hon. Temporary Deputy Speaker, I am saying that when we debate Motions of this nature, we need to pay attention to one another. My sentiments are like those of hon. Bowen and with a very clear explanation. People are not equal in this country even though we want to assume that they are. Only the day before yesterday I was watching on TV a school in Galole where candidates are sitting under a tree. That primary school in their mark this year, in the just reported class eight exams, the highest person got 265 marks. When I became a Member of Parliament in the year 2002, 80 per cent of classrooms in my constituency were all mud houses and those kids were competing with children from Alliance High School, Nairobi and wherever. Even in Nairobi, a child who goes to a primary school in Mukuru cannot compete with a kid going to a primary school in Westlands. There has been skewed allocation of resources over so many decades that we cannot turn our eye from it.

Hon. Temporary Deputy Speaker, I know that my colleague and desk mate, hon. Wamalwa, means well. The reason why this thing is for debate is so that we do not look like we are doing things that do not make sense to our people. I went to look for a chance for my daughter at the Kenya High School. I discovered that there are over 200 teachers in Kenya High School. The secondary school which I have built in my village has only three TSC teachers and they are supposed to compete.

If you go to Baringo and Turkana where people are feeling the heat of hunger, kids are not going to school. Which one will they do: to look for water or go to school? Let us agree that competition is there. We, in the Opposition, have been saying devolve education. The problems of Garissa County are too unique that they can never be compared to those of Siaya County. They are not one and the same.

Hon. Temporary Deputy Speaker, education is not just about becoming number one. Why is it public knowledge that kids who go to the United States International University (USIU) are more marketable than the ones that go to the University of Nairobi (UoN)? It is because somebody is teaching our kids to pass exams while another system is teaching kids for the job market. This is a fact. We cannot use the rules---

Hon. Mirenga: On a point of order.

The Temporary Deputy Speaker (Hon. Kajwang’): Just hold on a minute. Hon. Member for Kisumu Central, you are just sitting next to the hon. Member for Gem. What is out of order?

Hon. Mirenga: Thank you, hon. Temporary Deputy Speaker. I want to ask the Member for Gem who is also my Deputy Leader of the Minority Party to clarify his allegation that graduates from USIU are more marketable than those of UoN. I believe he must substantiate that.

The Temporary Deputy Speaker (Hon. Kajwang’): No; just a minute. Let us help each other here. I was trying to find what is out of order. What you seem to be saying - clarification or substantiation - only comes when an hon. Member has imputed improper motive on someone or has made an allegation which needs justification. So, can you go back to the Standing Orders and tell me what it is you want Member for Gem to do?

Hon. Mirenga: I am asking, hon. Temporary Deputy Speaker, if it is in order for the hon. Member for Gem, hon. Jakoyo Midiwo, to mislead the House by asserting authoritatively that graduates of USIU are more marketable when it comes to the job market than the graduates of UoN?

The Temporary Deputy Speaker (Hon. Kajwang’): Now you are right on track and you can be helped.

Hon. Midiwo: Thank you, hon. Temporary Deputy Speaker. That is a simple matter and with the way I said it, I think it is very parliamentary. I said that it is said out there and it is true because I read it every day.

Hon. Temporary Deputy Speaker, I know that the hon. Member for Kisumu Central does not employ anybody. I employ about 200 Kenyans so I know because I interview them every day. I know that for my young brother, even the schooling we are talking about, his first child has not gone to school. I know this for a fact.

(Laughter)

So I am authoritative in this matter. I have authority.

Hon. Mirenga: On a point of order.

The Temporary Deputy Speaker (Hon. Kajwang’): I will allow hon. Member for Gem to proceed. Take that with a pinch of salt. Hold on.

Hon. Midiwo: Yes, he will have his time.

Hon. Mirenga: On a point of order; I am on my feet.

(Hon. Okoth consulted loudly)

The Temporary Deputy Speaker (Hon. Kajwang’): Okay, hon. Member for Gem. Hon. Member for Kibra, I did not know that you talk so loudly. You consult so loudly. Now, hon. Member for Kisumu Central, take that with a pinch of salt. I have not heard your person being--- He has only said that your first child has not gone to the schools he is talking about.

(Laughter)

Hon. Midiwo: Is that not a fact?

Hon. Mirenga: Allow me to respond.

The Temporary Deputy Speaker (Hon. Kajwang’): That should be a complement. I think that should be a complement because then it means that you are young, venerable and energetic.

(Laughter)

The Temporary Deputy Speaker (Hon. Kajwang’): Proceed, hon. Member for Gem.

Hon. Mirenga: Allow me to respond.

The Temporary Deputy Speaker (Hon. Kajwang’): No; hon. Member for Gem, please proceed.

Hon. Midiwo: Hon. Ken, if I have offended you by acknowledging that you are still young to know the effect of bad education, I apologise.

