



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. III NO. 11

THE HANSARD

Wednesday, 28th February 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Where are the Whips? Do we have quorum yet? Hon. Wandayi, where are your troops?

(Hon. Opiyo Wandayi spoke off record)

You are a troop. You are not troops. I am asking for troops.

(The Hon. Speaker consulted with the Clerks-at-the Table)

We now have quorum. Being a Wednesday, we are expecting two Cabinet Secretaries; Hon. Aisha Jumwa and Hon. Ezekiel Machogu. We will transact business as follows: After the preliminaries, we will put Questions at Order Nos.8, 9 and 10. We will do the First Readings up to Order No.15, and then we call in the first Cabinet Secretary, Aisha Jumwa.

Clerk-at-the Table, can we proceed?

PETITION

Hon. Speaker: Hon. Esther Passaris.

POINT OF ORDER

DELAYED PROCESSING OF PETITION ON DELIMITATION OF ELECTORAL UNITS

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Speaker. I rise on a point of order pursuant to Standing Order 227 (2) relating to the timeline for consideration of public petitions by the Public Petitions Committee.

Hon. Speaker, as you may recall, on 8th August 2023, you reported to this House a Petition by the Centre for Accountability, Reform and Democracy regarding delimitation on electoral units. You subsequently referred the Petition to the Public Petitions Committee for consideration.

The Petitioner had expressed concerns that Parliament was yet to develop a legal framework for creating and determining sub-locations that take into account the obligations of the Independent Electoral and Boundaries Commission (IEBC), to progressively achieve population parity as required under Article 89(3) of the Constitution. The National Dialogue Committee Report has also echoed the Petitioner's concerns and recommended that delimitation of boundaries be promptly done immediately the IEBC is properly constituted. The Petitioner's prayers seek to strengthen Parliament's role in the review of the electoral units.

I, therefore, seek your indulgence to cause the Chairperson of the Public Petitions Committee to explain why it has inordinately taken long for the Committee to conclude the Petition as required under Standing Order 227(2), and a commitment to this House on when the Report should be expected.

I thank you, Hon. Speaker,

Hon. Speaker: *Mama Naomi*, where is the Chairman of the Public Petitions Committee?

Hon. Naomi Waqo (Marsabit County, UDA): He might be on his way here, but we can take that up.

Hon. Speaker: Have you heard what the Member said?

Hon. Naomi Waqo (Marsabit County, UDA): Yes, I have heard. I will pass the message.

Hon. Speaker: The Petition has been pending from August last year. It is not the only one. There are many others. I direct you to call that Committee to order.

Hon. Naomi Waqo (Marsabit County, UDA): Yes, Hon. Speaker. I know many Members have raised that concern. It is also not the first time that we are talking about that matter in this House. I will take that up and ensure that we take the necessary action

Hon. Speaker: I direct that you instruct them to bring a response or a report on the Petition by Wednesday next week.

Hon. Naomi Waqo (Marsabit County, UDA): Much obliged, Hon. Speaker.

(Hon. Opiyo Wandayi spoke off the record)

Hon. Speaker: Yes, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, the last time this issue came up, you directed that you want to meet the Committee Members...

Hon. Speaker: I have not seen them.

Hon. Opiyo Wandayi (Ugunja, ODM): Is there a timeline to this issue being resolved, or is it going to be an endless matter until the term of this Parliament comes to an end? That Committee is not just serving the Majority Party side. It is serving the whole House. We have as much stake as the Majority Party side in the happenings of that Committee. We need to be clearly advised as to when the impasse and lethargy in that Committee is going to be addressed. The promises by my dear friend, Hon. Naomi Waqo, cannot suffice. It is time that a decision is made on how that Committee is going to be managed. We must bite the bullet. That is my point.

Thank you.

Hon. Speaker: Yes, Hon. Omboko Milemba of Emuhaya Constituency.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker, for giving me this chance. You have just mentioned that you did not meet the Chair of the Committee with his team. That shows a red light. I want to say that you must now take it upon yourself to fix the Public Petitions Committee. It is stifling the business of the House. It will make our credibility go low. Previously, many people were invited to various Committees across board for their petitions to be listened to. That gave Parliament its authority, life and a duty to be distributed amongst so many players who are Members of Parliament. We changed our Standing Orders and confined petitions to one Committee, but it is not realistic.

Hon. Speaker, take it up yourself and deal with it. Boutros Boutros-Ghali once said: "Only stupid people do not change their minds." We can just change our minds; we must ensure that Parliament remains strong.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. K.J.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I thank you. I could see your dilemma when the matter on the Public Petitions Committee was brought up last week. The complaints might be many, but we have to understand that it is Parliament in its own wisdom that decided that we shall form the Public Petitions Committee. Those are our colleagues. The situation is not about the inability of the Members to process, but the heavy workload that is there. My view would be that you recommend to the Chair of the Public Petitions Committee to go through the raft of all the pending petitions, and see which ones can be taken up by the specific substantive committees and refer them. For instance, there is a petition that came to you about the Robotics Bill that is raising a lot of attention in the sector. It has been sitting at the Public Petitions Committee since last year.

Hon. Speaker, if possible, you could advise the Public Petitions Committee to refer the petitions to substantive committees. In doing so, we would be reducing the workload and the blame. We would ultimately do exactly what we needed to do with this Public Petitions Committee and refer technical matters to their specific and substantial committees.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. K.J, the Public Petitions Committee has no authority at all to surrender a petition to another Committee. I will, therefore, direct Hon. Naomi Waqo, who is here on behalf of the Leader of the Majority Party, to bring the Public Petitions Committee to my Chambers on Monday at 11.00 O'clock.

(Applause)

That will be followed, thereafter, by a possible meeting with the Leaders of the Majority and Minority Parties on Tuesday after the House Business Committee (HBC), to see how we can address this issue.

(Applause)

Remember Members, that ordinary citizens come to you with petitions as a last resort. They do not come here for fun. They come here because they do not have money to go to court or to the alternative dispute resolution mechanisms. They come here because you are the representatives who act on their own behalf for free, and you must do so because you have no choice.

(Applause)

And when a petition has come to you, even a 'No' is an answer. You must deal with them and advise the public accordingly.

Thank you.

Hon. Members allow me to acknowledge Kangara High School from Mbeere North Constituency, Embu County, who are seated in the Speaker's Gallery.

(Applause)

In the Public Gallery, we have Nairobi Academy from Lang'ata Constituency, Nairobi County; Ngecho Secondary School, Gilgil Constituency, Nakuru County, various schools and the best performing students from Hamisi Constituency, Vihiga County.

(Applause)

Hon. Wangari has requested a chance to acknowledge a school from her constituency. You can also acknowledge all the other schools on behalf of the House.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. Hon. Omboko is trying to remind me something about Vihiga which, in my view, you mentioned.

I want to take this opportunity to welcome the students here. I want to, specifically, welcome Ngecho Secondary School which is one of the best public schools that we have in Gilgil Constituency. I have already spoken to them to observe what the Members are doing here because tomorrow or a few years from now, some of them would be sitting here.

I also take this opportunity to welcome all the other students who are here for this learning experience because, it could shape their future.

Thank you, Hon. Speaker for indulging me.

Hon. Speaker: Thank you, Hon. Members. On my own behalf and that of the House, I welcome you all to Parliament.

Hon. Members, allow me to also acknowledge the presence of a delegation from the National Assembly of Malawi, who are seated on the Speaker's Row. They are:

1. The First Deputy Speaker – Hon. Madalisto Kazombo, MP; and,
2. The Second Deputy Speaker – Hon. Aisha Adams, MP.

(Applause)

They are accompanied by nine officers of the National Assembly of Malawi led by the Deputy Clerk, Corporate Services, Mr. Chikondi Kachinjika.

(Applause)

Hon. Members, the delegation is in the country on a study visit to learn the technical aspects of the Chamber system; including electronic voting, attendance management, recognition of Members by presiding officers and other features of the system.

Hon. Members, on my own behalf and that of the National Assembly, I welcome the delegation to the Parliament of Kenya, and wish them a fruitful engagement during their stay in the country.

Thank you.

(Applause)

Next Order.

PAPERS

Hon. Speaker: Leader of the Majority Party.

