



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

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## THE HANSARD

Wednesday, 4<sup>th</sup> October 2023

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. Gladys Boss) in the Chair]*

PRAYERS

QUORUM

**Hon. Deputy Speaker:** I direct that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Members, I direct that the Sergeant-at-Arms rings the Quorum Bell for another 10 minutes. Let us try five minutes.

*(The Quorum Bell was rung)*

*[The Deputy Speaker (Hon. Gladys Boss) left the chair]*

*[The Temporary Speaker (Hon. Farah Maalim) took the Chair]*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. We have a quorum now.

*(Loud consultations)*

PAPERS

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

1. Report to Parliament on all new loans contracted by Government of Kenya from 1<sup>st</sup> May 2023 to 31<sup>st</sup> August 2023 from the National Treasury and Economic Planning.
2. Annual Report of the Public Service Commission (PSC) for the Financial Year 2022/2023 from the PSC.
3. Annual Report and Financial Statements for the National Police Service Commission from the National Police Service Commission for the Financial Year 2022/2023.
4. Report on the status of public debt from the National Treasury for September 2023.
5. Report of the National Cohesion and Integration Commission (NCIC) for the Financial Year 2021/2022 from NCIC.

6. Report of the Auditor-General and Financial Statement on Rotary and Vocational Training Centre for the years ended on 30<sup>th</sup> June 2021 and 30<sup>th</sup> June 2022 and certificates therein.
7. Report of the Auditor-General and Financial Statement on the Shogo Vocational Training Centre for the years ended on 30<sup>th</sup> June 2021 and 30<sup>th</sup> June 2022 and certificates therein.
8. Report of the Auditor-General and Financial Statements on Kegoshi Vocational Training Centre for the years ended on 30<sup>th</sup> June 2021 and 30<sup>th</sup> June 2022 and certificates therein.
9. Report of the Auditor-General and Financial Statements on Zewa Technical Training Institute for the years ended on 30<sup>th</sup> June 2021 and 30<sup>th</sup> June 2022 and certificates therein.

Thank you, Hon. Temporary Speaker.

*[The Temporary Speaker (Hon. Farah Maalim) left the Chair]*

*[The Deputy Speaker (Hon. Gladys Boss) took the Chair]*

**Hon. Deputy Speaker:** Next Order.

### QUESTIONS AND STATEMENTS

**Hon. Deputy Speaker:** The Member for Ijara, Hon. Abdi Ali. He was here just now. In fact, he had notified me that he had a Statement, but maybe, we can go to the next person as we wait. Hon. Francis Masara, Member for Suna West, you have a Personal Statement.

### PERSONAL STATEMENT

#### DEMAND FOR APOLOGY FROM HON. KIMANI ICHUNG'WAH

**Hon. Peter Marasa** (Suna West, ODM): Hon. Deputy Speaker, during yesterday afternoon session, the Leader of the Majority Party, Hon. Ichung'wah, in his submission mentioned that Hon. Peter Masara falls into the category of people with mental problems, who vote without knowing. I want to state clearly that I am of sound mind. That is why I have been elected to this House twice. I am the last Mayor of Migori. I have served in various committees of this House, including the Budget and Appropriations Committee (BAC), the Public Accounts Committee (PAC) and Public Investments Committee (PIC). I have held various positions in this country.

In this regard, I want to request this House to order the Leader of the Majority Party, Hon. Ichung'wah, to withdraw the statement and apologise to me and the great people of Suna West because they were adversely affected by the Statement since I am their representative in this House. If I am not of sound mind, then it means they are not being represented well.

We need to be very sensitive about some of the things we say in this House because that way, we are affecting other people's integrity and status in the society.

Thank you, Hon. Deputy Speaker.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Chepkonga? I will come to you, Hon. DK.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you very much, Hon. Deputy Speaker. I rise pursuant to Standing Order 87 on points of order. I sympathise with my very good friend, Hon. Masara.

Hon. Deputy Speaker, the substantive Speaker said that this is a House of candour and banter. You know, some things are said in jest, but if you take it very seriously, this is a House of debate as long as you say anything that is within the Standing Orders. In fact, I have just listened to Hon. Masara and he has not quoted any Standing Order at all. Zero. It is just his feelings.

We do not walk by way of feelings here. We are here for the welfare of society and the just government of the people. It is by way of reasoning and rationale.

**Hon. Members:** Point of order! Point of order!

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Deputy Speaker, if you take the Leader of the Majority Party too seriously... I am on a point of order. They cannot be calling out points of order because I am also on a point of order.

**Hon. Deputy Speaker:** Just hold on. There is a point of order from Hon. Sunkuli.

*(Several Members spoke off the record)*

Allow him. Let me listen to everyone. Hon. Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, JP): Hon. Deputy Speaker, Hon. Chepkonga is the Chairman of my Committee and I respect him very much. But is it in order for him to say that this is a House of banter when in fact it is a House of record? If it goes on record that Hon. Masara is not of sound mind, how are future generations going to know that it was said in jest? Hon. Ichung'wah is not a very entertaining person. He is the Leader of the Majority Party and he says things that carry the weight of the Government. Can that Statement be expunged from the record?

**Hon. Deputy Speaker:** Hon. Chepkonga, you have a minute to finish raising your point of order. I will come to you, Hon. DK and then we will hear Hon. Farah.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you, Hon. Deputy Speaker. The good thing is that Hon. Sunkuli was adding to what I had just said. I can confirm, as a lawyer, that he is of sound mind. The Leader of the Majority Party is an accountant. If you think about it, maybe, Hon. Masara added one plus two and said it equalled five, and then Hon. Ichung'wah thought that he was not of sound mind. The intention was not to say he was not of sound mind, but the maths set he was adding was not correct.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Chepkonga, you seem to be holding brief for the Leader of the Majority Party. I do not think he has instructed you to be his advocate in this case.

*(Hon. Farah Maalim spoke off the record)*

I will come to you. There is already a point of order from Hon. David Kiplagat, the Member for Soy.

**Hon. David Kiplagat** (Soy, UDA): Thank you, Hon. Deputy Speaker. I rise on a point of order following the Statement by Hon. Masara. My point is simple. If there was anything that was said, it was yesterday. I do not know whether the Member had not processed it then, and whether he only thought about it when he went to sleep. Since the matter is now like water under the bridge, the only thing that Hon. Member can do is, maybe, give a notice of Motion of Adjournment for this House to discuss the matter of whether he is of sound mind, or to apply

officially under the Order Paper that we have a Statement that he wants to make. For him to come and raise a point of order in a Motion that has already passed is itself out of order.

**Hon. Deputy Speaker:** Hon. David Kiplagat, the Member for Suna West, Hon. Masara, made an oral Statement to the House in response to what transpired yesterday. He is in order to so. Just hold on. Hon. Farah Maalim, Member for Dadaab.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Deputy Speaker, the rules are very clear. The Hon. Speaker said, “Candour and banter.” Candour is related to the word ‘candid.’ Bantering is good humour, jokes and exchange.

*(Hon. Samwel Chepkonga spoke off the record)*

**Hon. Deputy Speaker:** Hon. Chepkonga, you have had your opportunity to speak. Please, allow Hon. Farah Maalim to also speak.

**Hon. Farah Maalim** (Dadaab, WDM): The rules are very clear. The rules say that you cannot impute improper motive on a Member of Parliament without moving a substantive Motion. It is very clear. If you had stood on a point of order immediately and sought redress, the Leader of the Majority Party would have been told to withdraw his remarks. Now that this is in hindsight, we just have to observe that. You cannot say you are a fool or you do not know anything. You cannot impute improper motive on a fellow Member of Parliament without moving a substantive Motion.

Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Farah. Hon. Members, to put this matter to a close, I want to bring your attention to Standing Order 87(1), which says:

“Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the House shall be referred to adversely, except upon a specific substantive Motion of which at least three days’ notice has been given.”

This Standing Order goes on to say, in paragraph (4), that no Member shall impute improper motive to any other Member or to a Senator except upon a specific substantive Motion of which at least three days’ notice has been given, calling in question the conduct of that Member or Senator.

I will skip paragraphs (5) and (6) and move on to Standing Order 88 on retraction of remarks and apologies. Standing Order 88 says that a Member who has used exceptionable words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct.

Hon. Members, it is my finding that the words that imputed mental incapacity or mental unwellness on the part of Francis Masara were out of order. We shall wait for the Member concerned to give an apology at the time when he will be in the House. In any case, that particular part of the Hansard should be expunged from the Hansard record.

*(Applause)*

Thank you, Hon. Members. Let us now proceed. Under Order No.7, we shall have the Member for Ijara. He is back. Member for Ijara, Hon. Abdi Ali, you have a General Statement to make.

## GENERAL STATEMENT

### DISAPPEARANCE OF THREE PERSONS FROM IJARA, SANGAILU AND BODAHI

**Hon. Abdi Ali Abdi** (Ijara, NAP-K): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 43(1), I rise to make a Statement on the disappearance of three persons from Ijara Constituency.

On 15<sup>th</sup> September 2023, Mr. Abdi Mohamed Abdi of ID No.39304504 was abducted by unknown persons while herding his cattle in Boni Forest. One week after that incident, Mr. Ahmed Abdi Ahmed of ID No.35411319 was also abducted from his house in Bula Gora Village in Ijara Ward, Ijara Constituency. Similarly, on 23<sup>rd</sup> September 2023, Mr. Abdi Jibril Dagane of ID No.26853446 was abducted at Bargoan Village in the outcasts of Bodhai Sub-County while looking after his cattle.

The three are persons of high stature within the community, being renowned businessmen. Efforts to trace their whereabouts have not borne any fruits and the families believe that the three were abducted by persons alleged to be security agents.

I call upon the Government, specifically the Ministry of Interior and Coordination of National Government and the Inspector-General of Police to immediately undertake the necessary investigations and ensure that the said persons are located and reunited with their families.

**Hon. Deputy Speaker:** Thank you. Do we have Members who would like to say something on the Statement?

*(An Member stood in his place)*

Hon. Member on your feet, I cannot see you. It is not you, Hon. Kangogo.

**Hon. Dekow Mohamed** (Garissa Township, UDA): Thank you, Hon. Deputy Speaker for giving me this opportunity. I want to bring to the attention of the House that, maybe, most Members from other parts of the country do not appreciate the magnitude of the Statement given by Hon. Abdi Ali from Ijara and last week's Statement by Hon. Yakub from Bura Constituency. The issues raised by the two Members are very rampant in our area. We are facing a very difficult situation. We are targets of *Al-Shabaab*, who are now terrorising our communities in the region. It also looks like the police have also turned into terrorists. We are intimidated and we feel that the footprints of these abductions squarely lie with the security agencies in the area. We have too many units of security forces with different names operating in that region. We do not know who to address on the ground.

I am asking this House and the Ministry of Interior and Coordination of National Government to take this matter seriously. We are being forced, as a community or a region... In the situation we are in, we do not know whether to side with the other side, the Government or our people. During the last election campaigns, the President was very clear on the issue of extra-judicial killings and abduction of people from their houses. We were promised that this will be stopped. The pain that such families feel over the years still continues. It seems that this problem is coming back. I ask the House and the Ministry of Interior and Coordination of National Government to take this matter very seriously.

**Hon. Deputy Speaker:** Let us have Hon. Farah and then we will come to you, Hon. Atandi. I have seen you.

**Hon. Farah Maalim** (Dadaab, WDM): Thank you, Hon. Deputy Speaker. I join my two colleagues from Garissa County, Hon. Abdi Ali and Hon. Major (Rtd.) Dekow. In the last

10 years of the Jubilee Government, over 1,200 elderly women, youths and mature men have been abducted in this country and we do not know where they are. One of the very first pronouncements that the President made when he was elected into office was that there would never be any more abductions of Kenyans, and that we would stick to the law and any suspect would be dealt with through the legal process. It was a good and welcome Statement. We enjoyed that relatively well. However, in the last couple of weeks, that problem has come back again. To some extent, the people who are fighting the *Al-Shabaab*... I know of a man who has created a militia in my constituency to fight the *Al-Shabaab*. He has been told by the police to go and record a statement with them. I am wondering whether our security machinery is working with the *Al-Shabaab* or they are working against the *Al-Shabaab*. The Government must take this matter very serious. We cannot be pretending to fight the terrorist there when we are aiding the terrorists and fighting the people who are fighting the terrorists. So, the Government, through the Cabinet Secretary for Interior and Coordination of National Government, needs to sit down with us and make sure they are doing the right things. We know how to deal with them.

In my constituency, there is no single *Al-Shabaab* because I have a militia there that takes care of them and kills them every day. I do not need the security machinery because the conventional Government security machinery has not dealt with *Al-Shabaab*. They cannot chase them on foot. Now that we are doing that by ourselves, we need to be given all the assistance by the Government. We have accepted that we will take this challenge ourselves by moving there and making sure that we eliminate these people. The Government has to support us. It does not have to support the other side.

**Hon. Deputy Speaker:** Let us listen to Hon. Atandi and then I will come to you, Hon. Kangogo. I can see all of you.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Deputy Speaker. Allow me to join my colleagues from the north-eastern region, who have raised this issue of insecurity in their areas where Kenyans have been kidnapped and they cannot be traced.