This is a grave matter. For some of us who come from fairly endowed areas, we have to carry all other Kenyans along. What we need to do is to figure out how other systems work. India is a country of 1.3 billion people but the education standards are very high. Today they are leading the world in Information Technology (IT). I have never heard of their ranking. They have figured out how to do it. In the United States of America (USA) with the best doctors, they have something called School Districts where each district has its own unique educational system and they are still the best in the world.

Hon. Temporary Deputy Speaker, I have small children. When these kids come from school in the evening - and because their school expects them to pass exams - at 6.00 p.m., he does homework until 11.00 p.m. and has to be in school by 6.00 a.m. Are our children growing normally? Most of the people who are older here will agree with me. When we went to school, I used to come from school and go to look after animals and then milk them when I was home.

An hon. Member: It was dangerous!

Hon. Midiwo: Well, it was dangerous but we have still turned out to be in the august House. We are probably the cream of the society. You see, there was something good in it. You learnt everything. Some of these kids, like my child, when he sees sheep,

he thinks he has seen a strange thing because there is no time for him to interact with goats and sheep. No time.

Hon. Temporary Deputy Speaker, what I am saying is that there have been seven task forces formed to deal with issues. We have spent taxpayers' money and they have all come back with the same result. They have said there is something wrong with this system. I want to plead with my colleague, hon. Wakhungu, because I know other hon. Members want to talk, that it is a good beginning but let us consult. We can even categorise it. There has to be a way out but to force the Government to go back to a wrong thing, personally, I would be very uncomfortable with it because I know the plight of others.

Just as I finish, I went to the constituency of hon. Chumel in Kapenguria, the other day. The distance between one school and another is vast yet what they are calling a school is a tree. Let us be kind to the rest of Kenyans.

I thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. Thank you very much. Hon. Member for Wajir.

Hon. (Ms.) F.I. Ali: Thank you, hon. Temporary Deputy Speaker, for allowing me to speak on this Motion. I rise to support this Motion.

(Applause)

I support this ranking because it is a very useful exercise. If we ask students and pupils who are here whether they prefer ranking or not, I think they would support ranking. It has been said that ranking is not good for people from marginalized counties. Where I represent, Wajir County, I strongly feel that ranking will help us and it will help people who are marginalized. When you rank schools and students, we profile properly areas where there is strength and weakness. As I speak, as a Member of Wajir County, I do not know the rank of my county in terms of its performance.

Sometimes one of the ways to demotivate people who perform is to conceal information and deny sharing of information. Ranking is important for parents, pupils, students, communities and regions. Why I am supporting that is because ranking will help institutions which aim to achieve quality performance. I am sure that if we had adhered to the results and the analysis of ranking where the Ministry aimed to reform schools that have poor performance, those schools would have performed better. We should differentiate between what the State has failed to do and the importance of ranking.

I strongly support ranking because it motivates individuals, parents and regions to effectively compete with each other. In this Parliament, every day we see some element of ranking in terms of who speaks more and who does not speak. Some of us who speak less feel challenged to organize ourselves to speak more and to speak with substance. I strongly support.

Hon. Temporary Deputy Speaker, I am really worried by the way the Ministry has not engaged stakeholders on whether to abolish ranking or to sustain ranking in this country. We do not need to downplay why we need to do ranking all over the world or particularly in Kenya. I have received many text messages from my electorate to support

ranking. They strongly feel that the abolishment of ranking is to conceal their concerns and failures of the State in addressing the poor performance of the marginalized counties. Sometimes we feel that this decision is to conceal information of the ugly and dire situation of regions, schools and pupils who do not perform well. We have stopped ranking for this examination period, 2014 results, but what has it achieved? The only thing it has achieved is that we are feeling that we do not know which school has performed best in the public domain but the schools know which position they are. They know that maybe Alliance High School was the best. They know Kenya High was number five because all the students who performed the best are from those schools. It is an indirect way of ranking schools.

The other thing is that we should demand for reinstatement of ranking. We should also demand from the national Government which has the mandate of education to use the result of ranking to address and reform those concerns that deny certain regions and schools good performance. It should not be to hide under the carpet and say that ranking is bad. Ranking is good. It is useful and it motivates parents and students. Where there is no ranking, then we are all dead. In the past when results were out, we used to see my county, Mandera and Wajir County at the bottom and leaders would converge quickly and ask “what do we do?” Now we do not know. We are not taking any interest because we assume that ranking has resolved certain pressure from leaders.

I support this Motion of reinstating ranking. The Ministry of Education and the Cabinet Secretary (CS) should be held accountable for taking decisions that are not consultative. He has not consulted widely with stakeholders, parents and affected children. Sometimes the policy makers and people who want to reform systems should not be authoritarian to make decisions that affect an entire nation.

I stand to support the Motion.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Kisumu.

(Loud consultations)

If you are asking why ladies are speaking, it is because men have dominated entire proceedings from morning to afternoon. There is need to hear ladies’ voices. Please proceed.

Hon. (Ms.) Nyamunga: Thank you, hon. Temporary Speaker. I rise to oppose the Motion.