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

1. Legal Notice No.220 of 2023 relating to the Public Finance Management (Wildlife Conservation Trust Fund) Regulations, 2023 from The National Treasury;
2. Legal Notice No.39 of 2024 relating to the Refugees (General) Regulations, 2024, from the Ministry of Interior and National Administration;
3. Third Quarterly Report of the Ethics and Anti-Corruption Commission for the Year ended 2023 from the Office of the Attorney-General and Department of Justice;

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

4. Bi-Annual Report of the Commission on Administrative Justice for the period January to June 2023;
5. Annual Report of the Judicial Service Commission for the Financial Year 2022/2023 from the Judicial Service Commission;
6. First Quarter County Governments Budget Implementation Review Report for FY 2023/24 from the Office of the Controller of Budget;
7. 31st Bi-Annual Report of the Monetary Policy Committee from The National Treasury;
8. Reports of the Auditor-General and Financial Statements for the Year ended 30th June 2023, and the certificates therein in respect of:
 - (a) Competition Authority of Kenya;
 - (b) E-Citizen Revenue Accountability Statement;
 - (c) Receiver of Revenue-Recurrent—the National Treasury;
 - (d) Civil Servants Housing Scheme Fund – State Department for Housing and Urban Development;
 - (e) Treasury Main Clearance Fund;
 - (f) State Department for Lands and Physical Planning;
 - (g) Government Investments and Public Enterprises– Revenue Statements;
 - (h) State Department for Development of the Arid and Semi-Arid Lands;
 - (i) National Intelligence Service;
 - (j) Energy and Petroleum Regulatory Authority Staff Mortgage and Car Loan Scheme;
 - (k) Government Press Fund;
 - (l) AFD–ASAL Rural Roads Project; and,
 - (m) National Government Constituencies Development Fund.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Naomi. Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, we will skip Order 7 for a little while. Next Order.

BILL

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL
(National Assembly Bill No.68 of 2023)

(Moved by Hon. Kimani Ichung'wah on 6.12.2023 – Morning Sitting)

(Debate concluded on 27.2.2024)

(Question put and agreed to)

*(The Bill was read a Second Time and
Committed to Committee of the whole House)*

Hon. Speaker: Next Order.

Hon. Abdullahi Sheikh (Mandera North, UDM): On a point of order, Hon. Speaker.

Hon. Speaker: What is out of order, Hon. Bashir?

Hon. Abdullahi Sheikh (Mandera North, UDM): Hon. Speaker, I want to talk about the Statements.

Hon. Speaker: Hon. Bashir, it is obvious you are not following the proceedings. I said we will come back to the Statements after we finish the Orders that are being called out.

Hon. Abdullahi Sheikh (Mandera North, UDM): Okay, Hon. Speaker. Much obliged.

MOTION

ADOPTION OF REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT MINISTRIES, DEPARTMENTS AND AGENCIES FOR THE FINANCIAL YEAR 2020/2021

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor-General on the Financial Statements for the National Government Ministries, Departments and Agencies for the Financial Year 2020/2021, laid on the Table of the House on Thursday, 30th November 2023, subject to deletion of Paragraph 30 under General Observations and Recommendations on page XX (20) of the Report and substitution thereof, with the following:

“Statement on Audited Accounts of Revenue for the period ending 30th June 2021.

During the 2020/2021 Financial Year, total revenue recorded under various revenue statements as received by the National Government amounted to Kshs1,713,642,981,513, representing a decrease of Kshs17,349,712,351 or about 1 per cent compared to the actual collections of Kshs1,730,992,693,864 realised in the Year 2019/2020 as tabulated below:

DETAILS	2020/21 Actual Receipts	2019/20 Actual Receipts	Increase/Decrease (Kshs)	Increase/Decrease (%)
Recurrent Revenue	1,626,801,249,470	1,673,714,909,446	-46,913,659,976.00	-2.8%
o/w Sharable Revenue	1,570,562,945,014	1,578,035,418,992	- 7,472,473,978.00	-0.5%
GIPE	56,238,304,456	95,679,490,454	39,441,185,998.00	-41.2%
Development Revenue	86,841,732,043	57,277,784,418	29,563,947,625.00	51.6%
Total	1,713,642,981,513	1,730,992,693,864	17,349,712,351.00	-1.0%

Data Source: Kenya National Audit Office

The total revenue of Kshs1,713,642,981,513 for the Year 2020/2021 comprised of Kshs1,570,562,945,014 as sharable revenue; Kshs56,238,304,456 as receipts from Government Investment and Public Enterprises and Kshs86,841,732,043 relating to Development Revenue. However, the total sharable revenue of Kshs1,570,562,945,014 reported in the 2020/21 Financial Year differs by Kshs7,472,473,978 with the revenue receipts of Kshs1,578,035,418,992 in the 2019/20 Financial Year.

The Committee recommends that the total nationally collected revenue amount of Kshs1,570,562,945,014 forms the basis of sharing of revenue between the national and County Governments as contemplated in Article 203(3) of the Constitution.”

(Moved by Hon. John Mbadi on 22.2.2024)

(Debate concluded on 27.2.2024)

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

Resolved accordingly:

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor-General on the Financial Statements for the National Government Ministries, Departments and Agencies for the Financial Year 2020/2021, laid on the Table of the House on Thursday, 30th November 2023, subject to deletion of Paragraph 30 under General Observations and Recommendations on page XX (20) of the Report and substitution thereof, with the following:

“Statement on Audited Accounts of Revenue for the period ending 30th June 2021.

During the 2020/2021 Financial Year, total revenue recorded under various revenue statements as received by the National Government amounted to Kshs1,713,642,981,513, representing a decrease of Kshs17,349,712,351 or about 1 per cent compared to the actual collections of Kshs1,730,992,693,864 realised in the Year 2019/2020 as tabulated below:

DETAILS	2020/21 Actual Receipts	2019/20 Actual Receipts	Increase/Decrease (Kshs)	Increase/Decrease (%)
Recurrent Revenue	1,626,801,249,470	1,673,714,909,446	-46,913,659,976.00	-2.8%
o/w Sharable Revenue	1,570,562,945,014	1,578,035,418,992	- 7,472,473,978.00	-0.5%
GIPE	56,238,304,456	95,679,490,454	39,441,185,998.00	-41.2%
Development Revenue	86,841,732,043	57,277,784,418	29,563,947,625.00	51.6%
Total	1,713,642,981,513	1,730,992,693,864	17,349,712,351.00	-1.0%

Data Source: Kenya National Audit Office

The total revenue of Kshs1,713,642,981,513 for the Year 2020/2021 comprised of Kshs1,570,562,945,014 as sharable revenue; Kshs56,238,304,456 as receipts from Government Investment and Public Enterprises and Kshs86,841,732,043 relating to Development Revenue. However, the total sharable revenue of Kshs1,570,562,945,014 reported in the 2020/21 Financial Year differs by Kshs7,472,473,978 with the revenue receipts of Kshs1,578,035,418,992 in the 2019/20 Financial Year.

Hon. Speaker: Next Order.

MOTION

ADOPTION OF REPORT ON NON-COMPLIANT STATE CORPORATIONS

THAT, this House adopts the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the report of the Auditor-General on 23 Non-Compliant State Corporations, laid on the Table of the House on Wednesday, 23rd August 2023.

(Moved by Hon. Emmanuel Wangwe on 22.2.2024)

(Debate concluded on 27.2.2024)

(Several Members walked into the Chamber)

Hon. Speaker: Hon. Members, take your seats. Hon. DK, take the nearest seat. Thank you.

(Question put and agreed to)

As we go to the First Readings under the remaining orders, the Leader of the Majority Party should organise to have your first Cabinet Secretary, Hon. Aisha Jumwa, into the Chamber, in readiness for Questions. We will come back to you, Hon. Oundo.
Call out Order No.11.

BILLS

First Readings

THE EQUALISATION FUND APPROPRIATION BILL
(Senate Bill No. 30 of 2023)

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL
(Senate Bill No. 9 of 2022)

THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL
(Senate Bill No. 12 of 2022)

THE PERSONS WITH DISABILITIES BILL
(Senate Bill No. 7 of 2023)

THE PUBLIC AUDIT BILL
(National Assembly Bill No. 4 of 2024)

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

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

CHALLENGES FACED BY STUDENTS IN ACCESSING UNIVERSITY
REGISTRATION THROUGH KUCCPS

Hon. Speaker: We now go back to Questions and Statements. Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you Hon. Speaker for giving me this opportunity. As all parents and students are aware, the portal for Kenya Universities and Colleges Central Placement Service (KUCCPS) was opened sometime back. That portal is the basis on which those who wish to join universities and colleges apply for placement in

Government institutions, universities, Technical and Vocational Education and Training (TVETs), and Technical Training Institutes (TTIs).

As we are all aware and as has been widely reported all over the newspapers, social media and all mainstream media, the portal seems to be having very many challenges. The delays are notably too long. Up to now, many students have not been able to log in and apply for the courses they wish to pursue at universities and other tertiary colleges. There has been an attempt to extend the deadline to 4th March 2024 but, as you read in the newspapers today, half of eligible students have not been able to access the portal. That is why I am raising this matter as a fundamentally serious one. I would like to request the Chairperson of the Departmental Committee on Education as well as the one responsible for ICT to call upon the relevant authorities to do all they can to ensure that the portal works and all the students who wish to apply can access it.

As I speak, I have been called from the constituency office. The queues are very long, but the students cannot access the portal and log in. It has become a nightmare. I am told many students are resorting to accessing the portal at 2:00 a.m., 3:00 a.m. or 4:00 a.m. at night to try their luck. In all those circumstances, they have been unable to access the portal. Many students are apprehensive that they will miss their positions and fail to get admitted to university.