Hon. Deputy Speaker, recently, I heard the Cabinet Secretary for Defence claiming that he was going to do everything within his ability to ensure that the menace of *Al-Shabaab* is cleared. We are really failing as a country. The fact is that the question of homeland security in our country is something that we have not addressed properly as Government. To date, these issues are everywhere.

Other than the *Al-Shabaab* question, there are insecurity issues across the country. In my constituency, thugs and robbers are roaming around. I was surprised when our President said that he was willing to go to Haiti to help. We urge this Government to be serious and focused. You cannot claim that you want to go to Haiti to address insecurity issues there yet people are being kidnapped in your own country, and thugs are roaming all over. You cannot even handle them. Let us be a Government that is going to be very serious and address our own challenges. This is the moment I need to air my views on the Haiti issue. I know it will come here. However, I know this Government is fond of making obvious mistakes. This Government does not even listen. They just wake up one morning and make pronouncements that have no basis.

In line with the challenges we are facing as a country, the Haiti issue needs tackling.

**Hon. Deputy Speaker:** Hon. Atandi, you are contravening Standing Order 85. You are anticipating debate on a matter that is yet to come to the House. Just proceed along the line we are discussing.

**Hon. Samuel Atandi** (Alego Usonga, ODM): I am just discussing something that is of national interest, which is being discussed across the country. It is something Kenyans are discussing and wondering about.

**Hon. Deputy Speaker:** You can bring a specific Motion or Statement relating to that matter. You have the opportunity to follow up on the Statement of Hon. Member for Ijara.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Okay. Let me conclude by saying that the Government of the day needs to wake up and do things that will serve Kenyans, especially in the area of security. We do not want to hear issues of Kenyans being kidnapped while the cabinet secretaries are sleeping in their offices and the President is roaming around the world, touring and making speeches, some of which have no basis or any relevance to the people of Kenya.

I support.

*(Loud consultations)*

**Hon. Ferdinand Wanyonyi** (Kwanza, Ford-K): On a point of order.

**Hon. Deputy Speaker:** What is your point of order, Hon. Ferdinand, Member for Kwanza?

**Hon. Ferdinand Wanyonyi** (Kwanza, Ford-K): Hon. Deputy Speaker, let us be a bit conscious. I think the point raised by our friend from Ijara Constituency is more important. He wants us to talk about what is happening in that area rather than bring in the issue of Haiti. Hon. Atandi is completely out of order. We should not allow this kind of thing. We will talk about the Haiti matter that everybody is talking about later.

We are talking about a situation in which three people have been abducted. That means we should do something about it and ask the police to do something about the abduction of innocent people. If it is the police, we talk about the police and specify the area. What has somebody in charge of that area done? Bringing in Haiti and talking about the President doing nothing about it is not bearable. I cannot be sitting here listening to people talking about things that are not applicable here. Can he withdraw what he has just said about the President and what the Government is doing about Haiti? We are not talking about that. He has not finished. He should withdraw.

**Hon. Deputy Speaker:** Hon. Kangogo.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Deputy Speaker, for giving me an opportunity to support my good friend from Ijara on the issue of disappearance of three of his constituents.

Our security in the country has been a serious issue. Our security officers have become more reactive than proactive. Whenever there is an issue of insecurity in an area, police officers go there afterwards. They react in different ways, including abducting people. Sometimes they get the wrong people. Sometimes they even go and drive away livestock, like what they did in my constituency. They drove away livestock that belonged to innocent people. Generally, insecurity is a big problem in the country. It cuts across counties all the way from the northern Kenya region to the Rift Valley Region. We want our security officers, including the National Intelligence Service (NIS), to get their information right, especially when it comes to security. Sometimes you find that innocent people are victimised and killed yet criminals are left roaming out there.

As we speak, many Kenya Defence Forces' (KDF) camps have been set up in the Kerio Valley. There are many in the north eastern region. However, their impact is very little. They wait until the *Al-Shabaab* attack and then they follow their footsteps. They follow them to a certain village and abduct innocent people. Where were they when the criminals were planning the attacks? Where was the NIS and other security agencies? We want every Kenyan to account for their deeds and actions. If you are found to be a criminal, you should be taken to court and be prosecuted. People should not just disappear when we cannot tell for sure whether one is a criminal or not.



The other issue I want to speak about is that I lost a number of people in the Kerio Valley. They were abducted. Some of them were found dead in river beds while others were thrown in forests within West Pokot County in the name of criminals or bandits. Sometimes you find that they were just innocent people. We want to see a functioning security system in Kenya, manned by people who adhere to the rule of law. We cannot just have our security officers and senior Government officers going somewhere with all the media houses to hold press conferences and then come back to Nairobi in the afternoon while the same insecurity continues in those areas. We want to see a serious functioning national security system.

I support my colleague, Hon. Abdi.

**Hon. Deputy Speaker:** Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Deputy Speaker, for giving me an opportunity to support my colleagues on this issue. In his Statement, he mentioned that people were picked up while herding their livestock. It is systematic. It is happening on a continuous basis. There does not seem to be an end to this practice.

We remember with nostalgia when we used to have a working Criminal Investigation Department (CID) in this country. People could not do anything anywhere and get away with it. I remember a time when people could not even write anything in their houses. It is the time of seditious publications. We need an organised police force. The police need to do their work. They need to get people everywhere. If the problem is that the National Police Service does not have enough personnel, we need to think of arming some civilians to help them.

There used to be Kenya Police Reservists (KPRs) even in towns, including the City of Nairobi. I remember Mr. Patrick Shaw used to shoot dead criminals in this town. Several other police reservists hunted down and killed criminals who had established gangs in certain corners of Kenya. There are criminals who have camped in a certain corner of this country, and there is no guarantee that they will not go to other parts of the country. There is no one who is safe. If they can abduct somebody from Boni Forest, tomorrow they will abduct somebody from Lamu Town itself. The next day, they will abduct somebody from Kitui. Then they will come to Nairobi and do the same everywhere in the country. They must be stopped. To stop them, we must see seriousness in the function of the police and the security system. The issue of having National Police Reservists needs to be looked into because local communities know exactly what happens in their local areas. Sometimes they have insights, but they do not have the means to contain the criminals. There is need for us to think about engaging the local communities in an effort to contain insecurity in the affected areas. I want to reflect on my own constituency of Tigania West, which borders Isiolo County. We have had issues of insecurity for a very long time. We have requested the Government to increase the number of NPRs. The Government has given us only 10 NPRs. We need about 40. If we have 40 NPRs against 400 people, each NPR can contain 10 people. If we cannot have armed police taking care of this country, let us arm civilians and we will sort out the problem.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Member for Mount Elgon, Hon. Kapondi, is next. Hon. Members, keep your comments brief. I know this matter concerns many constituencies. Let us make brief comments so that many Members can have a chance to speak.

**Hon. Fred Kapondi** (Mt. Elgon, UDA): Thank you, Hon. Deputy Speaker, for this opportunity to add my voice to what my colleague from Ijara has raised. I think we need to relook our strategy for tackling insecurity around that area. For instance, the Boni Forest case has become an endless story to an extent that whatever is currently happening there is a forgotten case. Let us bear in mind the fact that for the first time in the history of this country, the security sector is in the hands of local boys from the north eastern region. It is time for the leadership of that area to sit down and come up with strategies for eradicating this problem once and for all.

There is the issue that my senior, Hon. Farah, has raised. Adding organised militia can also assist organised locals because the area is vast. You cannot overwhelmingly depend on the security services on the ground to sort out the mess. You may be surprised that in a majority of the cases, security agencies also contribute to the problem. I have been raising some of these issues in Committee meetings. The security personnel posted to some of these areas are facing disciplinary action. If someone with a disciplinary case or who has a problem with alcoholism is posted to these areas, what kind of security are they going to provide? They will obviously be part of the problem. We need an urgent solution to prevent this problem from recurring every now and then. We should not be seated here lamenting instead of providing solutions. I would suggest, in the affirmative, that when disappearances happen in rural areas, that is a signal of failure on the part of security to sort out the mess. We, therefore, need to do something urgently. Colleagues from the north eastern part of Kenya need to take advantage of the Government initiatives for locals to be in the forefront of leading the security sector in this country. We should stop lamenting and find solutions to put this thing in the back burner.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon Members, before we proceed, allow me to recognise the presence of students. In the Public Gallery, we have students from Kwothithu Secondary School from Kilome Constituency, Makueni County; Little Stars Academy from Embakasi West Constituency, Nairobi County; Delight Kids Centre Primary School from Embakasi West Constituency, Nairobi County; and Westlands Primary School from Westlands Constituency, Nairobi County.

On my own behalf and that of the National Assembly, I welcome the teachers and students of those schools to the National Assembly.

Next is Hon. George Murugara.

**Hon. George Murugara (Tharaka, UDA):** Thank you, Hon. Deputy Speaker. I rise to support the Statement made by the Member for Ijara in regard to the disappearance of the three constituents due to insecurity, not just in that area, but also the greater part of northern Kenya and north-eastern Kenya. This problem has been persistent and it is high time a solution was found. We cannot live in a country where certain areas, especially the northern parts of Kenya, are insecure while we have some of the best security forces who are very well trained, professional and available.

Some people somewhere are not doing their work. That is why you hear Members trying to drag in the name of His Excellency the President, which is actually improper. It is because of the work that he has done that he earned that recognition, including the plea being made to him to assist the country of Haiti. This is not unusual. It happens even in other areas of the country, including in my own constituency. About a month ago, some three traders from Tharaka Constituency undertook a journey to Kinna in Isiolo for livestock business. Along the way, they were kidnapped, robbed and murdered. Their bodies were discovered two days later and we are to bury them this coming Saturday. Up to today, the only news we have for the people of Tharaka is that investigations are ongoing. This is not good enough. To the police, NIS, DCI and everyone, this is not sufficient. It is high time we went back to where we used to be when we could not even cough. The then Special Branch, which was responsible for security intelligence gathering, would get you from underneath your bed. That is where we should be. We cannot be waking up to crime after crime when we have top-notch security agencies with well trained personnel. Some are taken to Israel, Europe and USA for training, and they come back ripe for the job. Soon after that, there are abductions, theft, and loss of lives in unexplained circumstances. It is high time we put a stop to this and had complete investigations. Let us also not hinge on statements that the security agencies were aware.

I support.

**Hon. Deputy Speaker:** Member for Marsabit, Hon. Naomi Waqo. I will come to you, Member for Homa Bay Town.

**Hon. Naomi Waqo** (Garissa County, UDA): Thank you, Hon. Deputy Speaker, for giving me an opportunity to support this very important Statement by Hon. Abdi Ali, the Member for Ijara, regarding the disappearance of three male adults. This is something that is very common for many of us who come from the northern and north-eastern parts of Kenya. The people of Marsabit and the northern parts of Kenya feel that the lives of wild animals are more important than those of human beings. That is why the disappearance of these three male adults is not taken seriously. The families are going through a lot of anguish, not knowing whether their loved ones are alive or not. We sometimes feel that the attention that security agencies are giving is not worth the lives of these people. Insecurity in northern Kenya has been there for many years. When you report, the procedures you have to go through take a lot of time even for security agencies to acknowledge that something serious has happened. I do not know whether it is their way of responding to distress calls or any report that they get. It is as if whoever is reporting is not given any attention. That is why I feel that the Police Service needs to be reformed completely. Now that we are digitising everything, especially from those areas, can we propose that they digitise the functions in places where somebody somewhere is suffering and their life is in danger? They need to act quickly to either save a life or so that the people who are affected can feel that, at least, they have received attention of the Government.

Three or four years ago, some people from Marsabit were abducted in Nairobi. We followed the issue until after Elections. Up to date, we do not know whether those people are alive or not. When the families, the children and the neighbors remember that, and it is something they keep remembering, they call us as leaders and we have no answers. I am sure even *Mheshimiwa* and all the others who are from that area are going through the same stress. That is why today, we need to demand protection of every life in this country. It does not matter where you come from, who you are, and what you are doing. To protect people's lives is the priority and should be the responsibility of our Government.

In my county, especially in Saku Constituency, people cannot do business anymore because during the night, the town or the village is taken over by others. They can loot or drive away your animals while you are watching. They can also get into your house and kill you, or come to your shop and you cannot say anything. When you report, it is only after six or seven hours that the police come and start investigations. By that time, you have lost everything. You have lost a life and even that person has already died and been buried. That is why we feel that the loss of innocent lives through bullets or through disappearance has become the order of the day. We need to overcome this.

For those of us who come from the northern part of Kenya, some time back we used to say that it is when you get to Isiolo that you feel that you have seen Kenya. This killing and the disappearance of our people happening makes us feel that we are not yet fully adopted or accepted as Kenyans.

Hon. Deputy Speaker, I support this and it is my prayer that these people will be traced and their families updated. Thank you.

**Hon. Deputy Speaker:** Hon. Member for Homa Bay Town, Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you very much, Hon. Deputy Speaker, for the opportunity to add my voice to this matter.