First of all I need to answer the question “how does ranking work?” In my view, ranking is meant for the examination system. The country makes use of examination results for accountability purposes. It is used for evaluating the effectiveness of instruction, for motivating students and teachers to perform well and for reviewing the effectiveness of the schools in providing effective teaching and learning environment.

Another way of making ranking work is so that the performance indices which are used to facilitate ranking are able to determine the order of ranking of candidates who score the highest marks. In this case it is ‘A’ plain. In my view, ranking should be done away with. The reason, as already mentioned by my other colleagues, is that the variables which are used are not equal across the nation and secondly the conditions which schools

are in are not the same. Most of our schools are in very pathetic conditions. Some schools do not even have classrooms. Teachers are not available while some are working in very hardship conditions. So if you take the schools across and even the facilities that most of our schools have, some schools have everything that it takes, for example, in Nairobi or city schools. You cannot compare such schools with schools in the rural areas.

So, when it comes to ranking, you just want to look at the highest and the lowest marks and then you do the ranking without taking into account all the conditions and situations under which our students are taught. So, for that reason, it is not---

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Magarini, what is happening?

(Hon. Lati crossed the Floor without bowing)

Hon. Kombe: Thank you, hon. Temporary Deputy Speaker. This is a House of rules and order. My fellow hon. Member who is walking out crossed the Floor twice. He has said that you have not seen him, so it does not matter.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Lelelit, make sure you do not leave the Chamber. Serjeant-at-arms, close that door. Come back to your desk.

(Hon. Lati walked back to his seat)

Hon. Member for Kisumu County, wait I will give you your time. Hon. Lelelit, what do you say about what the Member has just informed the National Assembly?

Hon. Lati: Thank you, hon. Speaker. I did not say that. However, if I made any mistake then I apologise.

The Temporary Deputy Speaker (Hon. Kajwang’): When you use the conditional term “but”, then that is not apology at all.

Hon. Lati: Okay, I apologise, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Kisumu, please, proceed.

Hon. (Ms.) Nyamunga: Hon. Temporary Deputy Speaker, my first point was that the conditions under which students go to school in this nation are not on an equal level. So, it is very unfair that the schools are just ranked on the basis of the highest and the lowest. Secondly, we also realise that students are gifted in different ways. Some people are so academic and others are gifted in other areas. I have a student who did not do well in Standard Eight in Kisumu County, but that child can do music to the highest level. He can play all the musical instruments that are used in music. That child does not go to any music school. So, if we only want to rate our students based on academics, then that is not acceptable. That is why I cannot support this Motion that we go backwards.

We have charted a way. The worst that we can do is to let these students be rated at the county levels because most of our counties are almost at the same level. For example, I do not think the best school in Kisumu Town is so different from the ones we have in the rural areas. So, if we want to do it let us do it per county then that will make a lot of difference. Certainly, it should not be done at the national level. Again, it should

not be done on academics only; it should be done based on other issues or other abilities that the students have.

Secondly, we know of situations where students who perform poorly even commit suicide because of the ranking. So, that has led to many students and parents to be negatively affected. The students should be encouraged to pass the examinations and the uttermost goal should be getting the highest marks, but not being the best student in the nation. So, if that is done across the board, even parents will be encouraged. Some parents get discouraged when their children do not do very well. So, it does not only affect the students, but also the parents, counties and schools. Much of this ranking is only meant for the schools which are very well endowed and equipped and are in the city centres. Those are the ones which should be ranked. If you are ranking, how are you going to do it? Can we rank private schools differently? Can we rank the sub-county schools at some other level and then the rural schools? That way, we will have a level playing ground.

The Temporary Deputy Speaker (Hon. Kajwang’): You have done justice to the Motion now.

Hon. (Ms.) Nyamunga: So, do I stop?

The Temporary Deputy Speaker (Hon. Kajwang’): You have run your time.

Hon. (Ms.) Nyamunga: Okay, thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): No, you have two minutes. I have been told by the Clerk-at-the-Table that you have two minutes. Use the two minutes.

Hon. (Ms.) Nyamunga: Let me just stop there, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Do you support or oppose the Motion?

Hon. (Ms.) Nyamunga: I oppose.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Chuka/Igambang’ombe.

Hon. Njuki: Thank you, hon. Temporary Deputy Speaker. Today, I have seen you apply affirmative action in the House. For once I wished I was a lady because I have been queuing here for a long time. Ladies have been getting the opportunity to speak. I stand to strongly oppose this Motion as amended.

There is nothing wrong with ranking *per se*, but the demerits supersede the merits. I want to be very specific and note that the ranking that we are talking about here is of national exams and specifically Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE). The ranking here does not talk about internal ranking of exams in the schools or in the county or sub-county. Despite the fact that Article 35 of the Constitution provides for the right of access to information, the information in this particular case cannot definitely be denied. Today, if I wanted to know the performance of any school in the country, I would simply get it from the Kenya National Examinations Council (KNEC). They cannot deny me. However, the KNEC is not able to do so because there is no policy document in place to compel them to rank the schools. So, we should not drag in Article 35(1)(a) because it has not been violated in this case.