Through your indulgence, Hon. Speaker, I request that the two Chairmen collaborate and ensure that this matter is addressed expeditiously and, if possible, give us a response or a resolution by tomorrow, given that 4th March is Monday next week when the House will not be sitting.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Oundo. Hon. Injendi, you can respond to that tomorrow in the afternoon? Right? If what he is saying is true, you better expeditiously get a response.

(Hon. Malulu Injendi spoke off the record)

(Clerk-at-the-Table consulted with the Speaker)

Hon. Members, at Order No. 10, please note that the recommendations of the Committee, which the Speaker did not read out, are part of the Motion that we have just voted and agreed on.

ORDINARY QUESTIONS

Hon. Speaker: We now go to Questions. Cabinet Secretary, Hon. Aisha Jumwa, we have three Questions for your Ministry. Are they three? I will call on the first questioner, Hon. Martha Wangari. As we always do, the Member who ask a Question will have the first bite at supplementary questions, and then we will take two joyriders.

(Laughter)

Question 242/2023

CHANGES IN THE DISBURSEMENT MODEL
OF THE WOMEN ENTERPRISE FUND

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I do not know why the laughter. I think it is because of the ‘joy’ part. I will take the opportunity to ask Question 242/2023 to the Cabinet Secretary for Gender, Culture, the Arts and Heritage.

Could the Cabinet Secretary—

- (a) Elaborate on the changes the Government has made to the disbursement model of the Women Enterprise Fund (WEF) and further provide details of disbursement and recoveries made in the new financial inclusion platform model, also known as *254#, *vis-à-vis* the old model?
- (b) Clarify if the Ministry conducted adequate capacity building and public participation on the new financial inclusion platform with regard to changes that were made in disbursement and monthly recoveries based on the newly agreed interest rate of the Fund.
- (c) Clarify whether the introduction of the Hustler Fund has affected the Women Enterprise Fund?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Aisha.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Ms. Aisha Jumwa): Hon. Speaker, thank you for giving me this opportunity. Before I go to the substantive Question by the Member, allow me to give a brief background on WEF.

Hon. Speaker: How many minutes? This is Question Time.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Ms. Aisha Jumwa): About three minutes.

Hon. Speaker: Okay, go ahead.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Ms. Aisha Jumwa): Thank you, Hon. Speaker. The Women Enterprise Fund is a semi-autonomous Government agency in the Ministry of Gender, Culture, the Arts and Heritage, that is committed to the provision of accessible and affordable credit and business development services to support women start and/or expand their businesses for wealth and employment creation. The Fund was established through Legal Notice No.147/2007 as a Vision 2030 flagship project under the social pillar that seeks to make fundamental changes in four critical areas namely opportunities, empowerment, capabilities and vulnerabilities. The rationale is to address the exclusion of women from economic participation through the provision of subsidised credit for enterprise development as an affirmative action intervention that promotes the first and fifth Sustainable Development Goals on poverty reduction, gender equality and women empowerment. The major challenges under the Manual Business Model are:

1. Manual loan application process, resulting to a lengthy approval process of 45 days.
2. Lengthy loan tenure thus inhibiting the Fund from revolving the funds many times.

Going straight to the Question, the digitisation of the Fund products is premised on the Government call to ensure all Government services are available online. The Fund undertook capacity building in various counties and engaged stakeholders through the media, *Huduma Mashinani*, chiefs’ *baraza*, county sensitisation forums and robust social media engagement. The Fund has also facilitated public engagements in various regions as enlisted below:

Date	County	No. of Participants
25 th April 2023	Mombasa	514
12 th May 2023	Baringo	326
23 rd May 2023	Kajiado	203
8 th June 2023	Machakos	317

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

9 th June 2023	Nairobi	252
19 th June 2023	Kisumu	418
20 th June 2023	Kiambu	476
20 th June 2023	Siaya	246
23 rd June 2023	Bomet	198

The Fund undertook a three-month pilot phase. One was from 1st July 2020 to 30th September 2023. During this period, Ksh841,901,505 was distributed to 18,955 women groups. Out of the disbursed amount, we have collected Ksh257,464,445. This translates to a repayment rate of 27.3 per cent, with cumulative savings of Ksh47,095,075. From the pilot phase, the Fund has reviewed the lending business rules to allow flexibility in loan limits, repayment period and on-boarding of borrowers with good repayment history under the old manual system. We project to disburse Ksh4.1 billion in the Financial Year 2023/2024.

Hon. Speaker, on the second question, since inception of National Government Affirmative Action Fund (NGAAF)... What is the question? She asked two questions on Women Enterprise Fund (WEF). So, I am answering the last one.

WEF has a unique preposition since it targets 100 per cent women constituted groups (affirmative action) besides having an existing client database ready for on-boarding. The Fund also offers a competitive interest rate of 6 per cent per annum on a reducing balance compared to the Hustler Fund at the rate of 8 per cent per annum on a reducing balance. However, the Fund is in the process of undertaking a survey to determine the effect of Hustler Fund on WEF operations.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wangari. If you are satisfied, you do not have to ask any supplementary question. Give her the microphone.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I want to seek clarification on some few issues. One, initially WEF did not charge interest. What has the introduction of 6 per cent interest done to loans recovery? In my constituency, it was 98 per cent recovery rate. So, countrywide, what is the recovery rate?

Two, some existing customers used to get Ksh750,000 having grown through the model. Now, they have been reverted back to Ksh50,000. What will you do to the existing customers who had grown their credit worthiness? Finally, when will lending resume? Will it be manual or digital? Could the Cabinet Secretary confirm if WEF can offer Local Purchasing Order (LPO) financing and Kenya Bureau Standards (KEBs) certification? It used to offer those services to women earlier.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Thank you, Hon. Speaker and Hon. Member. The fund...

Hon. Speaker: You do not address the Hon. Member. You address the Speaker.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Sorry, Hon. Speaker. That fund needs to sustain itself, without depending on the Exchequer. Hence the reason for introducing the 6 per cent interest rate. How many questions has she asked?

Hon. Speaker: Are you done?

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Yes, Hon. Speaker. I did not get the other questions.

Hon. Speaker: Give the microphone to the Member for Gilgil.

Hon. Martha Wangari (Gilgil, UDA): Sorry, maybe the ones accompanying the Cabinet Secretary can take down the questions. One, was the issue of interest. Two, what has that done to the loan recovery? I gave an example of Gilgil Constituency where it was 98 per

cent recovery. So, what is the loan recovery rate now? Thirdly, how will you assist the existing customers who used to get Ksh750,000 but, with the new model, they can only get Ksh50,000? Four, when will lending resume and will it be manual or digital? Finally...

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): I am still noting the questions.

Hon. Martha Wangari (Gilgil, UDA): Oh, sorry. Hon. Speaker, we have a rule of going very fast and I thought the orderlies would help to...

Hon. Speaker: She is asking...

Hon. Martha Wangari (Gilgil, UDA): May I go slowly?

Hon. Speaker: Yes. Go ahead.

Hon. Martha Wangari (Gilgil, UDA): I can do it slowly.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Yes, please.

Hon. Martha Wangari (Gilgil, UDA): One...

Hon. Speaker: Not as to undermine the efficiency of the House.

Hon. Martha Wangari (Gilgil, UDA): One, is the issue of 6 per cent interest, which is a new introduction because it was 0 per cent. What has this done to the loan recovery? I gave an example of Gilgil Constituency, where our recovery rate was an average of 98 per cent. This is because they used to pay back very well.

Two, what will you do to existing customers? I gave an example of Diatomite Women Group in Gilgil. They used to get Ksh750,000 having grown through the system but now, they are getting Ksh50,000. Three, when will lending resume? Currently, it has stopped. Will it be manual or digital? Finally, could the Cabinet Secretary confirm, if WEF will continue to offer LPO financing and KEBS certification as it used to do for women groups before it was put on the digital platform? I hope that works.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Thank you, Hon. Speaker. On LPO financing, the Fund is a group lending Fund. We do not have that product at the moment but we reviewed the limit from Ksh50,000 to Ksh750,000 to accommodate our clients who have made tremendous progress. We will start lending in mid-March. This is the new product we have come up with during the review since we started with Ksh50,000, but we will be lending up to Ksh750,000.

Hon. Speaker: Okay.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): I submit.

Hon. Speaker: Next Question by the Member for Kilifi, Hon. Gertrude Mbeyu.

Question 031/2024

SIGNIFICANT REDUCTION IN NGAAF ALLOCATIONS IN THE FY2023/2024 BUDGET

Hon. Gertrude Mbeyu (Kilifi County, ODM): Thank you, Hon. Speaker. I rise to ask Question 031/2024 to the Cabinet Secretary for Gender, Culture, the Arts and Heritage.

Could the Cabinet Secretary –

(i) explain the reasons for the significant production...

Hon. Speaker: Reduction.

Hon. Gertrude Mbeyu (Kilifi County, ODM): Sorry, Hon. Speaker.