Hon. Deputy Speaker, May I first join you and the House in welcoming the students and pupils who have come from across the country to observe the proceedings and maybe in pride, indicate to them that the presiding Speaker today was my teacher at the Law School. So, it is just in order that you have also come with your teachers. We are praying for you and we are looking forward to a time when your teachers will be on the seat of the Speaker and possibly several of the pupils and students present here today will be speaking, granted permission by

their teachers, the way you have, Hon. Deputy Speaker. I am saying this in jest because it is the first time that I am confirming that the Hon. Deputy Speaker taught me. Hon. Naomi Waqo does not know that.

*(Laughter)*

It is a pleasurable thing when we have teachers and students also in this House.

I have served in the Departmental Committee on Administration and Internal Affairs of the National Assembly for the past 10 years. In that period, I have toured all these disturbed parts of our country from North Eastern, to Ijara, to Boni Forest and all those places. I thank the Member who has brought this matter to the House by way of a Statement, for bringing it up. To lose a life is a very serious and painful matter because the first duty of any State is to protect the lives of its citizens. To lose three cannot be any less serious. I am confirming that it is not only the three. In my tour of duty in the areas being spoken about, Kenyans wake up not knowing whether they will return home alive in the evening. Kenyans bid their children goodbye in the morning, not knowing whether they will hug them again in the evening. You hear Members blaming it on the police and other services. I think the time has come for us to be much more serious. There is a very big problem with the management of security in Boni Forest and other places.

Hon. Deputy Speaker, when I toured these disturbed areas, I met the police officers. The police officers who are assigned duty in these operation zones are forgotten once they go there. I met officers who were posted to these areas and have stayed there for 20, 23 up to 27 years from the time of recruitment. They are not being moved back to some other places. These police officers are not being promoted. These police officers are not being rewarded. These police officers do not have equipment. These are areas which are infested with a lot of improvised explosive devices. You can imagine a person is crying that they are under attack and you are being required as a police officer to go in ordinary vehicles to rescue them. You have seen these officers being blown up as they are going to help every time. Let us give these officers equipment. Let us facilitate them. Let us treat them as other Kenyans, and then let us bolster the security in those areas. It is very painful. When you want to know a senior police officer in Nairobi, you look at their waist line. We have police officers with over 56 to 70 inches on their waistline. They are too big in the middle than the rest of the body. They are the officers being promoted every day, wives of people, relatives of people, while other officers serving the country are rejected outside there. I want to ask that this matter returns to the House in a better form where it can be discussed in depth and serious solutions be preferred around those areas.

Boni Forest is a very small place. Why do we not have enough police officers there, even if they are walking on foot, to clear the so-called al Shabab at once instead of watching as people are being butchered like goats and other animals, the way we watch every day? Police officers are idling here. Why do we not have Kenya Defence Force (KDF) officers romp this place we call Boni Forest, and within one week have our security apparatus, then we clear this area and shield it from external aggressions in the future? Strategies can be applied. I pray that the Member pursues this thing. Let us have a Motion or a form of proceedings before the House over this matter on which we can give resolutions which can be actionable.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I know because it is an emotive issue and it touches on your constituents, I exercised my discretion to allow you to speak at length on this point. This is a matter Members can also raise with the Cabinet Secretary for Interior and National Administration. Also, I just want to bring your attention to our Standing Order 43, Members' general statements.

Notwithstanding Standing Order 30 (*Hours of Meeting*), the Speaker shall interrupt the Business of the House every Tuesday at 6.30 p.m. to facilitate Members to make general statements of topical concern. A Member who wishes to seek leave to raise a matter under this Standing Order shall, before 3.00 p.m. on the day of the statement to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the request unless satisfied that the matter may properly be discussed in the House. No Member making a statement under this Standing Order shall speak for more than three minutes unless with permission of the Speaker.

Then it goes in Standing Order 44 to talk about Statement Hours. I know because it is an emotive issue, we have ventilated a bit on it, but we shall leave it for the next Tuesday. I know next Tuesday is a public holiday, but the Tuesday following that, I encourage Members to bring it because I know there is another similar Statement that is awaiting approval of the Speaker. So, let us hope that we can do it on a Tuesday.

For now, let us just move to the next Order. I hope Hon. Yakub stands advised.

## QUESTIONS AND STATEMENTS

### ORDINARY QUESTIONS

**Hon. Deputy Speaker:** Do we have any Questions? Who are the owners of the Questions? I can see on the list we have Ordinary Questions. Member for Matuga, Hon. Kassim Tandaza, proceed. He is not in the House. The Member for Bahati, Hon. Irene Mrembo, you may proceed

*Question 371/2023*

#### STEPS TO ADDRESS CASE BACKLOG IN JUDICIARY

*(Question deferred)*

*Question 437/2023*

#### CRITERIA FOR DISQUALIFICATION FOR JUNIOR SECONDARY SCHOOL INTERNSHIP POSITIONS

**Hon. Irene Njoki** (Bahati, JP): Hon. Deputy Speaker, I rise to ask the following Question directed to the Teachers Service Commission (TSC).

Could the Commission —

- (a) clarify whether not being a ‘bona fide local’ of a county was one of the criterion for disqualification from being recruited for Junior Secondary School internship positions in the county?
- (b) enumerate the parameters, if any, used to classify an applicant as a local or non-local of a particular area for purposes of being employed in that area?
- (c) explain why Ms. Ednah Minozi Nzioka of ID No. 22445112 and TSC No. 998705, a resident of Bahati Constituency was turned away during interviews for Junior Secondary School internship position at Kiamaina Primary School in Bahati Constituency on 1<sup>st</sup> August 2023?

- (d) explain the administrative measures it has put in place to ensure that recruitment of Junior Secondary School interns is transparent and free of any form discrimination?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. This will be replied before the Departmental Committee on Education. Next Question is by the Member for Moiben, Hon. (Prof) Phyllis Bartoo. She is not present. The next Question is by the Member for Homa Bay Town, Hon. Peter Kaluma.

*Question 440/2023*

MEASURES TO ADDRESS CORRUPTION WITHIN TSC  
PENSION DEPARTMENT

*(Question deferred)*

*Question 451/2023*

TRANSFER AND PROMOTION POLICIES FOR OFFICERS  
IN OPERATION AND HARDSHIP AREAS

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Deputy Speaker, I beg to ask the following Question directed to the National Police Service Commission.

Could the Commission—

- (a) explain the transfer policy for officers in the National Police Service, more so with regard to officers deployed in operation or hardship areas?
- (b) explain the promotion policy in the National Police Service, particularly with regard to officers deployed to serve in hardship and operation areas?
- (c) state the measures regarding transfer and promotion of officers who have served in operation and hardship areas for over three years?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** That will be replied before the Departmental Committee on Administration and Internal Affairs. Next question is by Member for Bomachoge Borabu Hon. (Eng) Obadiah Nolfason.

*Question 452/2023*

UNLAWFUL DISMISSAL OF MR JAPHET  
MOCHAMA MAUTI FROM NPSC

**Hon. Nolfason Barongo** (Bomachoge Borabu): Hon. Deputy Speaker, I would like to ask the following Question directed to the National Police Service Commission.

Could the Commission —

- (a) explain the circumstances under which the National Police Service Commission terminated the services of Mr. Japhet Mochama Mauti, Force No.90638, with effect from 21<sup>st</sup> November 2016?
- (b) explain why the National Police Service Commission is yet to reinstate Mr. Mauti after the High Court acquitted him on 25<sup>th</sup> July 2019 for all

charges trumped up against him, including alleged possession of 720 rounds of ammunition and five litres of rifle oil?

- (c) state the action the Commission has taken to reinstate Mr. Japhet Mochama Mauti to the National Police Service and compensate him for the seven years of joblessness that he has endured following the unlawful dismissal in 2019?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. The Question will be replied before the Departmental Committee on Administration and Internal Affairs. Thank you, Hon. Obadiah. Next Order.

## BILLS

### *First Readings*

THE NATIONAL TRANSPORT AND SAFETY AUTHORITY BILL  
(National Assembly Bill No.36 of 2023)

THE LAND CONTROL BILL  
(National Assembly Bill No.39 of 2023)

*(The Bills were read a First Time  
and referred to relevant Committees)*

## MOTION

REVIEW OF SCOPE OF EDUCATION BURSARY  
SCHEME UNDER NG-CDF AND CAPITATION FOR  
LEARNERS

**Hon. Deputy Speaker:** Let us have the Mover, Hon. Edward Muriu.

**Hon. Wakili Muriu** (Gatanga, UDA): Thank you, Hon. Deputy Speaker, for the opportunity to move this Motion before the House. Before I move, allow me to correct Hon. Kaluma, who is very proud of you, because you taught him at the University of Nairobi. Let him know that we schooled together at the University of Nairobi, so, when talking about his teachers, he should also recognise me as one of them. Thank you.

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

THAT, aware that Article 43(1)(f) of the Constitution as read together with Article 53(1)(b) entitles every child to free quality and compulsory basic education; cognisant of the fact that, access to funding for education immensely contributes to the realisation of universal access to basic education in the country; appreciating that, Section 48 of the National Government Constituency Development Fund (NG-CDF) Act, 2015 establishes education bursary schemes for every constituency towards access to basic education; noting that Section 48A of the NG-CDF Act further allows for affirmative action mechanisms of allocating additional funds to cater for education bursary schemes and other teaching and learning related activities; concerned that, the NG-CDF Act caps allocation to bursary schemes under the Fund at not more than 35 per cent of total constituency allocation in a financial year, thereby limiting the number of cases that may be supported to access basic education; further concerned that the NG-CDF Board

has only been approving bursary support for secondary and tertiary education and not primary schools and the recently created junior secondary schools; cognisant of the fact that failing to extend bursaries to primary and junior secondary schools on the assumption that the two levels of education are 'free' is a misnomer since the Government's capitation per pupil is inadequate to cater for the mandatory materials required for Competency Based Curriculum (CBC), thereby affecting pupils whose parents are unable to meet the attendant costs; deeply concerned that, continued exclusion of allocation of bursary to Primary and Junior Secondary Schools violates the provisions of Article 27 of the Constitution and slows down attainment of universal basic education in Kenya; now therefore, this House resolves that:

- (i) the education bursary schemes under Section 48 of the National Government Constituency Development Fund (NG-CDF) Act, 2015 be extended to support learners in primary and junior secondary schools to cater for the Competency Based Curriculum requirements;
- (ii) pursuant to Section 48A of National Government Constituency Development Fund Act, 2015, the NG-CDF Board in each constituency approves additional allocation to the education bursary scheme in order to support teaching and learning related activities associated with the CBC education including School Feeding Programmes; and,
- (iii) the Government revises the capitation per student in primary schools from the current Ksh1,420 per year to, at least, Ksh7,760, being the minimum optimal capitation factoring the new CBC education system and the prevailing high cost of living.

Hon. Deputy Speaker, this is more of a moral issue than a constitutional one. Article 27(1) of the Constitution clearly states:

"27(1) Every person is equal before the law and has a right to equal protection and equal benefits."

Article 27(2) states:

"27(2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms."

Article 43(1)(c) of the Constitution of Kenya is on economic and social rights and it clearly states:

"43(1) Every person has the right –

(c) to be free from hunger, and to have adequate food of acceptable quality."

Articles 53(1)(b) and (c) talk more about children's rights. They state:

"53(1) Every child has the right –

(b) to free and compulsory basic education;

(c) to basic nutrition, shelter and health care;"

The Motion before you not only addresses the issue of basic education as provided for by Article 53(1)(b) of the Constitution, but also Article 53(1)(c) which provides that every child in this country is entitled to basic nutrition.

We allocated Ksh620 billion in this year's budget to improve the quality of education. However, that budget did not touch on the quality or provision of nutrition for our children, which goes hand-in-hand with basic education. Therefore, the Motion seeks to move the Ministry of Education to provide adequate capitation for primary and junior secondary schools because the current capitation was revised in 2015. When the new curriculum was



implemented, that capitation was not revised. That is why it remains at Ksh1,420 per child instead of Ksh7,760 per child.

Section 48A of the National Government Constituencies Development Fund (NG-CDF) Act, 2015 provides that the amount capitated for bursaries is only 35 per cent, which is not adequate to cater for secondary schools, Technical and Vocational Education and Training (TVETs) institutions, universities, and colleges. The NG-CDF Board has only been approving bursaries for secondary and tertiary education institutions under Article 27 of the Constitution and leaving out primary school pupils. That is discrimination. You cannot provide for some students and fail to provide for others.

The second issue is the moral aspect. Bursaries provided for secondary schools and universities support their feeding programmes because education is already supported by the capitation. Here is the moral issue. Students in secondary schools, universities and tertiary institutions are well-fed whereas students in primary schools are left out. As a mother, how can you feed an adult and leave out a child who has just stopped breastfeeding?

Therefore, I move this Motion to urge the NG-CDF Board to comply with Section 48A of the NG-CDF Act to provide bursaries to support feeding programmes in our primary schools. I request Hon. Aden Daudi, Member of Parliament for Wajir West, to second the Motion.

**Hon. Deputy Speaker:** Proceed.

**Hon. Aden Mohammed** (Wajir East, JP): Thank you, Hon. Deputy Speaker. Hon. Wakili, I am from Wajir East. That is okay. You got the Wajir part right.