I know most of us may not agree with the language or the nature of communication that was done by the Cabinet Secretary for Education. You know Prof.

Kaimenyi sometimes sounds very authoritative and a bit pushy or arrogant. I think that is the way he speaks. We must differentiate between the message and the messenger. He may have said that there is no ranking anymore. This, probably, was not based on a decision that was spontaneous; it must have come from a report that was done by a committee that was set up to determine the merits and demerits of ranking.

Hon. Temporary Deputy Speaker, to dwell on what has not been spoken on, if you look at what we rank, we rank performance based on a written examination. Intelligence is not demonstrated through writing exams only. There are very many other ways of trying to find out whether the student is all round without having to write an examination. Because of this, the education system in our country is reduced to teaching students the techniques of answering questions.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Kwanza, what is out of order?

Hon. F. K. Wanyonyi: Hon. Temporary Deputy Speaker, let us get facts correctly. I respect the hon. Member. However, for him to tell this House that examinations are based only on written exams when we have practicals in schools is misleading. I do not understand.

The Temporary Deputy Speaker (Hon. Kajwang’): Order, Member for Kwanza. I am trying to help you from the Speaker’s seat. So, remain standing. We need to help each other. When you rise on a point order, please, start by quoting the Standing Order under which you rise, and then start with sentences as follows: Is the Member in order to do this or that? Then in one sentence, everybody will have known where you are heading, instead of starting to debate with the hon. Member.

So, I give you that opportunity again. Can you begin and succinctly put it so that we know what is out of order?

Hon. F. K. Wanyonyi: What I have said is that the Member is misleading the House by telling the House that examinations are only written. That is a misleading statement. Is he in order?

The Temporary Deputy Speaker (Hon. Kajwang’): The question is: Are you in order to mislead the House about certain things that you have said which are not very clear to me, but you have said them?

Hon. Njuki: Hon. Temporary Deputy Speaker, with all due respect to the hon. Member, I would want to substantiate that. I happen to be lucky because I was once a Science teacher. It does not matter how well you do your practicals. You must put it in writing for the examiner. It does not matter. The examiner will not come to the laboratory to check what you have done. You must put it in writing.

If you cannot put it properly in writing, then you cannot pass the exam. They still insist that even if you do practicals, they have to be written and that is what will be marked.

The Temporary Deputy Speaker (Hon. Kajwang’): That is satisfactory. Proceed.

Hon. Njuki: Hon. Temporary Deputy Speaker, going back to my point, ranking in this country has reduced teachers to teaching exam techniques rather than teaching content most of the time. It has had very adverse effects on our students. We cannot take our students and pupils to school to only learn how to read and write what is examinable,

which is only eight subjects in the case of Form Four and five subjects in the Kenya Certificate of Primary Education (KCPE).

There are so many other things in life which can be taught in schools such as the extra-curricular activities. Some of the best athletes in this country, who earn the country a lot of money, learnt this in school through extra-curricular activities. There are other things like drama, music and other forms of sports apart from athletics. Why do we reduce ourselves to only what is written and examinable in the exams?

Ranking causes a lot of stress mostly to principals in this country. I do not know if you are aware that the same way coaches are sacked in premier leagues if their teams do not perform well is the same way teachers and principals are transferred if their schools perform poorly in exams. When we are enjoying Christmas, many principals cannot enjoy it because they are waiting for the results to be released because that will determine whether they will stay in that school or not. On record---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member for Kiharu, what is out of order?

Hon. Kang’ata: On a point of order, hon. Temporary Deputy Speaker. I rise on a point of order with regard to the issue of relevance. Is the Member in order to address himself on issues which are not before us? I have heard him and I have also heard the Professor from Kisumu address themselves on issues which are not before us. Before us, and this is very crucial, is about ranking between School “A”, “B” and “C”, but not individual ranking *per se*. I beg to illustrate the point.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Member for Kiharu, I have got you. A point of order is addressed to the Speaker. So, once I have got your point of order, you do not have to make a debate out of it. The question as I understand it and you do not need to respond to it is one of relevance. I find that the debate as it is before the House is such that Members are able to use issues of ranking whether ranking, grading or such other issues of measurement as they may. From the way the Motion is couched, it is very hard for a Member to use one term at the expense of the other. Therefore, I rule him to be in order.

Proceed and finish, please.

Hon. Njuki: Hon. Temporary Deputy Speaker, I still stand to oppose the Motion. I have all the rights to say why I oppose it including the reason for agonising principals and teachers who are transferred because they have been ranked poorly. I think my friend is the one who is not relevant in this particular case.

Two years ago, we lost a principal of a very senior school in this country. Since I am on the Floor of the House, I have the privilege to say what I want, the former Principal of Mang’u High School who was a *Njuri-Ncheke* elder. The moment Mang’u High School dropped in ranking, the principal got high blood pressure and he never recovered. I want to believe that if we did not have ranking, that man would most likely still be alive.