Could the Cabinet Secretary –

- (a) explain the reasons for the significant reduction in the allocation to the National Government Affirmative Action Fund (NGAAF) in the FY 2023/2024 Budget for its projects across the 47 counties from Ksh1 Billion to Kshs870 million?
- (b) provide details on the qualifications of the NGAAF Fund Board Members and how their selection for appointment to the Board reflects the diversity of the 47 counties?
- (c) outline the role of the Cabinet Secretary in the recruitment process of the county coordinators and clarify the circumstances that led to the appointment of an individual from Kilifi County as the Kwale County Coordinator?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Thank you, Hon. Speaker. Since the inception of NGAAF in 2014/2015, the allocation has been Ksh2.13 billion, which is apportioned to counties based on the Regulations, 2016. This is to clarify that as per the Presidential Directive to the National Treasury, Ref. No. SH/GM/3/Vol.1(41), the NGAAF budgetary allocation for the Financial Year 2023/2024 was increased to Ksh3 billion. This translates to an increase of Ksh870 million in fund allocation and not a reduction as per the Member's Question. This is meant to reach more women, youth and persons with disabilities, most of whom are at the lowest of the economic pyramid so as to improve their livelihoods for sustainable development. His Excellency the President continues to pledge for more allocation in the future as the economy improves to reach more beneficiaries.

On the second question, the NGAAF is governed by the Public Finance Management Act of 2012 and the provisions of Legal Notice No.52 that was published on 1st April 2016 as the Public Finance Management (National Government Affirmative Action Fund) Regulations, 2016, also known as the NGAAF Regulations. The Fund is a product of our Constitution in support of the Government's commitment to put in place measures to redress past disadvantages amongst certain segments of our population.

It is also anchored in the Vision 2030 Development Blueprint and is a social pillar to address the plight of vulnerable groups through enhanced access to financial facility for socio-economic empowerment among women, youth, persons with disabilities, needy children and elderly persons in our communities.

Hon. Speaker, it also provides an avenue for promotion of enterprise and value addition initiatives. The Fund is managed by a Board that is established under Regulation 8, and is comprising of the following persons:

A chairperson appointed by the Cabinet Secretary responsible for matters relating to gender affairs from among the persons appointed under subparagraph (e).

1. The Principal Secretary in the ministry responsible for matters relating to gender affairs.
2. The Principal Secretary to the National Treasury.
3. The Principal Secretary in the Ministry responsible for social security services.
4. One person to represent persons living with disabilities appointed by the Cabinet Secretary responsible for matters relating to gender affairs.
5. One person to represent the youth.
6. Three other persons appointed by the Cabinet Secretary responsible for matters relating to gender affairs for their knowledge or expertise in affirmative action.
7. The chief executive officer who shall be the secretary of the board.

Hon. Speaker, the regulations further provide the following as qualifications for appointment as a board member in NGAAF.

1. Holds a degree in social sciences from a university recognised in Kenya.
2. Has, at least, five years' experience in the relevant areas of expertise.
3. Meets the requirements of Chapter Six of the Constitution.

Hon. Speaker, the following are the qualifications for NGAAF Board members and the counties they come from:

1. The Chairperson is Rachel Musyoki Mbula, who has a Master's Degree in Human Resource Management (HRM) and a Bachelor's Degree in Business Administration. She comes from Siaya County.
2. Another Board Member is Ms. Elina, who has a Master's Degree in Economics and a Bachelor's Degree in Economics, and is an alternate to the Principal Secretary for Planning. She is from Kakamega.
3. Another Board Member is Mr. Robert Osudi, who is also an alternate to the Principal Secretary for the National Treasury. He has a Master's Degree in Economics and a Bachelor's Degree in Economics. He also comes from Kakamega.
4. Another Board Member is Samson Ogola from Homa Bay. The other Board Members are Ms. Joyce Mugure from Nakuru, Mr. Bendera Wilson from Kilifi and Sophie Ombachi from Nyamira. We also have a representative of PWDs, who is awaiting gazettelement.

Hon. Speaker, with respect to question three on the secretariat of the county committees and appointment of county coordinators, Regulation 18 of the NGAAF Regulations provides as follows:

1. There shall be a secretariat of the county committee in each county which shall consist of a county coordinator who is appointed by the Board from the relevant county.
2. The officers of the secretariat shall be appointed through an open and competitive process.

Regulation 18 is abundantly clear that the county coordinators shall be recruited by the Board and not the Cabinet Secretary. Further, the Fund has a CEO who is appointed by the Board and has the responsibility of operating the Fund and its activities.

Under Regulation 22, the Board shall, at least, once in three months, submit a report to the Cabinet Secretary responsible for matters relating to gender affairs and a copy of the report to the parliamentary committee responsible for matters relating to affirmative action and social development.

Hon. Speaker, under Regulation 22, there is no legal obligation on the part of the NGAAF Board to report to the Cabinet Secretary responsible for gender affairs on recruitment and appointment of the secretariat of the county committees. Therefore, as a Cabinet Secretary, under the law, I do not participate in the appointment of county coordinators as that is the responsibility of the Board. My simple role is to constitute part of the membership of the Board by appointing some members thereof.

But be that as it may, I reasonably believe that the appointment of the coordinators in question, which was done by the Board, must have been done through an open and competitive process in strict conformity with the Constitution and in accordance with the Public Service Commission Act, 2017, the Public Service Commission Regulations, 2020, the Public Service Values and Principles Act, 2015 and the Human Resource Instruments approved by the Public Service Commission, among other laws.

Hon. Speaker: Are you done?

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Yes.

Hon. Speaker: Yes, Hon. Mbeyu.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Thank you, Hon. Speaker. Let me take this opportunity to tell Members and Kenyans that the Cabinet Secretary is misleading this House. On Question one, we were granted Ksh1 billion.

Hon. Speaker: Hon. Mbeyu, you have an opportunity to ask follow-up questions, not to make a speech. So, ask questions in a manner that you feel you have not been satisfied with the answers.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Hon. Speaker, we were allocated Ksh1 billion by Parliament. It was passed as in the Budget. I wish the Chairman of the Budget and Appropriations Committee is here to make it Ksh3.1 billion. We previously had Ksh2.1 billion for the National Government Affirmative Action Fund (NGAAF) project money. We were granted Kshs1 billion more by His Excellency President William Ruto. It was brought to the Budget and Appropriations Committee and it was passed. Where did the Ksh130 million go to? That was my question.

Secondly, I am not happy with the answer that the Cabinet Secretary has given for question two. I want to inform this House that the NGAAF National Board Members comprises of nine members. Two members, as she put it, come from Kakamega County out of 47 counties. I am bitter because she lied that two members come from Kilifi County.

Hon. Speaker: Order, Hon. Gertrude. Use Parliamentary language. The purpose of your supplementary question is to counter the facts with facts or to ask for clarification. She said that the Board has nine members. Four are statutory and five are individuals appointed. She said one is from Siaya, ...

Hon. Gertrude Mwanyanje (Kilifi County, ODM): It is a lie! That is why I want to tell...

Hon. Speaker: Order! Hon. Mbeyu, the word 'lie' is unacceptable in this House. If you hold for me to tell you what the Cabinet Secretary said, then you can controvert with other facts.

She said one is from Siaya. Sit down. Two are from Kakamega, one is from Homa Bay. Then there was Nakuru, Kilifi and Nyamira. Those are seven. If you have counter facts, then ask her. Your question was: 'How does this represent the diversity of the 47 counties?' Ask what you are not satisfied with.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Thank you, Hon. Speaker. I apologise for using the word 'lie.' The Cabinet Secretary is misleading the House.

Hon. Speaker: That is better.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Rachael Musyoki, the Chairperson now comes from Kilifi. She has been the County Executive Committee (CEC) in the County Government of Kilifi for ten years when the Governor was Hon. Kingi. She comes from Mariakani, born and bred in Mariakani. She votes in Kilifi County to-date, and not from Siaya. There is another one from Kilifi County, who is a politician. She misled this House and Kenyans at large. That makes two Board members from Kakamega, two from Kilifi. What about the rest of the counties?

Lastly, the Kwale County coordinator she appointed, or she agreed to be appointed, is a person from Kilifi County. Does it mean that the residents of Kwale County did not apply for the coordinator position? Is that why she recommended the appointment of a youth who was a candidate for Member of County Assembly (MCA) seat in Kilifi? Did the residents of Kwale County not apply for the coordinator position under her watch?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Thank you, Hon. Speaker. On the question of the Board members, you have put the record very straight. The two from Kakamega are the alternates of the Principal Secretaries,

and I absolutely have no control over their nomination for appointment. As the Hon. Member alluded to, Ms. Rachael Musyoki is a Kenyan who is entitled to work anywhere in this country.

(Loud consultations)

She worked in Kilifi but she resides in Siaya. That is the information that I have. I have no business in misleading the House. However, the Constitution of Kenya, in Article 27, provides for equality and freedom from discrimination. Every person is equal before the law and has a right to equal protection and benefit of the law. Equality includes full and equal enjoyment of all rights and fundamental freedoms. Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. The state shall not discriminate directly or indirectly against any person on any grounds, including race, sex, marital status, health status, ethnic, social origin, colour or age.