I rise to second this great and timely Motion. It has two objectives which are in line with Article 53 of our Constitution. One objective is to increase capitation for primary and junior secondary schools, and the second one is to breathe life to Article 53 of the Constitution.

In terms of increasing capitation for primary and junior secondary schools, this country has adopted a new curriculum called the CBC. It is very intense, practical, and requires a lot of time and resources for students to learn. It also requires very consistent and continuous assessment of our children. It has now fallen to parents and not the national Government to fund the curriculum as envisaged under Article 53 of our Constitution. As eloquently said by the Mover of the Motion, Article 53(1)(b) states that every child has the right to free and compulsory education. It is compulsory for our children to go to school. Schools should provide free education. However, if the capitation that was approved in 2015 is inadequate to provide for the CBC, there will be no free education. Therefore, this Motion has come at the right time to emphasise compulsory and free education.

The second objective of this Motion is to breathe life to Article 53 of the Constitution, which not only talks about compulsory free basic education, but also compulsory basic nutrition. According to this Article, basic nutrition is providing food for our children. A hungry child will not learn.

*(Applause)*

It is important to note that food can only be given if the capitation is increased. It is unfortunate that this House passed a Ksh630 billion budget for the Ministry of Education, but that money has not even been released to our schools. Many schools across the country have not even received that very meagre capitation that we approved in 2015, and one wonders why we give this huge budget to the Ministry of Education.

Every child has a right to free and compulsory basic education. However, in parts of this country, other than the lack of resources, there is lack of teachers and it is not because we have not approved the hiring of teachers. In the last budget, we approved the hiring of 30,000 teachers, but because of bureaucracy and bureaucrats who think they are bigger than the Constitution of this country, that has not happened.

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There is a monster called the Teachers Service Commission (TSC) that we created as one of our Chapter 15 commissions. I hope and pray that this House and the people of Kenya will take TSC back to the Ministry of Education as a statutory commission and not as a constitutional one. The TSC does not even take orders from the Ministry of Education. It is the Cabinet Secretary who comes to Parliament to request for the budget, but once we give that budget to the Ministry, the Cabinet Secretary cannot even order for transfer of a teacher who has done something wrong.

Hon. Deputy Speaker, this Motion has come at the right time. It is a Motion that will give the right to basic education to our children. It will also take care of the nutritional needs of our children when they are in school. For that reason, I support this Motion and hope that other Members of this House will also support it.

Thank you, Hon. Deputy Speaker.

**Hon. Members:** I second!

**Hon. Wakili Muriu** (Gatanga, UDA): I second and support. Sorry.

**Hon. Deputy Speaker:** Thank you. Hon. Members, before I propose the Question, I wish to recognise the presence of St. Teresa's Secondary School from Gatanga Constituency, Murang'a County, seated in the Public Gallery. On my own behalf and that of the National Assembly, I wish to welcome all the teachers and students of St. Teresa's to the National assembly.

Thank you.

*(Question proposed)*

Hon. Members, if you would like to contribute to this Motion, please press the intervention button. I can see the Member for Gilgil, Hon. Martha Wangari, Hon. Ferdinand Wanyonyi and Hon. Dorothy Ikiara. So, after Hon. Wangari, we can have Hon. Dorothy Ikiara and then move on like that.

Thank you. Proceed, Hon. Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Deputy Speaker. From the onset, allow me to congratulate Hon. Muriu of Gatanga for bringing this very important issue on the Floor of the House. For the first time, we have seen children in primary schools being sent home for fees. It has never happened. While walking in the streets, you will find a child and ask them why they are not in school, and they will tell you they have been sent home for small amounts of money from their primary schools. You can see that we have a big problem. Initially, the junior secondary school (JSS) was structured to go to secondary schools. If it went to secondary schools, they would have been given proper capitation as it is in the normal secondary schools. But today, 11-year-old children are in the streets and not going to school because they cannot afford Ksh3,000 or Ksh4,000 that is being asked to provide food and other necessities in the school. This means that we are joking with a very serious issue and precipitating a crisis in our country. We are talking of 11- or 12-year olds who are not able to access education and this is driving children, especially girls, to early marriages, pregnancies and defilement because they do not have food or sanitary towels. If we cannot provide food and sanitary towels for our kids, then we are failing as a nation.

*(Applause)*

Hon. Deputy Speaker, the small capitation of Ksh1,400 that has been put in this Motion is not forthcoming and timely even after allocating the money in the budget for JSS. I have some schools in my constituency like Kigogo, Mbegi, Olesirwa and Thome primary schools as well as Gilgil Special School that have so far not received the small capitation from the Ministry

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of Education. As we relook at the way the National Government Constituencies Development Fund (NG-CDF) is wired, we need to ensure that the money that goes to the JSS comes from the Ministry of Education. The money we give as bursaries is not enough, especially for the Members who have big constituencies like mine. We get 11,000 or more applications and the money you give is Ksh3,000 and Ksh5,000 to Ksh7,000. You give a maximum of Ksh3000 for day secondary schools. If we add another burden, we will need to open up the brackets. The maximum that has been set as 35 per cent is not sufficient to cover our day schools, secondary schools and JSS. This means we are struggling with a generation.

The problem between the TSC and the Ministry of Education must be addressed. The seconder talked about it. At the constituency level, we have a problem with who issues orders or directives in schools. Is it the officials from the Ministry of Education, constituency representative or TSC, especially on the running of the schools and teachers? This confusion is not helping the already bad situation. It must be addressed at the Cabinet level.

I support this Motion. I hope that we can look at JSS the way it should be because we now have teachers in some schools, but not all. The capitation issue must be looked at per child, so that we can ensure that children are not sent home. Parents already struggled to take them there. Remember the issues we had that time. They needed new uniforms, desks and all manner of things when reporting. Parents struggled to buy these things. When they are told they need to pay fees, they come to the NG-CDF. However, we tell them that we do not fund primary schools.

*[Hon. Deputy Speaker (Hon. Gladys Boss) left the Chair]*

*[The Temporary Speaker  
(Hon. (Dr) Rachael Nyamai took the Chair]*

Hon. Temporary Speaker, this confusion will bring a serious and generational issue. We will lose many children. That is why the transition this year was not as good as it has been in the other years. I support this Motion. I hope that we can implement it. The Committee on Implementation should pick it up immediately so that they can bring a report in this House very soon. This will enable us to know what we have done. I have no doubt we will pass it in this House because it is very important and cross-cutting in all the constituencies. The problem is in the implementation of Motions. Let the Committee on Implementation take it up and then bring a report to the House.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Martha Wangari. Hon. Dorothy Ikiara, nominated Member.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I wish to add my voice to this very important Motion. I thank Hon. Wakili Edward Muriu for bringing this very sensitive matter on the Floor of this House.

I appreciate that Article 53(1)(b) of the Constitution entitles every child to free, quality and compulsory basic education. Access to funding for education is not a choice. It is something that is enacted in law. We must follow it to the letter. I share in the pain of the parents who are seated down in their homes thinking that education is free. Every time these children go to school, they are found on the roads - day in, day out - because they cannot afford some of the necessary levies that they are being charged. I sympathise with the teachers. It is not in the interest of any teacher to send any child out of class. However, it is common knowledge that no operations can continue without money.

I support this Motion. The Ministry of Education which is charged with the responsibility of ensuring that they follow the policies to the letter are the ones who are failing us in this sector. The mandate of the TSC is very clear. Hon. Wangari has said that she would

like to know the difference between what the TSC is supposed to do vis-à-vis the Ministry of Education. The work of the TSC is purely management of teachers. That is why we fought for it to be independent. They manage the employment and transfer of teachers. The work of the Ministry of Education is formulation of policy. Capitation directly falls in the Ministry of Education. Therefore, improving quantity and quality of education requires the policy to be addressed. The demand and supply chain is very key here. For the Competency Based Curriculum to be a success, we need provision of more textbooks, classrooms, blocks and trained teachers, so as to ease the supply side constraints of education.

Students also need to be fed which is the demand constraint to education. For example, it was established that one of the reasons children do not attend school in Ghana is that their parents cannot afford to pay the levies charged there. If this does not happen, then the nutritional aspect is never taken care of. This is the reason the enrolment in our schools is so constrained. We do not have enough students in class because they cannot meet their basic needs.

I support this Motion. Indeed, capitation money need to be increased. However, this does not mean that we eat into the NG-CDF which has its obligation. It is the responsibility of this Government to ensure that this capitation is increased, so that it can cater for the needs of the vulnerable and the less advantaged in society. Therefore, when we seek additional allocation to the education bursary, it is not a favour.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Ikiara.

Hon. Zamzam Chimba, Member for Mombasa County.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Asante sana, Mhe. Spika wa muda. Nachukua nafasi hii kuzungumzia Hoja ya leo. Ni dhahiri shahiri kuwa watoto wengi wako nyumbani, hasa wale wako katika shule za chekechea na msingi. Wazazi wamekuwa na mtihani katika kukidhi matakwa yao katika shule. Katika sheria za Kenya, elimu ni bure katika shule za chekechea, msingi na kwenda mbele.

Hoja hii ni nzuri sana, tukizingatia kuwa tunataka Serikali iongeze ruzuku ya watoto katika shule. Watoto wengi katika shule za msingi wamekuwa chokoraa kule barabarani. Pengine akienda shule, anaulizwa *remedial fee*. Anapoambiwa aende akanunue kitu fulani, mzazi hawezi nunua. Iwapo tunaweza kuongeza ruzuku au *capitation* shuleni, wazazi watakuwa na wepesi wa kupeleka watoto shule na tutaweza kupigana na ndoa za mapema.

Katika NG-CDF na National Government Affirmative Action Fund (NGAAF), tunashughulika kulipa masomo ya shule ya upili na *colleges*. Elimu huanza chini. Ili uweze kumpatia mtoto msingi mzuri wa elimu, lazima apate chakula kizuri na awe darasani kila wakati. Mtoto akitoka nyumbani kama tumbo halina chochote, lazima apate kitu akifika shuleni.

Mhe. Spika wa Muda, lazima mtoto akitoka nyumbani hata kama tumbo likiwa halina chochote akifika skuli apate riziki ndio aweze kuwa makini kwa masomo yake. Katika Gatuzi letu la Mombasa, ukienda ndani kwenye jiji, utapata watoto wengi wamekuwa omba-omba barabarani. Kwa sababu gani? Wazazi tumeacha kufuatilia. Serikali imeweka elimu ya bure, lakini haifuatiliwi na kuzingatiwa vizuri. Watoto wakipelekwa skuli wanaitishwa mambo mengi sana. Na mara utapata yuko barabarani. Ukiwauliza wanakuambia walifukuzwa wakalete vitabu au vitu fulani. Naiomba Serikali kuwa kama tuliweka elimu ya bure, tuzingatie mtoto akifika shuleni.

Hii elimu ya bure inakuja kama kifurushi jumla. Inakuja na vitabu, chakula na mambo yote ambayo yatamfanya mwanafunzi akikaa darasani awe anaweza kuzingatia masomo. Lakini kila uchao, wanafukuzwa shuleni. Ninawahisi wale wazazi ambao maisha yao ni duni ndio maana kama “Mama Mombasa” ninasema tufuate sheria. Na ninajua ipo katika sheria. Ninafikiri kuna mahakimu ambao wako hapa, na wengi wetu hatujafuatilia sheria kikatiba vizuri. Lakini wako hapa Wabunge wenza ambao wanaweza kuelezea kwa kina kuwa kuna

sheria ya elimu iwe ya bure. Lakini wanafunzi wakifika skuli, wanaulizwa mambo mengi sana. Na ndio maana mimi ninaomba zile pesa za wanafunzi zinazopewa na Serikali ziongezewe. Ama wasindize ile misaada ili iweze kwenda shuleni ili wanafunzi wasome bila kufukuzwa na kuulizwa mambo mengi.

Katika kaunti yangu, watoto wamepata mimba za mapema. Wanafunzi wa shule za msingi wanahitaji sodo, na kuangaliwa vizuri. Bila sodo, utapata wamerudi nyumbani. Wanakutana na mtu barabarani anawaambia nitakupa mia au mia mbili na anawaambia: “Njoo tupite kwa kando nikufanye hivi na vile.” Mwishowe, mtoto anapata uja uzito na hawezi kuendelea tena na masomo. Tunaona mimba za mapema zinaendelea kukithiri katika kaunti ama taifa letu. Sisi tunauliza sodo ziko wapi? Ninauliza kama Mama Kaunti. Tumetolewa bajeti ya kupeleka sodo katika skuli lakini mpaka leo hatujapata. Watoto wanahangaika katika masomo yao. Kwa hivyo, ninaunga Mjadala huu mkono, isipokuwa ninasema iko katika Katiba na iweze tu kufuatwa, kusionzwa na kutiliwa mkazo

Ahsante sana, Mhe. Spika wa Muda.

**Spika wa Muda** (Mhe. Rachael Nyamai): Ahsante sana, Mhe. wa Mombasa. Kwa wale ambao hawaelewi sodo ni kitu gani, ni *sanitary pads*. Ndiyo sababu Mheshimiwa anasema tunataka sodo.