Just to conclude because I can see the light is on, cheating in exams is a vice that is sometimes brought about by the pressure on students and teachers who want to perform well, so that they do not face the wrath of the community. They want to meet the expectations of the society.

Lastly, there is the issue of forced repetition of classes.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Molo.

Hon. Macharia: Hon. Temporary Deputy Speaker, I rise to support this Motion as amended.

(Applause)

I will begin with a tale of two schools in my constituency. We have a school called Elburgon Secondary School that scored a mean of B+ (plus) and Michinda High School that scored a mean of C (plain), but someone peddled lies on the streets that they had a D- (minus). Both schools got out into the streets, one to celebrate and the other one to protest. Ranking in this country, speaking from experience, is the only thing that has made it possible for us; the common *mwananchi*, to see quality in schools and see what is happening in the schools that we take our children to.

I have had the experience of working nearly in all the schools in this country. I know that we have some schools which are very far away where it is impossible for quality assurance officials to get. The only thing that tells us what is happening there is how they perform. If they get a mean score of a D and no student goes to university, we understand what is going on there. This information helps the parents in this school to decide what to do.

The Cabinet Secretary for Education, Science and Technology addressed the nation and stated why he is not ranking schools. He talked of the negative side of ranking. He never talked about the positive side of ranking. I was in that meeting and the reasons that he gave are basically excuses and reasons to shield failure by Education Officers in his office and the State Department of Education. When he tells the nation that as a result of ranking students are forced to repeat, we know that there is a policy about repeating. It is only that it has not been implemented. Therefore, it is not ranking that has caused students to be made to repeat, but inefficiency of the State Department of Education.

He went ahead and gave us 11 reasons. One of them was that as a result of ranking, schools are not interested in the process, but are only interested in the product. The 8-4-4 System of Education that we have at hand today is examination-based. The syllabi that we have today take time to complete. Working hard and long hours of students being in class is a practical objective of the syllabus under the 8-4-4 System of Education. Therefore, both the process and the product must count in this case.

The Cabinet Secretary went ahead and talked about politics saying that we are politicising results and ranking. That brought memories of the dark days of the one party rule when we all thought that some districts could not have made it unless they were helped politically. The intentions of the Cabinet Secretary are good and clear, but Kenya is not ready to have a system of education that has no ranking. Some countries in Europe do not rank because the teacher is motivated to teach. The teacher has no reason to skive classes to go and run *matatu* business. He has no reason to go to the *shamba* to try and make additional income.

As I support this Motion as amended, it is important that all the stakeholders are brought together to see what kind of ranking should be done.

I remember that we used to have a ranking system which categorised schools into day secondary schools, boarding secondary schools, county schools and national schools.

We should also introduce categories of schools where students learn under trees and schools which operate in other abnormal situations. It is the obligation of the Government of Kenya to provide teachers. The fact that a school does not have teachers is not failure of the school; it is failure of the Government. Therefore, we should not say that a school cannot perform yet it is the Ministry of Education, Science and Technology which failed to provide teachers at Mashuuru Primary School, which is very far from Kajiado, while so many teachers are packed in Kajiado. It is a question of distribution of teachers.

With those very few remarks, I support the Motion.

Hon. (Bishop) R. Mutua: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to, on the outset, say that I support ranking in schools.

(Applause)

I have a couple of reasons for supporting. Ranking assists in resource allocation because schools that do not perform well highlight the fact that there are inequalities and inefficiencies both in governance and in the way they implement the curriculum. We need to rank schools so that those which perform poorly can attract the attention of school committees, the Government and Members of Parliament, so that they can address the problems that cause such schools not to perform well. I have heard that schools cannot be ranked because some of them are poorly resourced. Poor resourcing of schools is one of the most important reasons as to why we should rank their performance. That way, we can highlight schools and regions which are poorly resourced with a view to taking affirmative action in favour of such institutions.

I have heard people say that ranking causes problems. Ranking does not cause problems. Ranking yields competition that is based on discipline. When students who have scored 'A' are interviewed, they say that it is because of discipline, participation of other people and relationships within the school that they have performed well. None of them says it is because of the good classrooms of their school. None of them says that it is because of the resources that are given to their schools. We know that resources are important but provision of resources is not the work of students. The work of resource allocation belongs to Parliament, the Executive and parents. Why do we want to abolish ranking so that we can stop getting worried about the poor? When we do not do ranking in schools and students perform poorly, nobody will be bothered since nobody will know. This is one way of the Ministry of Education hiding its inefficiencies and misleading Kenyans that all is well since there will be no crisis after examinations.