(Applause)

A person shall not discriminate directly or indirectly against another person on the grounds specified or contemplated in Article 27 (4).

Under Article 232 of the Constitution on values and principles of the Public Service and...

Hon. Junet Mohamed (Suna East, ODM): On a point of order.

Hon. Speaker: What is out of order, Hon. Junet? Take your seat Cabinet Secretary.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I am sitting next to the Hon. Member who has raised the Question.

Hon. Speaker, the basics of the question that Hon. Mbeyu is asking is about diversity in the Board. If you look at Article 10, there is a requirement of regional representation and other kinds of representation. She has raised the concern that out of five people who have been nominated to the Board, two are from Kilifi and two are from Kakamega. Does it mean that only one person has been nominated from the rest of the country? Is that fair representation? That is the question she has asked. I think Hon. Mbeyu should have asked the Question in Kiswahili.

Hon. Speaker: You should be fair to the Cabinet Secretary, Hon. Junet. Those are not the facts that she has placed before the House. I have been listening very carefully. She has said the two from Kakamega are alternate to the Principal Secretaries. She has no control over their nomination. Alternates directors are not permanent members of a board. They can be seconded at the whim and will of the Principal Secretary. Therefore, she has no control over their nomination and appointment.

She has also said that the other person was a Member of the County Executive Committee in Kilifi, but she is a resident of Siaya. Is that not diversity? She then said that there are others from Homa Bay, Nakuru, Kilifi and Nyamira. What diversity are you looking for in a cluster of nine people other than what you are seeing? We have 47 counties and there are nine slots. What diversity are you looking for?

Hon. Gladys Boss (Uasin Gishu County, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): I rise on a point of information and a point of order as well. The diversity envisaged in the Constitution is not in the myopic way that you are looking at it, Hon. Junet. Diversity should be evident when we take stock of the membership of all the boards across the country.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: She is on a point of order. Let her finish.

Hon. Gladys Boss (Uasin Gishu County, UDA): Let me finish. That is why we have the National Gender and Equality Commission (NGEC). It is supposed to take stock of the membership of all the boards across the country and then weigh their diversity. However, you cannot look at it on a case-by-case basis. You have to look at it globally and in totality. Otherwise, you will never get anything done.

Hon. Speaker: Yes, Junet. Are you protesting the use of the word “myopic”?

Hon. Junet Mohamed (Suna East, ODM): Yes, Hon. Speaker.

Hon. Speaker: The word “myopic” just means narrow-minded.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, this is a House of debate and there is freedom of expression.

Hon. Speaker: Absolutely.

Hon. Junet Mohamed (Suna East, ODM): My opinion cannot be myopic. I am representing my people. I am not representing the people of Eldoret like the Deputy Speaker. The Deputy Speaker must desist from myopic reasoning in the House.

(Laughter)

Hon. Speaker: Hon. Junet, from the candour and banter of debate, the word “myopic” is not unparliamentary. It means that your mind is not sufficiently broad. That is all she meant.

Hon. Mbeyu, we have finished with your Question. I will give you one last chance.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): My last question is supplementary. Could the Cabinet Secretary tell the people of Kilifi why projects funds for the Financial Year 2023/2024 have not been disbursed to Kilifi County up to now, while all the other 46 counties have got their money?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Thank you, Hon. Speaker. I think I still need to answer a pending question from the Member on the money that the President of the Republic of Kenya promised the County Women Representatives of this great nation. There was a communique from State House or rather a Presidential Directive, communicated to Prof. Njuguna Ndung’u, the Cabinet Secretary for the National Treasury, on additional allocations to the National Government Affirmative Action Fund (NG-AAF). It states that His Excellency the President has directed the National Treasury to do the following;

1. Ksh56 million be immediately allocated and released, effective January 2023, to NG-AAF.
2. The NG-AAF budgetary allocation for Financial Year 2023/2024 be enhanced to Ksh3 billion.

Hon. Speaker, if the previous allocation was Ksh2.13 billion, what is the difference?

Hon. Speaker: Nobody is contesting that. Go to the next question.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): I will now move to the last supplementary question by the Member.

The Member knows that that there are rules and regulations. We operate under well-guided regulations. In asking for those funds ...

Hon. Speaker: Hon. Jumwa, do not go into lofty speeches. She has asked why you have released NG-AAF funds to all counties except Kilifi. Is it a fact or not?

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Hon. Speaker, I am trying to explain to this august House why the money has not been disbursed to Kilifi County.

Hon. Speaker: Hon. Jumwa, there are no contestations. Have you released money to every...

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): I have already disbursed...

Hon. Speaker: Hold your horses and listen. We have to save time. If you have released money to 46 counties except Kilifi, first respond in the affirmative. You can then explain why you have not released funds to Kilifi. It is as simple as that.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Hon. Speaker, yes, the money was disbursed to 46 counties. I was trying to explain why money has not been disbursed to Kilifi County.

Hon. Speaker: Give us the reason.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Yes, I am giving the reason as to why the money has not been disbursed.

(Loud consultations)

Hon. Speaker: Order, Members. Listen to the Cabinet Secretary.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Hon. Speaker, the reason as to why the money for Kilifi was disbursed a little bit late is because of violation of the Regulations on application of the funds.

(Loud consultations)

We have all the records.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Order, Hon. Junet. Let us hear the Cabinet Secretary as she gives the reasons.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Hon. Speaker, the money for Kilifi was disbursed a little bit late because of the reasons given. The money disbursed was Ksh9.1 million.

(Loud consultations)

I want to explain why...

Hon. Speaker: Do not engage the Members. Just go ahead and explain.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): I am sorry, Hon. Speaker. I am being advised that it was because of late submission of project proposals from Kilifi County.

(Loud consultations)

Hon. Speaker, kindly protect me.

Hon. Speaker: You are fully protected.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Hon. Speaker, the law is very clear on how proposals are supposed to be submitted to the Board. The County Women Representative (CWR) performed the role of the County Coordinator and submitted the project proposals to the Board in Nairobi.

(Loud consultations)

Hon. Speaker: Order. The Cabinet Secretary has said that the money has since been disbursed.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Hon. Aisha Jumwa): Yes! Ksh9.1 million.

Hon. Speaker: Yes, Hon. Zamzam. Take your seat, Cabinet Secretary.

Hon. Zamzam Mohammed (Mombasa County, ODM): Thank you, Hon. Speaker. There might be a breakdown of communication between the Cabinet Secretary and the Chief Executive Officer of NGAAF. I also have the same problem. I did not receive the third and fourth quarter disbursements. They told me to re-apply and I did so.

Waziri, I want to congratulate you. You are still new to this Ministry and you are giving it your best. However, your team might not be bringing the right information. We have been calling the CEO and communicating with the coordinators. I think it is my time to talk. Okay?

Hon. Speaker: Go ahead.

Hon. Zamzam Mohammed (Mombasa County, ODM): I am telling the truth. It is not just the 46 counties. We have not received anything in my county during the third and fourth quarters of the 2022/2023 Financial Year. I re-submitted my application and I am waiting.

Thank you, Hon. Speaker.

Hon. Speaker: I see those issues as purely administrative gaps. Go and rectify them. Make sure that the money is disbursed to all the counties in good time.

Yes, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I hear what you have said. Actually, I was going to take that tangent – that, this is purely an administrative matter. The Board that the Cabinet Secretary is in charge of is the one that disburses money. When money is being disbursed, it must be disbursed fairly and on time whether it is to Kilifi County or Kiambu County. The money does not go to individual Members. Just like with the National Government Constituencies Development Fund (NG-CDF), I do not expect that any constituency should have the disbursement of its money delayed on account of where that constituency is. The same goes for NGAAF. The Cabinet Secretary does not disburse that money. It is the Board, which must disburse money to all counties in a timely and efficient manner. That money goes to help the constituents who elect the Member for Kilifi County and other County Women Representatives to come and represent them here.

Hon. Speaker, your guidance that the Cabinet Secretary must ensure that the Board disburses money in a timely, fair and equitable manner is good. No county or constituency should have the disbursement of its money delayed for whatever reason. Equally, Members, including our Women Representatives who oversee the NGAAF coordinators and committees in our counties, have responsibilities. I do not know whether you have NGAAF committees as we have the NG-CDF committees. Let me speak for myself. As a Member of Parliament, I must ensure that I oversee what the NG-CDF Committee in Kikuyu Constituency is doing.

I urge the Member for Kilifi County and all our other Women Representatives to offer meaningful and proper oversight over your coordinators and committees to ensure that they have also complied with all the statutory requirements ahead of disbursement. This will prevent us from pointing fingers at each other on who delayed where. Maybe, it was a failure of a committee or a coordinator back at the county level.

Thank you.

Hon. Speaker: I have a letter from Hon. Kamene on Question 032 of 2024 that Hon. Gertrude Mbeyu will ask on her behalf. Are you ready for it? You have the authority to ask. You do not have to explain anything.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Yes, I am, Hon. Speaker.

Hon. Speaker: Go ahead.