Let us have the Hon. Pauline Lenguris, Member for Samburu County. Members, please bear with me. I know a few of you have walked to the Table, but I will do my best to balance. We can see the screen. The screen is good. There is a lot of interest in this Motion. You may proceed, Hon. Member.

**Hon. Pauline Lenguris** (Samburu County, UDA): Thank you, Hon. Temporary Speaker. I stand here to support the Motion. We know that education is key in our country, and we have a lot of challenges.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order.

**The Temporary Speaker** (Hon. Rachael Nyamai): Sorry, Member for Samburu. What is out of order, Hon. Kaluma?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you. I am standing pursuant to Article 53(1)(b) of the Constitution to ask the Temporary Speaker whether the proposed resolutions number one and two of this Motion, which I agree to be very important, are constitutional. I am seeking your ruling before we debate the matter further. I may not have a problem with the proposed resolution number three, but the resolutions number one and two propose the application of the National Government Constituency Development Funding (NG-CDF) to cater for matters of basic education. To be clear, the provisions of Article 53(1)(b) to which I have adverted reads:

“Every child has the right to free and compulsory basic education.”

Should we be asking how we will ensure that education is free and compulsory or be thinking of how we can resolve to apply monies of CDF to sustain it?

Hon. Temporary Speaker, I say this while aware that even as we speak, particularly for secondary schools, too many students are currently at home because the capitation which should be going to every student is about Ksh22,000, but only half of that money has gone. We are in a state where even the very basic capitation provisions cannot be catered for. However, that is not the issue now. The issue is: Could the Chair rule on the constitutionality of resolutions number one and two, it being the case that those provisions of the Constitution have cited education at this level and everything relating to education in terms of their resourcing should be free and compulsory.

Thank you.

**The Temporary Speaker** (Hon. Rachael Nyamai): Obviously, I will give the first opportunity to the Mover of the Motion. The Hon. Wakili Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, (UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to respond to Hon. Kaluma's concerns. However, before I come to the point, allow me to recognise again the presence of Saint Theresa Secondary School, which hails from Gatanga Constituency. This is one of the best performing schools in my constituency. I want to assure you that this is a great learning opportunity. They can see their Member of Parliament in action. I am trying to make sure that they are not only well fed, but make sure that as they learn, they will get the books and the suitable classes. I promise them that they will get a cup of tea at 10.00 O'clock, a good lunch and 4.00 O'clock tea. This is because I know basic quality education starts with the stomach.

On the concerns of my learned friend, Hon. Kaluma, I want to say this. First, nothing is unconstitutional, and Hon. Kaluma should have confined his argument to opposing or supporting the Motion. Why am I saying that? The first resolution seeks to breathe life into Section 48 and Section 48(a) of the NG-CDF Act. Section 48(a) states: "The National Government Constituencies Development Fund can extend the 35 per cent which it allocates to bursary." It can go beyond 35 per cent for purposes of what you call affirmative action and address the socio-economic issues - one of them being the school feeding program.

Second, if you read carefully Article 53 - and I think that is why Hon. Kaluma did not invite you to this - it is clear. This is especially Article 53(b) and (c).

Article 53(b) says:

"Every child has a right to free and compulsory education."

That is Article 53(b). Article 53(c) states:

"Every child has a right to basic nutrition."

The point here is very simple. This Motion is trying to breathe life into Article 53 because you find, as I said earlier, we are provided with a huge budget for education - Ksh630 billion - in this financial year. How much money of that goes to cater for nutrition for our children? How do you expect a child to learn when hungry?

Finally, Hon. Temporary Speaker, I invite you to Article 27 about discrimination. Article 27 clearly states:

"Every person is equal before the law and has a right to equal protection and equal benefit of the law."

Section 2 says:

"Equality includes the full equal enjoyment of all fundamental rights."

The point here is very simple. When it comes to the allocation of the school feeding programme and our Budget, we only allocate to what we call Arid and Semi-Arid Lands (ASALs). We leave out the rest. That is in breach of Article 27.

Secondly, when it comes to the application of Section 48 and Section 48A of the National Government Constituencies Development Fund Act of 2015, you find that the NG-CDF Board allocates bursaries to secondary schools, tertiary institutions and universities only. What for? To feed those children. My point is that everybody has a right to be protected. The NG-CDF bursary is supposed to cater from primary school all the way to university so that we do not violate Article 27.

Thirdly, this is a moral issue. How do you feed adults and leave out children? Remember that even medical experts have said a child requires food up to the age of 10 years. If you give food to a child above the age of 10, the brain is already stunted. If you are talking about quality education, how can we achieve quality if we do not achieve it at the basic level? That is why Hon. Kaluma's intervention needs to come in as his contribution to this Motion.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Wakili Muriu. I want to allow Hon. Gitonga Murugara, Member for Tharaka. Focus on the matter of constitutionality, which Hon. Kaluma has raised.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker.

I do not agree with Hon. Kaluma that this Motion has any element of unconstitutionality whatsoever. First and foremost, he is relying on Article 53, which stipulates that basic education is supposed to be free. That Article does not say it is supposed to be cost-free. It says it is supposed to be free. That means there is an element of cost borne not by parents, but by the Government. Therefore, we must have, at the back of our minds that, taxpayers' money will be used to fund our children's basic education. Who runs our taxes? It is the Government. Hon. Muriu is proposing that part of those taxes be applied in a different way to basic education. He is saying that the NG-CDF, which is Government money and our taxes, should be varied slightly so that it is applied to cover basic education in primary schools and junior secondary. There cannot be any unconstitutionality as far as that proposal is concerned. If Hon. Muriu had proposed that parents have to come and chip in in a different way, we would be arguing whether that is not in breach of Article 53.

With those remarks, I urge you to find that there is no breach of Article 53. We are debating. We are making proposals to the Government. There may also be resolutions. At one time, proper law will be brought so that this is properly entrenched in law and enforced. As far as this is concerned, we are within constitutional rights.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Murugara. I will give out two more chances. Hon. Makilap.

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Temporary Speaker. I want to agree with senior counsel Murugara that there is nothing unconstitutional in this matter. In fact, Hon. Muriu is just bringing life to what we, Members of Parliament, should have done after the promulgation of the new Constitution. The framers of the Constitution were very clear. Hon. Wakili Muriu is putting it right that the children of Kenya have a right to basic nutrition. We are not about to encroach into the NG-CDF. However, the taxpayers' money should be applied to provide nutrition to the children of Kenya.

Regarding what is basic, the definition of basic education in Kenya is right from Nursery to Form IV. If that is basic education, we should not see children on the streets or roads going home because of school fees. We should be able to keep our children in school all the way to Form IV.

*(Applause)*

Hon. Temporary Speaker, this is what needs to be applied. It has been the work of Parliament to enforce this legislation. This Motion can turn into a Bill to ensure that we appropriate sums of money, either through capitation by the Ministry of Education and not NG-CDF, to increase money for basic education and money for nutrition in our schools. Remember, we have now added something called the Competency Based Curriculum (CBC), which has increased the number of classes in primary schools. From Pre-Primary 1 (PP1) to junior secondary's grade 9. The NG-CDF money is not enough.

Therefore, in the next appropriation or Budget, this House needs to allocate resources for basic education. I agree with Hon. Muriu. That is what Parliament must do to protect the citizens and children of Kenya from complete oppression and discrimination.

*(Applause)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You have made your point very well. The last one, Hon. Members, will be Hon. Johana Ng'eno, Member for Emurua Dikirr.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker. Just as *Mheshimiwa* Kaluma wanted to seek your guidance, I want your ruling to consider something. It is a fact that though Article 53 of the Constitution talks about access to free primary or basic education, it does not mean that children or learners in those schools are not taught by paid teachers. The Government, not parents, pays teachers who teach those pupils. The Government builds the schools where those learners study. This does not mean that education is free. It means parents will not incur any infrastructure or teaching costs and costs of any other programme that the Government could introduce. One of those programmes is the school feeding programme that *Mheshimiwa* Muriu is trying to introduce. It does not mean education is free. It means the Government caters for that cost.

This amendment or proposal by *Mheshimiwa* Wakili Muriu does not contravene the Constitution because it is asking the Government to cater for the school feeding programme through either the NG-CDF or the Ministry of Education. It is not taking the burden of incurring the cost to the parents. It is not contravening the Constitution.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Although I said that would be the last Member, I will allow Hon. Kombe. Please make it two minutes.

**Hon. Harrison Kombe** (Magarini, ODM): Ahsante, Mhe. Spika wa Muda. Mhe. Wakili Muriu ana mipango mizuri kwa watoto wa Kenya, lakini hicho kipengele kwamba NG-CDF isimamie elimu ya msingi ni kinyume cha Katiba. Hapo amekiuka Katiba maana elimu ya msingi ni bure, na ni ya lazima. Tukisema ni bure na ni ya lazima, haimaanishi kwamba haigharamiwi. Bali ni Serikali inagharamia hiyo elimu ya msingi. Mhe. Wakili anastahili kuwakilisha haki, lakini yeye mwenyewe anakiuka Katiba na kugeuka mgandamizi wa haki kwa wale wa elimu ya juu. Kile ambacho binafsi ningeunga mkono ni kama angesema kwamba zile hela zimetengewa elimu ya msingi ziongezwe kwa asilimia mia moja. Hilo lingekuwa ni jambo la busara, na tungeliunga mkono. Zaidi, serikali ingeongeza hiyo ruzuku kwa hiyo elimu ambayo inastahili kuwa ya bure na ya lazima.

Ahsante, Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You have made your point. Thank you very much. Hon. Members, I will not give a chance to Hon. Muriu because it may turn out that it is only the learned friends who are speaking from both sides of the aisle. I appreciate all your contributions. But I would like to point out that this is a Motion. We are urging the Government to take action. It is not a Bill. Additionally, before a Motion gets to this House, it goes through several approval processes, including the Office of the Speaker and the House Business Committee. The Motion has been proposed and seconded, and several Members have contributed to it in the debate.

Hon. Kaluma, I encourage you that when I allow you to speak, use that chance to oppose the Motion. So, for now, it is my considered opinion that we proceed. For that reason, I will go back to the Member who was on the Floor, Member for Samburu County. Hon. Members, let us proceed with the Motion.

**Hon. Pauline Lenguris** (Samburu County, UDA): Thank you, Hon. Temporary Speaker, for giving me the chance again to support the Motion on the Floor of the House. Article 53(1)(b) of the Constitution recognises the right to compulsory education for all children of this country. I question whether that is the case in this country today because some things are well documented, but there is no implementation. I know that there are many children in this country who do not have access to education today. They do not have access to education not because they do not want, but because they are not facilitated to access education. When



we are discussing compulsory education, we should create policies that will ensure that all the children in this country access education.

The education sector faces a lot of challenges today. If we want to retain our children in school and offer quality education, several factors must be considered by the Ministry that oversees education programmes in this country. When we talk about school feeding programmes, the areas that are mostly targeted are the Arid and Semi-Arid Lands (ASALs) in this country, and I come from one of them. We are faced with a lot of challenges with the school feeding programme. That was one of the moves to ensure that children can access education while their nutritional value is also taken care of. The provision of food in schools has been erratic and inconsistent. We have seen most children drop out of school because they do not have access to the food that they are supposed to get. The feeding programme will also ensure the retention of students in schools. Sometimes, the food comes as late as the time when the school is about to close for the holidays. Sometimes, a whole term goes by without a school getting the school feeding programme food. That is one of the aspects we should look into as Members to ensure that education and food for our children are provided because the two aspects co-exist.

Another aspect is the issue of infrastructure in our schools. Recently, we introduced the CBC programme, but most schools do not have classrooms. The children are supposed to transition to Grades 6, 7, 8 and 9 and yet, there is no infrastructure in some areas. In some instances, parents have been forced to buy desks, books and uniforms, which are very expensive to some from poor families. Additionally, this has prevented the children from accessing education. So, the Government should ensure that structures and policies have been put in place before introducing any new programme. The Government should also ensure that all students from all over this country transition into the new programme. This is because we have been faced with a lot of challenges in the implementation of the CBC programme. Parents have been stressed with getting money for uniforms for their children. Some cannot afford food because children are supposed to move to schools in their neighbourhoods where they can attend Grade 7. Some do not have money to buy desks, but are forced to buy them. So, every time they run to their Members of Parliament or leaders to seek support.

Another issue is on books. There are institutions in this country where children cannot get books for studies. Those are the programmes that the Ministry of Education and Teachers Service Commission (TSC) should ensure we have. They should put the required infrastructure in place before implementing a new programme. I strongly support the increased capitation for schools because it will ensure that our children get food in school. They can also get the required textbooks for their learning, and other improvements can be made in schools. I support the Motion.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Samburu County. Hon. Members, we have several students and teachers seated in the Public Gallery this morning. They are from:

1. Muthengera Secondary School, Laikipia West, Laikipia County.
2. Kabati Secondary School, Laikipia West, Laikipia County.
3. Shalom Junior Academy, Kikuyu, Kiambu County.

Hon. Members, on your behalf and my behalf, I welcome the schools to continue observing the proceedings in the House.