We would like ranking reinstated so that we can know who is not getting along and who is not benefitting properly from devolution. We need to know particularly since devolution came in, whether we are creating inequalities or we are closing the gaps of inequalities that have been there. One reason for devolution was to treat the inequalities that exist in this country. On the other hand, the indicator of inequalities can be seen through ranking. The ranking itself shows us where things are not working. It is so important to realize good governance is key to performance in education. We can only have good governance through its performance. Otherwise, we will have a lot of people leading institutions of higher learning comfortably because nobody will ever highlight

how inefficient they are. We have seen schools change head teachers. Schools that were not performing begin to perform immediately because performance has always been a governance issue. Therefore, when we talk about ranking, we talk about an indicator that points to us that there is a problem which needs attention.

Why do we want to kill the indicator that is so important in the management of our education? Ranking is the way to go for this country to deal with issues of inefficiency and deal with deadwoods and inequitable allocation of resources. If we kill it, we will be killing our education system. Let the schools that are already established remain established and those which are not established remain that way. Ranking is a sure way of maintaining the status quo. We do not want the status quo to remain. We would like to see that those schools which are under trees become schools in classrooms. Even if we are going to have conditional grants given to such constituencies for purposes of such schools, let that be but we cannot say that because we are not equal, we are not going to compete or that one will be better than the other. Schools should compete and if one is better than the other, we will analyse to understand why and take affirmative action aimed at helping the school that has performed poorly to improve its performance. Ranking in schools, therefore, is not negotiable. Ranking in schools must continue until all the schools are endowed with adequate resources to enable students compete comfortably.

Even though we stopped ranking, students go to the same high schools and universities. Where do you take those who do not perform well, unless you are going to create second class universities? Therefore, some regions will not have graduates. We will then start saying that you must have a degree for a certain job, yet there is a region whose schools are poorly endowed with resources and, therefore, nobody qualifies for university admission. We cannot afford to marginalise some regions through the education system; that is unfair. We must rank schools and take appropriate action.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang’): Well spoken!

Member for Kajiado North, you are next.

Hon. Manje: Thank you, hon. Temporary Deputy Speaker, for giving me this chance. I want to say from the word ‘go’ that ranking is the universal differentiator. If you want to differentiate something you have to arrange it from the best to the worst, you rank it with other similar items. I highly support this Motion by hon. Chris Wamalwa. This is the right way to go. Opposing this Motion is like saying that being the last one is good. If you oppose this Motion, you must have an alternative. What is the alternative of ranking? If we do not rank our schools, what alternative do we have? The reason as to why many children would like to go to Alliance High School or Mang’u High School is that those schools have been topping the ranking list all along. The motivation of students when they go to school is to learn, pass exams and eventually go to university. When children go to Mang’u High School or Alliance High School and proceed to university, we educate Kenya. As a country, we could have lost in other aspects but in education, we have not lost. If you go outside this country, you will find out that Kenya has a very high population of educated people and that is very good.

Doing away with ranking kills the morale of students. There is a deliberate move in this country to try and equalise everybody. You are either performing or not. The main

idea of mixing students who have performed well with those who have performed dismally and taking them to schools like Alliance High School and Mang'u High School, is to bring down competition and lower performance in schools. It is in the public domain that private schools perform better than public schools in primary schools examinations. How else can you hold back private schools apart from doing away with the ranking part of it?

Private schools perform better than public schools and how else can you hold them back apart from removing the ranking part of it? It is like we are trying to justify not working in schools. Private schools are doing very well in this country and maybe in future that is the right way to go. However, if we do not rank them then we are demotivating them and if they will not continue performing well then our country will not perform.

There is a school that I started about four years ago which is seated right here and if we do not rank them next year, it means we will not see the results that we have been trying to plant all along. I am in constant communication with the head teachers in my constituency using social media and all of them are supporting the idea of ranking. They are saying that if there is no ranking, then students will not be motivated to pass examinations. This will bring down the big schools. You will never hear again about Alliance High school or Njiri's High School where I studied. I would support that idea of competition in this Motion.

Ranking is everywhere. Talk of motor vehicles, the difference between a Mercedes Benz and a Renault is because they have been ranked internationally. This ranking gives you the direction of where to go. It is natural. If you want to rank the animals according to their strength you will possibly rank the elephant at the top and the rat at the bottom. So, this is something that is natural. If you educate students in schools, in the curriculum implementation there is that relationship between the curriculum developers, the former Kenya Institute of Education (KIE), the implementers who are the teachers and the Kenya National Examinations Council (KNEC) that evaluates. If they evaluate and they do not rank then the process is not complete.

I want to support this Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Members, I think for your benefit this Motion seems to be very popular. So, we will bring it back to the Order Paper next Wednesday.

(Applause)

Do not be in a hurry to contribute today. This is because I am getting complaints from the Table that you are overwhelming my clerks by trying to find out where you are, whether you are going to contribute, whether there is time for it, whether something could be done to find out how to bring you on top and so on.

(Laughter)

Therefore, relax. We will still debate this. Let us just go on in an orderly manner. Let us have the Member for Emurua Dikirr, hon. Johanna Kipyegon.