Question 032/2024

BREAKDOWN OF FUNDS ALLOCATED FOR
PROVISION OF SANITARY PADS

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Hon. Speaker, I rise to ask Question 032 of 2024, on behalf of Hon. Kamene Joyce. Could the Cabinet Secretary:

Provide a breakdown of the funds allocated and disbursed for the provision of sanitary pads from July 2022 to date, including a comprehensive list of schools in each county that have received those pads during the same time frame?

Hon. Speaker: How much time do you want to spend on that?

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Ms. Aisha Jumwa): Two minutes.

Hon. Speaker: Go ahead.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage (Ms. Aisha Jumwa): Thank you, Hon. Speaker.

The mandate to transfer the implementation of sanitary towels project to public primary schools from the State Department for Basic Education to the State Department for Gender and Affirmative Action was communicated vide letter reference number RES1212/23/01 dated 12th September 2023. In December 2023, the Department received a sum of Ksh876 million from the National Treasury. Based on the data received from the State Department for Basic Education, 2,293,251 girls in public schools across the country will benefit from this programme.

The Department started the procurement process in December 2023. The tender was advertised on 19th December 2023. Currently, the procurement process is at the final stage. Qualified bidders have signed contracts. Once procured, sanitary towels will be distributed to the county education offices. An implementation framework has been adopted whereby a multi-sectoral structure has been established right from the national to the county level. The acceptance committees will be established at points of delivery to ensure compliance and adherence to procurement laws. The first batch of sanitary towels is expected to be delivered by early April 2024. Upon delivery, the Office of Woman Representative will officially launch the towels.

As regards matters of the 2021/2022 Financial Year, I request that the breakdown of the funds allocated and disbursed for the provision of sanitary pads from July 2022 to June 2023 be sought from the State Department for Basic Education, which was responsible for the implementation of the programme during the stated period.

I submit.

Hon. Speaker: Alright. Hon. Mbeyu, is that not clear enough?

Hon. Gertrude Mwanyanje (Kilifi County, ODM): No, Hon. Speaker. The answer is unsatisfactory.

Since 2022, our girls have not received any sanitary towels from the Ministry. The girls are suffering. There is over Ksh800 million being sat on. We do not know what is happening. We do not know whether the money is still there or not. From 2022 to date, vulnerable girls who cannot afford to buy even a piece of sanitary towel are still waiting for disbursement. As Women Representatives, we are not happy. We will not sit and watch as the Cabinet Secretary looks down upon the vulnerable girls.

Thank you, Hon. Speaker.

Hon. Speaker: Order, Hon. Mbeyu. Do not bring parochial politics to the Floor of the House. The Cabinet Secretary has said that procurement has been done and the pads are now going to be sent to schools. How does that amount to looking down upon girls? I will not allow parochial politics on the Floor of this House. Hon. Mbeyu has just made a statement.

It was not a question. Yes, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. This is the second time I am asking a Question to the Cabinet Secretary here.

Hon. Speaker: You mean it is the second Question in relation to women issues.

(Laughter)

Hon. Opiyo Wandayi (Ugunja, ODM): Let me take this opportunity to congratulate the honourable Cabinet Secretary. Yesterday, I saw she made a great effort to lead her team of Multi-Sectoral Working Group to the former Prime Minister, Raila Amollo Odinga, for consultations that were very important and timely.

Hon. Speaker: You should also congratulate her for consulting with the Speakers of both Houses.

(Laughter)

Hon. Opiyo Wandayi (Ugunja, ODM): Indeed, yes. Earlier on, she had consulted very effectively with the Speakers of both Houses.

As a matter of fact, the Multi-Sectoral Working Group had also paid a courtesy call to me in my Office. We discussed fruitfully issues concerning the two-thirds gender principle.

Having said that, let me inform the Cabinet Secretary, who is my very good friend and former colleague, Hon. Aisha Jumwa, that the story of sanitary towels has been with us for far too long. I remember when I was chairing the Public Accounts Committee in the last Parliament, it was a ping pong game between the Ministry of Education and the Ministry of Gender, Culture, the Arts and Heritage. Now that this matter has squarely been placed before the Ministry of Gender, Culture, the Arts and Heritage, could she give an assurance to the country that procurement and supply of those very vital items will no longer be a matter of debate and that our girls everywhere will get those items on time without any form of discrimination?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Jumwa, can you give an assurance to the House that now that everything is domiciled in your Ministry, there will be no ping pong.

The Cabinet Secretary for Gender, Culture the Arts and Heritage (Hon. Aisha Jumwa): Thank you, Hon. Speaker. I stated earlier that the monies for procurement of that very important commodity for our girls was appropriated in the Supplementary Estimates I to our State Department. There has never been any delay in our State Department. Since then to date, we are on course. I assure Hon. Members that there will never be a delay in procurement. We really value the girls of this Republic. We are also reminded that this is one of the serious commitments by His Excellency the President. We will implement this programme of free sanitary towels to all public schools in the Republic of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. You are released. Hon. Jane Kagiri, do you have something to ask?

Hon. Jane Kagiri (Laikipia County, UDA): Yes.

Hon. Speaker: I will give you half a minute. We are running out of time.

(Hon. Liza Chelule raised her hand)

Hon. Chelule, this matter is closed.

Hon. Jane Kagiri (Laikipia County, UDA): Mine is a follow up question in regard to the sanitary towels.

Hon. Speaker, it was envisioned that the sanitary towels were supposed to be procured and distributed by the County Members of Parliament but this year, the procurement has been done by the Ministry. My question to the Cabinet Secretary is: Who issued the request when the County Members of Parliament were supposed to be the users? My assumption is that it is the Ministry of Education. If that is the case, can she submit that request for requisition? I want to know what was requested for Laikipia County. I believe my colleague County Members of Parliament would also want to know the same because as they receive the sanitary towels on the ground, they will have a document to check against to ascertain that the quantities have arrived as were expected.

Thank you.

(Applause)

Hon. Speaker: Hon. Aisha.

The Cabinet Secretary for Gender, Culture the Arts and Heritage (Hon. Aisha Jumwa): Thank you, Hon. Speaker.

Hon. Speaker: Did you get the question?

The Cabinet Secretary for Gender, Culture the Arts and Heritage (Hon. Aisha Jumwa): Yes, I did. Hon. Jane Kagiri asked this question when we were in Naivasha and the President pronounced himself....

Hon. Speaker: Nothing precludes her from asking it in this House again.

(Laughter)

Just answer what she has asked. The question is very simple. Women in the counties were supposed to procure the sanitary towels, but why is the Ministry procuring them now? That is the question.

The Cabinet Secretary for Gender, Culture the Arts and Heritage (Hon. Aisha Jumwa): Hon. Speaker, there is a serious miscommunication. The monies in question were with the Ministry of Education. The President enhanced this budget from Ksh470 million to Ksh876 million. We did not have this money completely and there is no legal framework to transfer it from the Ministry of Education to the State Department for Gender and then to the Women Representatives. There is no legal backing. That is why the State Department for Gender did the procurement. The President guided that the County Women Representatives should have a conversation with the National Treasury in order to amend the relevant laws so that they can access those monies.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. I thought when those issues are exclusively handled by our mothers, they will be very smooth. Now they seem to be generating more arguments than anything else. All I am hearing, Hon. Aisha Jumwa, are issues of administrative nature. Just meet with the 47 County Women Representatives and iron out the minor issues on procurement on who does what, where and when, so that you can have a flawless administration

of those public resources. I do not see anything controversial. I can only see issues of administrative and management structures.

(Applause)

I direct that you go and sit with the County Women Representatives as women, invite the Leader of the Majority Party and the Leader of the Minority Party to assist you so that you can have a seamless operation of your Ministry.

(Laughter)

Hon. Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon Speaker, I beg you not to invite the Leader of the Minority Party and the Leader of the Majority Party. We can solve our problems by ourselves. This is a very simple matter. In fact, from our last conversation with Hon. Leah Sankaire, the Chairlady of the Kenya Women Parliamentary Association (KEWOPA), who is here, the procurement was far gone for the current financial year. It was agreed that in the next financial year, the County Women Members of Parliament shall be involved in decentralising the procurement. That is what I remember. Madam Cabinet Secretary, I think that was the position.

The Cabinet Secretary for Gender, Culture the Arts and Heritage (Hon. Aisha Jumwa): Absolutely.

Hon. Gladys Boss (Uasin Gishu County, UDA): It was too late by the time it was transferred from the Ministry of Education. Hon. Sankaire informed us about it during our meeting.

Thank you, Hon. Speaker. That is a point of information

(Hon. Junet Mohamed spoke off the record)

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Speaker, protect us from Hon. Junet. This is not his business

Hon. Speaker: I have given him the Floor. Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, what we are seeing in this House today is very surprising. From the way she is answering questions and doing things, it looks like the *de facto* Cabinet Secretary for Gender, Culture, the Arts and Heritage is the Hon. Deputy Speaker. We need clarification on who the Cabinet Secretary is. Is it the Hon. Deputy Speaker or the real Cabinet Secretary is Ms. Aisha Jumwa Katana?