*(Applause)*

Hon. Members, I now invite Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Temporary Speaker. I support this Motion in parts and oppose it in several parts. Number one, this Motion proposes that the amount that can be allocated towards bursary be increased beyond the 35 per cent restriction on limitation that is currently under the NG-CDF Act, 2015. I agree and support that part. Let each constituency, as long as they perform national Government functions, have the free range based on their priorities to apply those funds to those functions. If the bursary component of education would require more than 35 per cent, so be it. There should be that freedom to ensure that not only is school infrastructure put in place, but that students are enabled and are in school.

I also support prayer No.3, which requests this House to resolve that the Government revise the capitation per student in primary schools from the current Ksh1,420 per year to at least Ksh7,760 per year, being the minimum optimal capitation factoring the new CBC education system and the prevailing high cost of living. CBC is here, and I agree with my colleagues that there are very high-cost ramifications. Recently, we debated the CBC matter, including the kind of uniform the students at the CBC level and, more so, junior secondary, are required to wear. There is a change in facility needs. Even the infrastructure needed has increased. If we are going into this new curriculum, there should be increased capitation from Government to sustain it. That I agree with. Even as we urge for an increase, let us also, as a House, push very hard that the Government ensures that those monies are remitted to the schools in time.

We have national exams, particularly the Kenya Certificate of Secondary Examination (KCSE), coming in a few weeks. Across the nation, students have been sent back home for fees. I have seen people on Twitter and other social media platforms condemning teachers, but teachers are in a situation where they cannot manage schools. They are at pains having students in school waiting for exams being prepared without food, and as parents or people standing in as parents of those students, they do not know what to do with them.

The fact of the matter is that the capitation at the level of secondary education, Hon. Members, is some Ksh22,000 and some hundreds on it. So far, the academic year is ending, but the Ministry of Education has only disbursed half that money - barely Ksh11,000. I have heard teachers, even from my place, telling me: "Hon. Kaluma, you are pushing for your students to be in school, but we are not able to keep students we cannot feed." Let us urge the Ministry of Education to release the money. We budgeted for those monies. That money is available and so, let us stop this pretence that money is not there.

I am a member of the Departmental Committee on Administration and Internal Affairs and I have supervised how much money we collect on the e-platform. Last month alone, we did over Ksh199 billion on that platform. Let us have our priorities right and not just push for capitation to be increased. But as a Parliament, we should push that once those capitations are increased, money is availed to the school managers to be able to use the money.

Regarding resolutions one and two, I maintain that we cannot be spending monies under the NG-CDF to resource basic education requirements. Let me emphasise that basic education is defined under the Basic Education Act, and that definition excludes secondary education going forward. Article 53(1) says that basic education shall be free and compulsory, and no money in NG-CDF can go there. The money can only go to those others for which the Government is not obligated. For basic, non-free and non-compulsory education, we need to push for money to be given directly to them by the Government.

Because of those facts, I oppose and support in part. I thank you.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. (Dr) Pukose? Please bear in mind that Hon. Kaluma has already concluded his debate.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): I know, Hon. Temporary Speaker. Hon. Kaluma is a seasoned lawmaker in this House, but I got confused when he said he supports and opposes in part. Usually, when we vote in the House, you can vote by bringing amendments so that it can go the way you want.

No vote comes in part or yes or no. You can only make an amendment to it. Being on the Speaker's Panel, he must properly guide the House. Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I am inclined to go back to Hon. Kaluma. Would you like to comment on the serious matter Hon. (Dr) Pukose has raised?

**Hon. Peter Kaluma** (Homabay Town, ODM): Yes. We are, of course, not dealing with a Bill or voting. We are contributing to a Motion. We will be voting on it later. I support those reservations for clarity and good order in the House.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Kaluma and thank you, Hon. (Dr) Pukose, for raising that. Hon. Members, I do not see Hon. Rindikiri Mugambi in the House. He is next on this. The next one will be Hon. Johana Ng'eno, Member for Emukur Dikirr.

Hon. Members, I am very keen. He contributed to the constitutional matter that Hon. Kaluma had raised and so, he did not debate. It is your chance, Hon. Member for Emukur Dikirr.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Hon. Temporary Speaker, my constituency is called Emurua Dikirr. I know it is a hard name to pronounce.

Thank you for allowing me to contribute to this Motion by Hon. Wakili Edward. Before I even begin my contribution, I would urge the Members to consider making it a Bill or an amendment so that when we vote in this House, it becomes a law. It goes into the annals of history in this country that we have done a law that goes towards helping our kids in primary and secondary schools access education in a free and fair manner.

I want to support it because the problems that we face as a country, which include the high cost of living, are faced by everybody, including even our kids in schools. It is not something we face in cities, towns or centres. It is a problem that is being faced right to the core – in the villages and schools. The late President Moi introduced the school milk programme, which was an excellent idea. I think the idea was to bring back students who were absconding from schools, especially those coming from Arid and Semi-Arid Areas (ASALs).

It was during the milk days when schools were full. I am among those people who would attend school when it was a milk day. Very many of us went to school because of that programme. I have been sitting with members of the society in my constituency, especially those who have children in day secondary schools, and their major complaint is the money for lunch under the lunch programme. If they have that programme in the secondary part, how about the primary basic education part? I am in full support, and my first proposal is that *Mheshimiwa* Muriu should bring it as a Bill or an amendment. I wish him to amend the part of the Ministry of Education; when we are providing for capitation, we add a budget to provide for school feeding programmes for students and pupils right from Pre-Primary One (PP1) to Standard Eight and from Form I to Form IV. We need to budget for that money. Before we even delve into the amount allocated to NG-CDF, we budget in this House money meant for school feeding programmes so that when we send money for capitation, we also include money for feeding the pupils from PP1 to Standard VIII.

I am in full support because we also understand most students or pupils come from faraway areas. They foot for something like five kilometres to their homes and so, when they are sent home during lunchtime to go eat before they return, it becomes hectic and removes part of their concentration in class. I fully support this Motion by Hon. Muriu to ensure we either add in NG-CDF or put it as part of the capitation.

My only request to *Mheshimiwa* Wakili Muriu is to ensure that he brings it as an amendment because this Motion is just a Motion, and it will end up in the shelves or the Table Office and die there. Just bring it as a Motion, and we will support you. We will vote for it and ensure that we budget for those particular school feeding programmes.

I thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Johana Ng'eno. Hon. Members have a lot of interest in this Motion from the right side. When you see me giving many people on this side, it is because they are the ones who have expressed interest. I am going to Hon. Ng'elechei, Member for Elgeyo Marakwet County. If you intend to speak on this Motion on the left side, please ensure that your card is on so that we can see you on the screen.

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this important Motion. I fully support this Motion by Hon. Muriu. We sometimes forget that our future as a country is in schools and basic education. Through schools, we nature doctors, engineers and experts in every other field and even Members of Parliament.

We need to refocus and think about the CBC, especially for the students in Grade 7. The capitation for schools does not include basic education and hence, those JSS students suffer more than any other student in this country. For example, one day, while touring my county, I met students from Nyawa Primary School. I asked them where they were going under the scorching sun. They told me they were going to a laboratory in Anin Girls Secondary School, which is 10 kilometres away. These students have to schedule time because even the school they were going to is a day school with minimum resources. There is a secondary school within that area, but they cannot go there because it is a boarding school and they are a primary school.

Whoever decided JSS to be domiciled in primary schools never thought those students would need resources like laboratories that they do not have. It would be better if those JSS students would be domiciled in secondary schools. The idea of secondary schools being counted with the capacity of beds and chairs is a wrong idea. The secondary schools should be open to primary schools within their areas to benefit from the resources.

It is about time we reviewed basic education. I get confused about JSSs because they are domiciled in primary schools. In basic education, students must be fed. Otherwise, it is not basic if a student misses school because of lack of food and the provision of sanitary towels to girls. Otherwise, there will be a great disconnect with students in Grade 7.

Therefore, as a House, I request that we relook up the issue of opening up more space for the transition from primary to secondary schools, even if this means all secondary schools that are well established to allow JSS students to access their resources.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Parashina Sakimba, Member for Kajiado South.

**Hon. Parashina Sakimba** (Kajiado South, ODM): Thank you, Hon. Temporary Speaker. I support the Motion by Hon. Wakili on reviewing the scope of the education bursary scheme under our NG-CDF, and the capitation for learners in primary schools and JSS.

I also support the comments by other Hon. Members that JSS has been neglected in many ways. The talks of us giving them bursaries are in order. Even Ksh3,000 will be enough. The students are at home and have been visiting our homes and offices seeking help.

In addition, there is shortage of teachers in the entire country for the JSS. In many places, the JSS do not have laboratories and other resources. This is a big challenge. If we fail to include this group in the NG-CDF allocations, we are killing the spirit of basic education under Article 27 of the Constitution. Capitation is already going on as we speak. I do not know

if the Ministry is aware that it is affecting those students when it delays the disbursement of the money. That class was formed when our Government was not ready to take care of it.

Now that Hon. Wakili has brought this here, we propose that he comes up with amendments and makes it a Bill that will be enacted into law. He will go into history as a Member of Parliament who brought a Bill that will take care of our students. The JSSs are facing many challenges. I support the Motion. I will also support the Bill when it comes to this Floor.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Member for Kajiado. Next is the Hon. Lydia Mizighi, the Member for Taita Taveta.

**Hon. Haika Mizighi** (Taita Taveta County, UDA): Ahsante sana, Mhe. Spika wa Muda, kwa kunipatia fursa hii ili niweze kuchangia Hoja hii. Kwanza, ninampongeza Mhe. Wakili Edward Muriu kwa kuwaza na kuleta Hoja hii hapa ili tuweze kuijadili. Ninaiunga mkono.

Ni vyema tuwe na mipango ya kuongezea pesa kwa mfumo huu wa *NG-CDF* ili maswala ya kupata lishe shuleni yaweze kuangaziwa. Wengine wetu hapa tumesoma kupitia changamoto nyingi sana. Motisha iliyokuwa inatupeleka shuleni ni ya yale maziwa ya *nyayo*. Wakati mwingine, huo tu ndio uliokuwa mlo tuliopata kwa siku. Kwa hivyo, ninaunga mkono kabisa swala la kuwepo kwa chakula shuleni ili wanafunzi wapate hata kama ni mlo mmoja kwa siku. Sasa hivi, familia nyingi zinakumbwa na changamoto nyingi za kifedha. Kuna watoto wengi wanaolala bila hata mlo mmoja kwa siku. Kwa hivyo, kuwepo kwa chakula hiki shuleni kutawavutia watoto kuenda shule.

Vile vile, tunajua kuwa mpangilio huu ukiafikiwa... Mhe. Muriu, usiwachie Hoja hii hapo tu, bali ipeleke mbele kabisa ili iwe sheria tunayoweza kufanikisha. Tunaomba mlo huo uwe ni safi, kwa wakati sawa, na uwe ni lishe bora, yaani *balanced diet*.

Ahsante sana. Ninaunga mkono.

*(Applause)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Next is Hon. Jared Okello, the Member for Nyando.

**Hon. Jared Okello** (Nyando, ODM): Thank you very much, Hon. Temporary Speaker, for giving me the opportunity. In the same breath, I want to thank my brother, Hon. Muriu, a first-timer already looking ahead of the pack.

We are debating this because we are concerned about the future generation, which relates to the school-going children disenfranchised by certain things that happened in the education sector. Taking a tangent from my colleagues, if we are to consider the JSS for the allocation of bursaries, then it becomes the fifth class to consider under this category in high schools. Currently, we are servicing...

**Hon. Wakili Edward Muriu** (Gatanga, UDA): On a point of order.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Wakili Muriu.

**Hon. Jared Okello** (Nyando, ODM): I hope to get my time back.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You will start from the second minute.

**Hon. Wakili Edward** (Gatanga, UDA): Hon. Temporary Speaker, is it in order for Hon. Jared Okello to speak while hiding? Nobody can see him. Kindly, we want to see his mouth moving. Thank you

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Wakili Muriu, there is nothing out of order. The place he is seated is in this House and is one of the high seats here. So, it is in order for him to proceed.

*(Laughter)*

**Hon. Jared Okello** (Nyando, ODM): Thank you Hon. Temporary Speaker. That was a good banter. A fifth class will be added if we consider the junior secondary section. This means we have to up the NG-CDF allocation so as to incorporate junior secondary. Otherwise, if we are to move by the current budget allocation on bursary and the entire NG-CDF disbursed annually to sub-counties or constituencies, then we shall fall short by a big margin.

Members of Parliament have been receiving requests after requests from parents of children in junior secondary schools. Again, the NG-CDF regulations and the Act do not talk about junior secondary schools. So, our hands are tied and we do not know what answers to give to the parents who are constantly at our doorsteps asking for assistance. I fully support the idea of increasing the bursary allocation from 35 per cent.

If I can give an example of schools in Nairobi, to a larger extent they have already been built to completion. So, they consume little amounts of money in terms of infrastructural development. However, there are many students who are languishing at home. Nairobi Members of Parliament are at a gridlock. They do not know what to do. They have money but with a ceiling on bursary allocation. How I wish this would be midwived into a Bill and enacted by this House quickly. That way, we can have the latitude to play about with this bursary as and when necessary. For instance, if Nairobi can have up to 60 per cent of its allocation going to bursaries, then a lot of students who are currently stuck somewhere would be in school.