Hon. Kipyegon: Thank you for giving me the opportunity to contribute on this particular Motion. I think we need to look at the major issues why ranking is very important and I support the ranking of schools.

(Applause)

First, I have heard several Members in this House complain about the position of their schools. I am among those Members who guard schools, which you would say are not in a good position to compete with other schools. If we were to go in that direction that would mean that we are requesting this Government to give different examinations. If we are talking about Alliance High School not being able to compete with a school in North Eastern; if we are talking about Maseno High School not being in a position to compete with a school in Emurua Dikirr, as in you cannot rank them, then it means we are asking the Government to give different Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) exams. Why are they doing the same exams? It is because it is a national exam and therefore the same reason why we are giving them the same exam is the same reason that we are also going to rank them. The reason why we rank them is because of three reasons.

First is competition. We want everybody to know which position they are holding. We go to schools and you get a student having an “A”. You go to a university and you get a student having a First Class honours degree, why are we ranking them if ranking and competition is not important? Why are we giving marks as per their performance? I think the reasoning or the rationale behind Prof. Kamenyi’s trying to remove the ranking is not understandable. Prof. Kamenyi is a product of ranking and that is why he is in the position he is right now.

We also have reasons why we need to have this ranking in place. Why are our world universities ranked? Why is it that we know the position that the University of Nairobi is in, in the world ranking? Why is it that we know which university is ranked highly in the country? It is because we want to show how those universities are performing. We also have ranking not only in universities, but also in Ministries. Every year we have performance contracts. We are ranking how Ministries, counties, Members of Parliament and even Constituencies Development Fund (CDF) are performing. That one is not disadvantaging other people. It is showing how far you have gone, how much you have done and how much you have contributed to change the lives of either the students or the people that you are serving.

I think ranking should be there to stay. We know the disparities that we have in different schools, we know that the Government has not made serious efforts to elevate the schools that are in villages so that they can be in good positions to compete with national schools. It is this House which can only stamp their feet to ensure that we have the same resources devolved to those particular schools, we have the same infrastructure in those particular schools in the villages and the same teaching staff in those schools. It is not the business of the Cabinet Secretary to remove the ranking because he feels or some people feel that they cannot compete. It is the business of the Ministry of Education, Science and Technology to ensure that the schools which we have in the villages have the same resources and infrastructure as the national schools.

Another reason why we have this ranking and it has to stay is because of motivation. Competition is healthy. People cannot know which position you are in unless you compare with somebody else. We even rank athletes. We rank countries in football. The reason we do that is because we want to know who is better than the other. Nobody has complained that because you are ranking Manchester United against Arsenal it is wrong or it is disadvantaging the other. Actually, it is making those particular teams to have more fans in those areas and to have serious players. We are ranking schools so that we can know which school is better than the other. Although our friend from Kisumu Central has not taken his son or daughter to a school, that cannot be a reason to remove ranking. I think the major reason why we need to look at it--

The Temporary Deputy Speaker (Hon. Kajwang'): I think that is an obvious reference to the Member for Kisumu Central and I will not allow you now to play with it and because of that, Member for Kisumu Central just feel free that you have been protected.

Hon. Mirenga: Thank you, hon . Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): No, just a minute. I am sure he wants to make a comment.

Hon. Kipyegon: No, hon. Temporary Deputy Speaker. We are on the same league.

Hon. Mirenga: Thank you. I think this matter is now coming up for the second time, which is quite well in order. I wish to state here that my first born will be turning two years in the month of June this year. So, it is not that I do not love education, it is only that at my age obviously I would not have somebody in Class Six or Eight. You know that I support this Motion and I allow the Member to continue,

The Temporary Deputy Speaker (Hon. Kajwang'): It is all right.

Hon. Mirenga: I just wanted to make that clear so that it is not made a point of reference anytime somebody is speaking. Coming from a very remote village school, I passed highly and went to one of the most serious high schools and of course went to the best university.

When my time comes, I will mention something. I feel sad when people keep saying that the most serious university in this region, that is, the University of Nairobi can be compared to other universities within this country. I will come to that at the right time.

The Temporary Deputy Speaker (Hon. Kajwang'): That is confirming what Members have been saying that your first born son has not gone to the schools they are talking about.

Hon. Kipyegon: Hon. Temporary Deputy Speaker, just to end, I would like to say that the reason we are ranking these schools is for motivational reasons and purposes. We want to have a healthy competition, up the performance of the schools, and benchmark between schools. We want to use the performance and ranking to improve our schools. Resources in this country are very scarce. The Government has not seriously put resources in various schools. When you realize that a school is under-performing, it is us who will ensure that the school comes to the same level as other schools. Ranking will also help us identify which particular schools are not doing well and at the same time it is a way of improving the performance of those particular schools.