(Loud consultations)

Hon. Speaker: Order, Hon. Members. I have given direction on this issue. I want to encourage the County Members of Parliament; remember that you are not exclusively elected by women. You are also elected by those men.

Hon. Members: Yes!

Hon. Speaker: So, they have an overwhelming interest in what you do. You are giving those sanitary towels to their daughters and they have a duty to know how you are giving them.

Thank you.

Hon. Members: Yes!

(Applause and laughter)

Hon. Speaker: Next Cabinet Secretary. Hon. Aisha Jumwa together with your team, you are released.

(Hon. Gertrude Mbeyu rose up in her place)

Hiyo imefungwa mama Gertrude. Wewe unataka kuleta siasa ya Kilifi hapa. Hatuyataki hayo.

(Laughter)

Siasa ya Kilifi ifanywe Kilifi. Bring in the Cabinet Secretary for Education.

(Hon. Aisha Jumwa was escorted out of the Chamber)

Hon. Members: Leader of Majority Party, where is the next Cabinet Secretary?

(The Cabinet Secretary for Education, Hon. Ezekiel Machogu, was ushered into the Chamber)

Hon. Speaker: The Cabinet Secretary for Education, Hon. Ezekiel Machogu, a former colleague, is in the House, together with his team. Welcome. We will start with Question 1/2024 by Hon. Mohamed Ali, Member for Nyali.

QUESTION BY PRIVATE NOTICE

QPN 1/2024

ALLEGED DISCRIMINATION OF MUSLIM STUDENTS IN DAYSTAR UNIVERSITY

Hon. Mohamed Ali (Nyali, UDA): Hon. Speaker, I beg to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary –

- (a) Clarify on the alleged reports of students professing the Muslim faith in Daystar University being forced to attend the Chapel contrary to Article 32 of the Constitution?
- (b) Provide insight into the alleged practice of withholding marks by the University from the said students who opt out of attending Chapel, thus hindering their ability to graduate?
- (c) Address the concerns regarding the alleged promotion of LGBTQ+ practices within Daystar University through inclusion of the practice in the University curriculum, which conflicts with the provisions of Section 162 of the Penal Code?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you, Hon. Speaker, for giving me the opportunity to once again appear before this august House to clarify and answer a number of Questions. The answer to the Question by the Member for Nyali, Hon. Mohamed Ali, is as follows:

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

When I received the Question from this House last week on Friday, I sought a response from Daystar University on the issues raised by the Member. Vide a letter dated 26th February 2024, the University provided its response to the issues raised. I have provided a copy herewith as annex five.

On the issue of compelling Muslim students to attend the Chapel of Daystar University, they argued that all the students are admitted with full knowledge that it is a Christian institution with its own philosophy, ethos and core values, as indicated in that letter. They indicated that upon admission, students sign a code of conduct by which they agree to abide by the Christian values and commitment to participate in the University's spiritual disciplines. They also indicated that their students are required, by policy, to attend, at least, 75 per cent of all scheduled Chapel services in any given semester. However, they denied that release of marks is conditional on attending the chapel services.

On the alleged promotion of LGBTQ+, the University indicated that it is guided by biblical principles and it does not condone such practices. As a Ministry, we noted, with concern, the fact that the University's policy requires students, including those who are not Christians, to attend church service. This is potentially a violation of the Constitution on the freedom of religion and belief under Article 32 of the Constitution of Kenya, 2010. As the Ministry of Education and Government, we will not condone such policies. In this regard, I have directed the Principal Secretary, State Department for Higher Education and Research, and the Commission for University Education (CUE), to immediately undertake an audit of the Daystar University's policies and practices, and ensure that corrective action is taken to comply with the laws of the land.

Our universities and all institutions of learning have to be safe spaces for the protection of everyone's rights and freedoms. A copy of my letter directing as such is given as annex six. We have also annexed another copy of the directive from the Ministry to all the schools in our basic level institutions on this matter. The High Court pronounced itself on it. The ruling and judgment of the court were very clear on this matter. I will present the outcome of the audit process and corrective action taken in 14 days' time. As far as we have given Daystar University the Charter, there are areas where they have to comply because this forms part of the supreme law of the land.

Thank you, Hon. Speaker. I submit.

Hon. Speaker: Member for Nyali.

Hon. Mohamed Ali (Nyali, UDA): Hon. Speaker, the response from Daystar University is contradictory. In the first response, they state that they do not compel students, either by policy or practice, to attend the Chapel. However, in the second response, they say that students are required, by policy, to attend, at least, 75 per cent of all scheduled Chapel services. When they say that their policy does not force students to attend Chapel services, but at the same time say that one must attend 75 per cent of those services, that is contradictory.

I went there, in person, to see the Vice-Chancellor of Daystar University, when students from my area complained to me about the issues. I sought audience with him to find out whether it is just a hullabaloo or something that is being done at the university. He told me that he wanted to sit with me for many hours to explain the University's policies. However, the answer that I wanted was whether the students were being forced to attend chapel services.

We had a similar case in the Court of Appeal, a matter of Philip Okoth and Law Society of Kenya (LSK) versus Board of Management of St. Anne's Primary School, Ahero. The students of Jehovah's Witnesses denomination were being forced to ditch their religion and practise the Catholic faith. What Daystar University is doing is wrong. They force students to attend Chapel services. They do not want to answer the question as required. I ask the Cabinet Secretary for Education, Hon. Machogu, to make sure that he follows up this case. The only option for Daystar University is to make sure that the said policies are re-looked into. This

country is protected by the Constitution. A Muslim student is at liberty to go to a Christian university or a Christian student is at liberty to go and get education from a Muslim university. No student will be forced to go to a chapel or mosque to pray.

(Applause)

This response is fake because they are trying to hide under the policy that is not recognised by the Ministry of Education. Even what is being taught there is questionable. I raised the issue of LGBTQ+ because they give the students the assignments on lesbianism and gays. This is a university...

Hon. Speaker: What do they do?

Hon. Mohamed Ali (Nyali, UDA): Hon. Speaker, they give homework to the students which is questionable. How does a University give out an assignment on lesbianism and gays? It is not just Daystar University. There are many universities, high schools and primary schools where those people have started to penetrate by giving out books that seek to change the mindset of our children. In future, we will have a generation that has been destroyed by foreign people who are coming to this country to do things that they are not supposed to do.

We will give the Ministry of Education an opportunity to find out whether those things are happening. There are Muslim and Christian students who subscribe to other Christian denominations, including; Africa Inland Church (AIC), Pentecostal and Legio Maria, but they are forced to appear in that Chapel. I speak this with authority. They are given a piece of paper to sign when they enter the Chapel. They are forced to stay there for four hours and when they leave, the administration takes the form and sign to confirm that they have attended. If you do not do that, they make sure that your final marks are deducted and you will be forced to repeat until you follow what they want. It is very shameful for Daystar University to do such a thing.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary, the Member has made very fundamental statements and allegations that, on the face of it, are very serious. You cannot have answers to that statement. I will direct you to send your team to the university to find out about those allegations. I will direct the Clerk to avail you the Hansard Report of what the Member has said. You will be at liberty to call the Member and discuss with him. You will appear before the Departmental Committee on Education in the next two weeks and the Member is advised to come before the Committee. Once you have discussed and agreed, I further direct that the Chairman of the Departmental Committee on Education brings a statement to the House as a follow-up to what will have transpired.

We will move to Question 2/2024 by the Member for West Mugirango, Hon. Stephen Mogaka. Yes, *Wakili*.

QPN 2/2024

TRANSFER OF MR BERNARD MUSA MOROTI BY TSC

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Speaker, for giving me this opportunity. I join you in welcoming the Cabinet Secretary back to this House.

Hon. Speaker, I beg to ask the Cabinet Secretary for the Ministry of Education the following Question:

Could the Cabinet Secretary-

- (a) Explain the circumstances that led to the transfer of Mr. Bernard Musa Moroti of TSC No.413001, a Principal deployed by the Teachers Service

Commission in the month of October 2023 to head St. Philips Rateti Secondary School in West Mugirango Constituency?

- (b) Clarify whether the transfer of the Principal from the school led to protests by the parents due to dissatisfaction over the unnecessary transfer of the school's head leading to the closure of the school on 14th February 2024?
- (c) Elaborate on the measures by the Ministry to ensure that principals are only transferred after the lapse of a minimum period and that they are chosen on merit without bias as to whether they are members of the religion sponsoring the school?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you, Hon. Speaker. Pursuant to Article 237(2)(c) of the Constitution of Kenya, Members are aware that the Teachers Service Commission is the body that has the mandate to assign teachers under its employment to serve in any public school or institution.

Therefore, upon receipt of the Question, I engaged the Teachers Service Commission who responded as follows:

Mr Bernard Musa Moroti, TSC No.419145, was competitively promoted to the position of Principal Job Grade D3 and deployed to St. Philip's Rateti Secondary School in Nyamira County with effect from 17th August 2023. However, upon being posted to that particular school, the Commission received a complaint letter dated 5th January 2024 from the sponsor of the school, the Catholic Church, requesting for a different principal for the school. A copy of the letter is provided herewith as Annex 8.