There is also the element of Corporate Social Responsibility (CSR) within the NG-CDF Board. I am afraid that this money only benefits those who sit in the NG-CDF Committee. For instance, Ombaka Primary School in my constituency suffers perennial flooding but it cannot access the CSR money from the NG-CDF Board. Therefore, we need to look into the real concern emanating from the ground and not just consider members of the NG-CDF Committee. Otherwise, all of us cannot be members of the NG-CDF Committee in order to get the CSR money from the Board. I think this has to be properly considered so that children across the country benefit the same way as others who have been endowed by the NG-CDF Committee.

Hon. Temporary Speaker, thank you for the opportunity and I support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai) Hon. Ferdinand Wanyonyi, Member for Kwanza.

**Hon. Ferdinand Wanyonyi**: (Kwanza, FORD-K): Thank you, Hon. Temporary Speaker, for giving me this opportunity at long last. First and foremost, I want to thank Hon. Muriu for coming up with this very important Motion. How I wish that the Chairman of the NG-CDF Committee was present. I think most of what we are talking about involves him. I hope you will have time to brief him on the Members' perspectives on the same.

I stand to support this Motion because funding must be expanded to accommodate the changes in our education sector. Again, this is our own making. We should look for ways and means of increasing the NG-CDF funding sanctioned under Section 27 of the NG-CDF Act, 2015. This is because it has to include the new programme. It is important to do that because the population of this country has increased. In fact, that is why we have a new education curriculum. My take is that we should look into the NG-CDF programme afresh. I think the most important thing now is that if this Motion is passed, we shall seek to have the NG-CDF funding increased from 35 per cent to 45 per cent or 50 per cent.

On the feeding programme, I have a question mark. This is because in the past, it was abused at the grassroots level. Parents misunderstood the essence of the feeding programme.

Most Members of Parliament participated in this programme. You could find parents taking their children to school when it is feeding time. After that they would go away with their children. I witnessed that in my village. Therefore, if we are going to have the capitation for this programme, we should be very strict on who participates in it so as to encourage children to stay in school. Some parents are very careless as to take their children to school during feeding time and then go away on the pretext that the children are unwell. This is something we have observed. Therefore, I want us to very quickly pass this so that by next year the programme can start. We should increase the NG-CDF funding from the current 35 per cent to 45 per cent or more so as to incorporate it in the new CBC programme. I hope we shall be able to correct the mistakes we had in the past.

Hon. Temporary Speaker, with those few remarks, I support this programme. Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai) Hon. Members, time for this Motion has come to the end. I would like to call upon the Mover to reply. He can choose to give an opportunity to some of you to make comments.

**Hon. Wakili Edward** (Gatanga, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to reply. I can see a lot of interest in this Motion and I know some Members would like to say a word or two. I want to be magnanimous by giving them an opportunity to make a one-minute remark each. Allow me to give Hon. Kwenya Thuku, Hon. John Oyula, Hon. Njeri Maina, Hon. Mohamed Ali, Hon. John Makali, Hon. Dorice Donya, Hon. Agnes Pareyio, Hon Naomi Waqo, and, finally, Hon Ibrahim Saney.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): We will follow that order.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Temporary Speaker and Hon. Wakili for this opportunity. I only have a few seconds to make my contribution. I want to say from the outset that many dreams are either lost, achieved or realised at the point of basic education. Therefore, this Motion could not have come at a better time than this one. We have been waiting for a very long time for the re-calibration of the NG-CDF so that we can be in a position to fund education from the primary level to junior secondary schools, and to the tertiary level. I, therefore, support this Motion. I urge Members to pass it so that the NG-CDF Board implements it with the speed that it deserves.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Mohamed Ali.

**Hon. Mohamed Ali** (Nyali, UDA): Ahsante sana, Mheshimiwa Spika wa Muda. Ninaiunga mkono Hoja hii ya Mheshimiwa Wakili Muriu. Ni vyema NG-CDF iweze...

*(Hon. Robert Basil crossed the Floor without bowing)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Member for Yatta, I am sure that you have not forgotten that you are in the august House. I request you to go back and bow. You can get assistance, if you need it, from your colleague who just called you to cross the Floor from the left to the right.

You may proceed, Hon. Mohamed Ali.

**Hon. Mohamed Ali** (Nyali, UDA): Ahsante sana, Mheshimiwa Spika wa Muda. Kwa sababu ya hayo, ninaomba niongezewe muda.

Ninaiunga mkono Hoja hii nzuri zaidi ya Mheshimiwa Wakili Muriu. Ninapendekeza kuwa Bodi ya NG-CDF ipewe nafasi na nguvu zaidi za kuhakikisha kuwa pesa hizi zimefika katika shule za msingi. Kipengele cha 48 cha Sheria ya NG-CDF kimekubalia hayo ila kimejificha. Kiwekwe wazi ndiposa tuhakikishe kuwa watoto wamepewa pesa za ufadhili na chakula kama watoto wengine.

Wabunge wengi wanakimbilia mashirika ya kibinafsi kama vile Tap2Eat ambayo inawasiliana na NG-CDF kujenga meko ya kisasa ili chakula kipatikane katika shule za msingi. Uhusiano huo umetokana na matatizo ya Wabunge kutoweza kufika katika shule za msingi.

Kipengele cha 53(1)(b) cha Katiba ya Kenya kinasema kuwa kila mtoto ana haki ya elimu. Kipengele cha 53(1)(c) kinaongea kuhusu lishe bora na kuhakikisha kuwa watoto wana afya bora.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Maero Oyula.

*(Hon. Mohamed Ali spoke off the record)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Your time started from zero, Hon. Mohamed Ali. Hon. Maero Oyula, you have one minute. We cannot hear you at all. Please, move to the next microphone.

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Temporary Speaker. Let me start by thanking *Mheshimiwa* Wakili for giving me this one minute.

I support the Motion. I request *Mheshimiwa* Wakili to move ahead and ensure that the Ministry of Education takes full responsibility of our children from primary to secondary school level without utilising the NG-CDF. A child belongs to the Ministry of Education or the Government from nursery school to university level.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Njeri Maina, Member for Kirinyaga County.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion by my colleague, Hon. Wakili Muriu. We need to ensure that we fund junior secondary schools so that we can facilitate the CBC. Even as we speak about funding schools, we have attendant courses that are not catered for by the Government.

I support this Motion in totality. I beseech my colleague to bring it to the House in the form of a Bill and we will be ready to support it.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Makali.

**Hon. John Makali** (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker. I also thank my colleague for being magnanimous. Article 53 of the Constitution states that basic education is a basic right. The Government is supposed to put measures in place to ensure that that constitutional imperative is honoured. As rightly pointed out by Hon. Wakili Muriu, saying that basic education is free in this country is a complete misnomer. Most pupils are at home right now and teachers are having difficulties because of non-release of the capitation on time.

I wholeheartedly support this Motion. The Government and the Ministry, in particular, should release the capitation in good time so that head-teachers are not put in trouble to ensure that students remain in school. Equally, I support the increase in capitation towards basic education. This is because you cannot make basic education compulsory and not create an environment for the realisation...

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Dorice Donya.

**Hon. Dorice Donya** (Kisii County, WDM): Thank you very much, Hon. Temporary Speaker. I have to be quick. Basic education is key to our children. Even as we support this Motion on increasing resources, I can be quoted that back home in Kisii County, pupils in Emesa A.I.C Primary School, which has a population of 780 pupils, go to the river and line up to fetch water. When will they even attend their classes? I am waiting for the day when we will make it compulsory for every school to have access to clean water, good roads and electricity. If we have those three things, I can assure you that we will all be celebrating quality education. The fact that we do not have them means that we still have a long way to go. There is no water or good roads. What are we talking about?

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Pareyio



**Hon. Agnes Mantaine** (Narok North, JP): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. I would equally like to thank Hon. Wakili Muriu for coming up with this Motion and for giving me an opportunity to add my voice to it.

Education is key. Without education, there is no development. Whoever came up with junior secondary schools was only looking forward. He or she did not come back to see how comfortable they were. Junior secondary schools were domiciled in primary schools without laboratories, electricity, classrooms and teachers. We should not only think about the NG-CDF, but we should also tell the Government or the Ministry of Education to give students enough teachers.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Ibrahim Saney.

**Hon. Ibrahim Saney** (Wajir North, UDA): Thank you very much, Hon. Temporary Speaker. In supporting Hon. Wakili Edward, I have come to the realisation that we give capitation and bursaries to universities. There is no harm in supporting the CBC and ensuring that there is capitation for basic education. The issue is that work must follow roles and responsibilities. We need more money from the NG-CDF so that the nomenclature about the CBC on where it fits and where it does not ceases to boggle our minds. We only need more responsibilities and money. Otherwise, I wholeheartedly support the Motion by Hon. Wakili Edward.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this Motion. I also thank Hon. Edward for bringing this Motion at this time.

Many have said that every child is entitled to free, quality and compulsory basic education. The problem is that many children are not going to school in some parts of this country. That is why I feel that the Departmental Committee on Education should visit every part of this country so that it can see the status of some areas and the number of children who are not going to school.

I support this Motion. Schools should be properly equipped and should be corruption free, especially as we implement school feeding programmes because many things happen under those programmes.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Wakili Muriu, you only have two minutes.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to reply to Members. It has come out clearly from Members that education is an equaliser between the children of the poor and those of the rich. Therefore, these children have an equal opportunity to serve this country. Members have alluded very clearly and in sync to the fact that we should ensure children of the poor and the rich eat the same meals so they can have energy and capacity to learn.

Finally, it has come out clearly that only after feeding our children, can we demand performance. Due to quorum and great interest in this matter before the House, I rise pursuant to Standing Order 53(3) to request that the putting of the Question be deferred to another date which you will find appropriate.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Wakili Muriu. Hon. Members, the request by Hon. Muriu is assented to and putting of the Question is deferred to another sitting as will be scheduled by the House Business Committee.

*(Putting of the Question deferred)*

Hon. Members, I would like to take this opportunity to welcome a delegation seated in the Speaker's Gallery this afternoon: 6<sup>th</sup> Student Organisation of Kibabii University (SOKU) comprising Student Council and Electoral College representatives. They are accompanied by Dr Benson Murumba Nasongo, Dean of Students and Ms Susan Okonji Adina, Senior Students Counsellor. They are from Kanduyi Constituency, Bungoma County. You are welcome to the National Assembly to observe the proceedings of the House.

Next Order!

EXPANSION OF DRUG AND SUBSTANCE ABUSE  
REHABILITATION CENTRES

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, this is Order No.11. Hon. John Makali, you may proceed.

**Hon. John Makali** (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker, for the opportunity granted to me once more. Before I move the Motion, I wish to extend a warm hand of welcome to the students of Kibabii University who come from my constituency. It is one of the most vibrant universities. It does not have many management issues like other universities. I take this opportunity to welcome them to the National Assembly and ask them, as leaders, to identify the seat they might wish to occupy in future including the one being occupied by yours truly. The secret is to work hard. I encourage them to work very hard and send my regards back home. Thank you.

Back to the Motion. Hon. Temporary Speaker, I beg to move:

THAT, aware that according to the National Protocol for Treatment of Substance Use Disorders in Kenya by the Ministry of Health, drug abuse has been increasing in Kenya, especially among the youth with statistics indicating that more than half of drug users are aged between 10 and 19 years; further aware that, research released by the National Authority for the Campaign Against Drug Abuse (NACADA) in December, 2022 placed Western region as the leading region in alcohol and substance abuse at 23.8%, followed by the Coast region at 13.9 % and the Central region at 11.9%; recognizing that the high level of drug abuse in the Western region is attributable to illegal entry points from neighbouring countries and unlicensed establishments especially in Bungoma and Busia counties with statistics indicating two out of every five establishments in Bungoma operate illegally; further recognising that, a majority of the consumers of illegal substances are school-going children who end up dropping out of school; cognizant of the fact that the Alcoholic Drinks Control Act, 2010 established the Alcoholic Drinks Control Fund whose purpose is to, among other things, facilitate the dissemination of information on alcoholic drinks, and promote rehabilitation programmes in the country; this House urges the Government to institute intensive programmes for the dissemination of information on alcohol and substance abuse in line with the Alcoholic Drinks Control Act, 2010 and to increase the number of rehabilitation centres across the counties.

We are staring at a problem of magnificent proportions. The recent report released by NACADA indicates increased cases of drug and substance abuse in this country. I am aware that under Schedule 4 of the Constitution, the issue of drugs control is left to the county governments. No part of this country is not in a county. Therefore, we need to address this problem.

Statistics released by NACADA in December 2022 were very shocking. They state that one out of 11 youths aged between 15 years to 24 years and one in every five youths aged between 25 years to 35 years were using, at least, one drug or substance abuse. They also state

that one in every three Kenyans aged between 13 years to 65 years, translating to a population of 8 million people, had minimal depressive disorders. Drugs and substance abuse have wrecked families. Children have been left destitute owing to consumption of drugs specifically alcohol, cocaine, *cannabis sativa* and heroin. Unless and until this problem is addressed, we are staring at a very bleak future. Jobs have been lost because of excessive consumption of drugs.