With regard to rewarding, it is always important to reward one for the good work one has done. The schools we have in this country have been doing well. There are teachers who are doing their work well. There are principals who have been working day and night to ensure that their schools perform well. We cannot intimidate these principals. We cannot call them names and say that these principals are forcing students to cheat in exams. We cannot say that because of competition students are committing suicide. Members of the public commit suicide and it is not because of ranking. We cannot bring excuses that have nothing to do with competition in this particular debate. I support the ranking because I know even the schools in my constituency are not in a good position to compete with us. It is, however, a benchmark for me for it enables me to know where I am.

In conclusion, I would like to congratulate my former school, Maseno High School, for the good results they achieved. It was number three countrywide although the Cabinet Secretary said there was no ranking. We know how they performed.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Last on this list this afternoon will be Member for Matayos.

Hon. Odanga: Thank you, hon. Temporary Deputy Speaker. I support this important Motion that has been moved by hon. Chris Wamalwa. The banning of ranking simply means that the Cabinet Secretary wants to deny Kenyans information yet we know it is our right and power. Kenyans want to know how their institutions are performing. Apart from the irregularities that he cited, the repetition that comes up because of ranking and fees that are levied by certain institutions to the detriment of the parents and students, ranking has its merits which far outweigh the demerits. We wish that the ranking system stays in place.

(Hon. Momanyi crossed the Floor without bowing)

The Temporary Deputy Speaker (Hon. Kajwang’): This Member from Borabu Constituency, I do not even know what you should do. I will hold the proceedings until you do what you must do.

Hon. Odanga: Ranking is a very popular way of measuring performance in Kenya. Kenyans all over would wish that it continues because it has helped them to choose good schools for their children.

Ranking has been a tradition in this country and Kenyans have not said they do not want it. For that matter, Kenyans are being denied participation in the process. The Cabinet Secretary should have involved all the stakeholders, but he never consulted them. He went alone as usual and, therefore, it is a reason enough for us to support ranking so that you are able to know what is happening in our education system.

It also helps schools to compete against each other and, therefore, they are able to improve in their results.

With these and others that have been said, I support.

The Temporary Deputy Speaker (Hon. Kajwang’): The Member for Nyaribari Chache.

Hon. Tong’i: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion. Few of my reasons for supporting the Motion have been said by my colleagues who have spoken ahead of me. However, I will hasten to add a few more which have not been said. In management, we say that “that which cannot be measured cannot be rewarded”. Therefore, we have to get a system of rewarding the principals who have done well. One such way of doing it is to ensure that ranking has been done and done well.

I propose that going forward we should also introduce ranking amongst counties so that they can have a reason to compete amongst themselves. We are having ranking at the national level. We should also have ranking at the county level to ensure that there is fairness and competition amongst the counties. This is because university admission is based on ranking. You are not going to say that: “We come from a marginalised part of Kenya and, therefore, we deserve to be treated in a special way when we are being admitted at the university.” That is not acceptable. Therefore, we must be able to treat Kenyans fairly and equally. To do that, we have to introduce national ranking. That would be the way to reward and ensure that we are getting quality graduates that can compete at the national and international levels.

I also want to hasten and mention something about exam cheating. Without putting proper policies in place we are going to experience a lot of cheating in the name of wanting to excel. Sometimes principals and school managements go out of their way to cheat in exams. I am hurting as a Member of Parliament because Kisii School, which is one of the top schools in this country, is affected. It is affected because of things which can be addressed.

We have the Kenya National Examinations Council (KNEC) which is involved in setting exams, determining when the exams are done, transporting the exams to schools, supervising the exams, marking the exams and ranking schools. How much can one body do? Maybe it is time that we thought of something different so that we can separate the functions of these institutions to ensure there is fairness. You cannot be a judge of your own case where you are setting your own exams, marking yourself and then you say that you have done well. By whose measure have you done well?

One of the recommendations that I want to bring to this Motion is that KNEC should be engaged in one function of the exams and not in everything from setting, transporting, ensuring safety and supervising the exams as well as ranking of schools. What if they make a mistake like they have done on Kisii School? How do we address those concerns? When we want to complain, again we are compelled to complain to them. They are the accused and yet we are going to complain to them on the same accusations that we are making against them. We have schools in Kisii like Nyabururu High School which is also affected. Can we not have a system where we are going to penalise individuals who have committed mistakes? Why punish the entire school? Every child goes to school with an expectation of passing his or her exam. We all know that most of these students come from poor families. Parents or guardians have gone out of their way to look for school fees in very difficult circumstances. When the child has finally done his or her exam, he or she is told that their school has cheated. When does an institution become---

The Temporary Deputy Speaker (Hon. Kajwang’): Order, Member! I think that is the right place to rest your contribution. You will have five minutes on Wednesday.

That is if you are in the Chamber just when the Order will be called. Your balance of five minutes will be there on Wednesday for you.

Hon. Tong'i: Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon Members, this Motion is very popular. As I have said, I order that it be listed on the Order Paper for Wednesday for another 30 minutes for debate, so that as many Members as possible, who are willing to contribute to it, may have a chance.

ADJOURNMENT

Order, Members! The time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.