In the survey that was carried out by two commissions on causes of unrest in schools, drug and alcohol consumption were singled out as some of the causes. In the recent report by NACADA, one of its purposes was to ensure that rehabilitation centres are created so that people with substance disorders are not treated like criminals, but victims of a mental health disease which needs to be attended to.

If you look at the statistics of rehabilitation centres in this country, you will find that only five of them are run by the Government of Kenya. It is said that 90 per cent of the rehabilitation centres are run by faith-based organisations and other private entities. It is the role of Government, through NACADA, to ensure that our population is not imbibed in drugs. This problem is getting worse owing to digitisation. NACADA was given the role of disseminating information and carrying out sensitisation and advocacy.

Right now, we are finding the youth and underage children buying drugs through online platforms. We have not been able to control online platforms. The county governments were given a role of setting up mechanisms to control licensing. I wish to state that most of them have failed because their main obsession is licensing outlets where drugs are sold because their main concern is revenue collection. In most urban centres you will find wines and spirits shops littered everywhere and alcohol is sold across the counter to very young people.

We need to move from hammer-and-tongs approach where the national Government at the county level is only concerned about arresting these people, taking them to court and treating them as victims or criminals. We need to begin taking this as a mental issue and look at it as a mental disease which needs to be taken care of. How do we treat this as a mental disease? If you move in the streets, say, in Bungoma, you will find young boys sniffing glue. These boys create street families and with time, they mutate and become criminals. We are not focusing on treating these people. The only way we can treat these people is by establishing rehabilitation centres. We can ring-fence all the funds that are collected from licensing of the outlets that sell alcohol and drugs and direct them towards running of rehabilitation centres. In all our constituencies, there are families that are wrecked by people consuming alcohol and doing drugs like *cannabis sativa*. We arrest these people and take them to court, but they are soon released to the society. They go back to the same old habits.

Hon. Temporary Speaker, I move that this House urges the Government of the Republic of Kenya to ensure that we put up rehabilitation centres in each and every part of the country. These people who are addicted to drugs and other substances can be treated as patients. Sufficient funds can be put there so that they are actually treated. We need to treat it as an ailment and not a criminal offence. You arrest people, take them to court, they are fined, and then they return back to their normal circumstances.

Equally, we created an organisation known as the NACADA. It is supposed to do sensitisation and run rehabilitation centres. It is not adequately funded to run its programmes, specifically in civic education outreach programmes. I visited their offices and they only run one rehabilitation centre in Miritini in Mombasa. They have challenges. Which challenges do they have? They have challenges of funding, lack of staff and the need to keep patients there. So, we need to facilitate this organisation so that it can perform its statutory mandate as stipulated in the enabling statute.

We need to treat these people who are suffering from substance abuse. Some of them have lost jobs. Others have families, which have been left destitute. Others have even died. We

need a paradigm shift, so that we treat them as mental patients who require actual treatment and not punishment.

Hon. Temporary Speaker, with those remarks, I beg to move and request Hon. Dorothy Ikiara to second this particular Motion.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I wish to add my voice to this very important Motion. I thank Hon. Makali for bringing it on the Floor of this House. The expansion of drug and substance abuse rehabilitation centres is a must in this country. President Richard Nixon declared drug abuse as public enemy number one on 17<sup>th</sup> June 1971.

Based on this, we too are aware that the right to health was recognised as a human right in the 1966 International Covenant on Economic, Social and Cultural Rights. Drugs and substance abuse are major health concerns in our country today. Article 26 of the Constitution of Kenya appreciates the sanctity of life and acknowledges the right of every person to life. Article 43(1) (a) of the Constitution says that every person has the right to the highest attainable standard of health, which includes the right to healthcare services, including reproductive healthcare. This is what we must ride on as we think of this very important Motion.

We are aware that a majority of the people who abuse drugs and substances are already sick people. Addiction treatment and rehabilitation centres in Kenya are largely a private sector and Non-Governmental Organisations (NGOs) affair dating back to 1978. This denies people the right to prevention, treatment and control of this menace, and the provision of health-related education and information as envisaged by our Constitution.

If we adopt this Motion, Kenya can make huge strides. For example, Portugal in the 1990s was known as the heroin capital of Europe. Shifting from a criminal approach to a public health one, the so-called Portugal Model, will have a dramatic result. The number of heroin users in Portugal has dropped from 100,000 before the law to just 25,000 today. Portugal now has the lowest drug-related death rate in Western Europe. To adequately address the prevalence of drug abuse, there is urgent need for physical expansion of drug and substance abuse rehabilitation centres in our country today. In addressing the approach adopted in these rehabilitation centres, I propose the need for further research to understand why more Kenyans are abusing drugs and substances.

Secondly, we must develop evidence-based programmes which will effectively prevent the relapse after treatment of a drug patient. Thirdly, we need community surveillance to curb the sale of recent drinks and drugs to the young and vulnerable population. I want to stress on what the Mover of this Motion had just alluded to. We have not been able to adequately ensure that we curb this menace by ensuring that we have less outlets where these illicit drugs are sold. Fourthly, we need the enforcement of guidance and laws on the above measures. We want to look at the population-wide education to prevent alcohol and substance misuse. Then, establish youth's sustainable livelihood programmes at county level to divert attention from drugs and alcohol.

As I second this very important Motion, I urge this House to participate if we have to save our generation. Thank you, Hon. Temporary Speaker. I second the Motion.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Ikiara.

*(Question proposed)*

Hon. Mishi Mboko.

**Hon. Mishi Mboko** (Likoni, ODM): Asante sana, Mhe. Spika wa Muda, kwa kunipatia nafasi ya kuzungumzia Hoja hii. Pia, ninamshukuru sana Mhe. Makali kwa kuleta Hoja ambayo ni muhimu sana. Kwa hakika, nakubaliana na ripoti za NACADA ambazo zimeangazia

kwamba sehemu za Busia na Mombasa ziko kwenye nambari ya kwanza na pili katika takwimu kuhusu mambo ya utumiaji wa pombe haramu na dawa za kulevya.

Nchi yetu haijawekeza zaidi kupata taasisi za umma ambazo zinaangalia mambo ya madawa ya kulevya na kunasua vijana ambao wamepotea na wameharibikia huko. Hivyo basi, ni muhimu sana Serikali iweke taasisi katika kila kaunti ambayo itanasua vijana ambao wameharibikia kwenye matumizi ya mihadarati na pombe haramu.

Katika sehemu ambazo tunaishi, utapata kuna sehemu zinaitwa *Wines and Spirits*. Utapata mtu ametengeneza kibanda ambacho anauza pombe kali sana. Pombe hizo zimetiwa katika vipakiti vidogo vidogo na huuzwa kwa bei rahisi sana. Inawezekana hata mtoto wa shule akazinunua kwa shilingi hamsini na kuzitumia. Wakati mwafaka umefika. Ni lazima pia tupige msasa, kupitia serikali za kaunti, suala hili. Ni lazima tuhakikishe kwamba wanaangalia sehemu ambazo biashara kama hizi zinawekwa. Wakati umefika hospitali zetu ziwe na sehemu ambazo zitakuwa zinazungumzia mambo ya madawa ya kulevya na pombe haramu ili tuweze kunasua Wakenya wetu wengi ambao wameingia katika mitihani kama hii na kuharibu maisha yao.

Wakati wa nyuma, tulikuwa na maafisa ambao walikuwa wanatembea nyanjani wakizungumzia mambo ya kupanga uzazi, maradhi ya *HIV*, kilimo na mengineyo. Wakati umefika tuwe na maofisa wakutembea nyanjani na maskani ambayo vijana hawa wanafanya shughuli nyingi sana za mihadarati, kunywa pombe na mambo kama hayo. Umma wetu unapotea. Watoto wetu wadogo sana, miaka kumi na minane kuja chini, hata miaka kumi na mitano kuja chini, wameingia katika matumizi ya mihadarati na pombe haramu. Hatuna umma ule mchanga ambao utaweza kufikiria mambo ya maisha na kujenga uchumi kwa sababu wameingia katika mambo haya.

Tukiangazia vitengo vya kusimamia usalama kuanzia naibu chifu, chifu, *Assistant County Commissioner* (ACC), mpaka kwa polisi wetu, je, wamechukua mikakati ipi kuhakikisha kwamba madawa ya kulevya hayaingii hapa nchini? Haya madawa ya kulevya hayapaswi kufika kule nyanjani. Hii ni kwa sababu, wakati madawa haya hayakuwa yanafika nyanjani, hatukuwa na takwimu kubwa za kuonyesha kwamba vijana wamebobeza katika mambo haya. Lakini kwa sababu ni rahisi kupata mihadarati na pombe haramu, kila mmoja ameingia katika matumizi yake. Hivyo basi, uchumi unadorora na maisha na afya ya Wakenya inadorora. Ni wakati mwafaka Serikali iangalie vile inavyofadhili NACADA. NACADA ni taasisi, lakini ufadhili wake ni mchache sana. Katika mipaka yetu, hakuna maofisa wa NACADA wa kuhakikisha kwamba mihadarati haipitii hapo na kufika huku nyanjani. Kule Busia, Malaba, na Lunga Lungu, mihadarati inapita kwa njia nyingi sana. Mihadarati pia hupitia baharini. Ni wakati mwafaka kuwe na vitengo vya usalama mahsusi ambavyo vimewekwa kuangalia suala la mihadarati.

Ni wakati mwafaka kubadilisha sheria ya kuruhusu mtu aliye na umri wa miaka kumi na minane kunywa pombe. Waruhusiwe tu watu ambao wana umri wa miaka ishirini na mmoja. Tukiweka hivyo, tutasaidia vijana wengi sana ambao wameingia katika pombe wakiwa na umri wa chini sana. Hili ni suala muhimu na ni lazima tuliangalie.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Mishi Mboko. Member for Buuri, Hon. Rindikiri Mugambi.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker.

I have just come from a meeting of the Parliamentarians Against Drugs and Substance Abuse Caucus, the United Nations Development Corporation (UNDC), and the World Health Organisation (WHO). Drug usage is becoming a pandemic in Kenya. It has now become a menace in all parts of the country, including the traditional areas of North Eastern where we never had a lot of drug abuse.

It is high time we stood together to save the generation of tomorrow. As I stand here, my Buuri Constituency sits on the transit route of drugs from Ethiopia and Nairobi. It is a

national concern that has also brought in the presidency to fight against the menace. This menace is with us as a business and as a matter of relaxation. We believe that Africa is the only part of the world that is left intact. According to our enemies, Africa must be destroyed through drug abuse. Therefore, I stand to support this Motion and say it is high time this country seriously deliberated the matter. As we deliberate on the cost of fuel and the cost of living, we need to discuss the fate of drugs and drug abuse urgently.

Each Member of this Parliament should take this as a very serious concern or else we will not have voters of tomorrow. Drug abuse has gone all the way to primary schools. It is also available in churches and bars. It is openly available on the streets and in security installations. As far as I am concerned, it is a national disaster. As we propose to move ahead, we should think about changing some legislation. We have to state that things like tobacco, narcotics, and all those kinds of items, are no longer good for our society. We must take hard decisions.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Buuri. Hon. Catherine Omanyo, Member for Busia.

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you, Hon. Temporary Speaker.

I also want to add bells and whistles to this Motion by saying no to drugs, anytime. For us to have a healthy and productive society, we should not shy away from this matter. We are losing children. Personally, I have been affected through family members, cousins and friends I knew. They are becoming social misfits. People segregate and avoid such people. Neighbours can even make it worse by saying somebody's child, husband or wife is just a mess. It makes the situation worse. We are not doing much as a nation. Our border points and sea areas like Malindi and Lamu are the places traffickers target to route themselves into a nation. Somebody only rises up when his or her family has been hit hard, maybe, a son or a daughter. We should keep reminding people how drugs can affect a family from morning to evening.

We know very well that drugs are introduced to somebody. Even in primary and secondary schools, it should not just be taught as part of a unit for students to cram and pass exams. Teachers who handle such units should go deeper and let children know that they will get addicted if they are introduced to some of these drugs, even by just testing or trying. These traffickers have made sure they introduce drugs to young people to make them look cool. You will notice the English language of some of these children who use drugs is different. How they dress is different. They make it attractive. Many young people, because of peer influence, think that it is cool to use drugs. Let teachers go deeper and tell them that immediately they puff some of these drugs, it takes about seven years to come out of their brains. You start turning into a cabbage. Let teachers, we adults and everyone be responsible and tell them that these drugs make one turn into a cabbage. Who wants to look like a cabbage? We have made these drugs very much available. You can go to a pharmacy and find drugs that make you drunk the whole day. Why should we have such drugs on our chemist shelves? I had a lot to say, Hon. Temporary Speaker, but thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Busia. Hon. Members, I see many of you wanted to speak, including Hon. Jessica Mbalu, Member for Kibwezi East, Hon. Njeri Maina, Hon. Donya and Hon. Saney, but unfortunately time is up.

**ADJOURNMENT**

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 1:00 p.m., this House stands adjourned until this afternoon, Wednesday, 4<sup>th</sup> October 2023 at 2:30 p.m.

The House rose at 1.00 p.m.

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