In line with the constitutional requirements of stakeholder engagement, the Commission collaborates with different stakeholders such as the boards of management, sponsors of schools, political leaders and the community to ensure peaceful co-existence between the school administrators and the school community. Following consultations, Mr Moroti was transferred to Nyanguru Secondary School in Kisii County. The then Principal of Nyanguru Secondary was posted to St. Philips Rateti Secondary School.

However, Mr Moroti requested a further transfer as he was not comfortable with serving at Nyanguru Secondary School. The Commission considered his request positively and posted him to Nyairanga Secondary School where he is currently serving as the Principal.

On the second part Question, it is true there were protests by parents on 12th February 2024, and by students on 13th February 2024. However, the matter has been addressed by the current Principal together with other stakeholders. As of now, teaching and learning activities have resumed to normal.

On the third part of the Question, we have indicated the mandate of the Teachers Service Commission as given. Regulation 62 of the Code of Regulation for Teachers provides that the Commission may transfer an administrator from one institution to another on the basis of several reasons, including:

1. To achieve equitable distribution and optimum utilisation of teachers;
2. For purposes of career progression of the teacher in terms of promotion;
3. On personal request of the teacher; and,
4. Other grounds such as insecurity, health status and other compelling circumstances.

Therefore, in this particular case, there was the involvement of the sponsor. As it is, the Commission has not fixed the maximum or minimum period that an administrator can serve in a school before being transferred. This is because doing so may curtail a teacher's career progression, compromise the safety and security of teachers and restrict equitable distribution of the teaching resource. The flexibility is necessary to allow the Commission to make decisions as and when new circumstances arise.

Hon. Speaker, I submit.

Hon. Speaker: Hon. Mogaka, are you satisfied? Ask your supplementary question.

Hon. Stephen Mogaka (West Mugirango, JP): Not entirely. Through you, Hon. Speaker, my supplementary question is:

- (a) Why was a letter from a sponsor the only reason for transferring that teacher? Were the other stakeholders not relevant to be consulted about this?
- (b) To what extent is the sponsor controlling the activities of an independent commission such as the Teachers Service Commission?

Could the Cabinet Secretary assure this House that under his watch, TSC would be allowed to be an independent commission, and that it would not bend backwards because a sponsor, politician or whosoever has subjected a teacher to being kicked out? Perhaps, there is no policy on how long a teacher should stay in a place before transfer. For instance, in the case of that teacher, he has been transferred four times in six months. Is there need for a policy that would protect our teachers from being transferred just because somebody does not like their face or character?

I submit.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you.

Hon. Speaker: Hold on, CS. There is another supplementary question from Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I have listened to the CS keenly. He was passing the buck to the TSC which never appears in Parliament. You will never see any commission addressing people on the Floor of this House and answering Questions. Those teachers have families, businesses, relations where they work and other issues. If a teacher is transferred haphazardly like in this case, four times in six months, it is inhuman and infringes on their rights. The CS says it is the prerogative of the TSC to transfer teachers. It is, but in terms of policy, the Ministry too, has a role to play. Could the CS assure this House that he would bring a proper policy on the management of transfer of teachers?

Hon. Speaker: Is transfer, four times in six months, punishment or a transfer?

The Cabinet Secretary for Education (Mr Ezekiel Machogu): Thank you very much, Hon. Speaker. For sure, transferring an individual four times in six months will not only affect them, but also respective institutions and the learning outcomes. It is not advisable to do so. There must have been circumstances surrounding it because it is not the norm but, rather, an exception.

The sponsor of schools, my friend, the Member of Parliament, through you, Hon. Speaker, come from the same area, and he knows the stand of the Catholics or the Seventh Day Adventists (SDA). The way in which they make demands is a delicate balancing act, but somehow, we have to have it done for the stability of schools; and taking into consideration the input of every actor, including the sponsors. It is not that they are authoritative conclusively in whatever request they make, but as TSC considers a request from a Member of Parliament, they would also consider requests from sponsors of schools. May it be a Catholic, Muslim-sponsored, Seventh-Day Adventist or any other church.

Members of Parliament are aware that there were recommendations that were made by their Presidential Working Party on Education Reforms; recommendations which, as a Ministry, we have done a Sessional Paper, which would be a vehicle driving the recommendations to this House. I, entirely, depend on the wisdom of this House for us to implement whatever is recommended. Some of the discussions we are having herein, are part of the recommendations that have been made in that Taskforce Report.

Hon. Speaker: Question, 003 of 2024, Member for Dagoretti South, Hon. John Kiarie.

QPN 003/2024

MEASURES TO ENSURE SAFETY OF CHILDREN IN SCHOOLS

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary for Education, the following Question. Could the Cabinet Secretary—

- (a) state the measures he has put in place to ensure the safety of school-going children in the wake of a series of unfortunate incidences of deaths in schools across the country and, in particular, the recent deaths of:
 - (i) a pupil alleged to have drowned at Visa Oshwal Academy;
 - (ii) death of a pupil of Goodrich International School from an accident due to negligence; and,
 - (iii) deaths of three pupils from Maadili Junior School due to a road accident?

I must mention that the Maadili School incident happened over the weekend after the Scouts Founder's Day Celebrations in Nyeri. A caucus in Parliament that you, Hon. Speaker, is the esteemed Patron of the World Scout Parliamentary Union.

- (b) state the policy that is in place for use by schools when they are recruiting personnel who handle children, including bus drivers, coaches in the different sports disciplines, and extra-curricular activities, among others; and, indicate whether there are any on-the-job compulsory trainings on safety, first aid and other emergency skills as well as crisis communication management for school personnel. This is because, unfortunately, some families and parents learn of the death of their children or learners from the social media.
- (c) state the measures the Ministry is taking to ensure that school personnel found culpable of negligence are brought to book. This should be escalated not only to the personnel culpable, but to the administration and the boards of those institutions.

Hon. Speaker: Thank you, Member for Dagoretti South. Cabinet Secretary.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): I thank you very much for the Question by my friend, the Member of Parliament for Dagoretti South.

I was informed by my Principal Secretary about this Question in the morning, as I was out in Nyeri for an Education Day. My Principal Secretary had to prepare the answers quickly, which I looked through as I was coming to this House.

I condole with the families, friends and relatives of the learners for the untimely loss of their loved ones. This was saddening and unfortunate.

In the case of Visa Oshwal Academy, we have established that a Grade II learner by the name of Alias Abdikarim drowned and died in the swimming pool in the school on 20th February 2024. There were lapses in the management of the swimming pool because it was unsecured. The learner accessed the pool without the knowledge of the pool attendant. No teacher had been assigned to be in charge of the swimming pool and the learners were left on their own, which is a contravention of the Ministry's guidelines. We are concluding the investigations because I sent a group of officers and officers from the Kenya Police Service. Once we establish the culpability of the headteacher or any such individual as the overall supervisor of the school for possible negligence, then we will be able to initiate disciplinary action. I am waiting for the outcome of the investigations. And I know by the end of this week, as I directed, I will be getting the report. Based on the report, I will be able to initiate the necessary actions.

In Goodrich International School, we have also established that a PP 1 learner named Liam Kipruto Mutai died on 9th February 2024, after falling from a moving bus which then ran over him. The duty of care for learners on the bus falls on the driver and his assistants

accompanying the learners. The mother reported the case at Athi River Police Station, and police are under instruction to find out whether there was negligence in this case. Of course, there was. They will take the necessary action as far as the law is concerned.

Regarding the third case on Maadili Junior School and Kindergarten, 37 learners were travelling from Kamukunji Grounds in Nyeri, after attending the Founder's Day Celebrations on 24th February 2024. They were accompanied by three teachers and two drivers. The accident occurred along the Murang'a-Gitugi-Gituge Road. Three learners lost their lives in the unfortunate incident. Five are in hospital undergoing treatment while the rest were treated and discharged. The matter was reported at Murang'a Police Station and investigations as to the cause of the accident are ongoing. The police are yet to give us a report as the Ministry concerned.

Hon. Speaker, the safety of learners in school environment is our top priority. The Ministry has developed the Safety Standards Manual for schools, which outlines the safety protocol for all schools. The Manual sets out the role of school administrators, teachers and parents while the learner is in school or being transported on school transportation. It outlines measures required to be taken by various actors and stipulates their responsibilities for school safety. Our Quality Assurance and Standards team undertakes inspections of schools to ensure that the requirements of the Manual are implemented and enforced as required.

Regarding excursions or field trips where learners normally go out, the Manual stipulates that parents will give their consent in writing and an accompanying teacher is mandatory. Swimming pools are to be manned by qualified attendants and properly secured. No learner is to attend a swimming pool without a swimming pool attendant or a teacher. In addition, the Manual requires parents and teachers to understand the risks associated with an excursion and related activities before giving their consent for learners to participate.

The Ministry carries out monitoring and evaluation of the Manual to ensure the safety of learners in schools. The Manual requires each school to have a safety sub-committee to oversee the implementation of safety protocols. We have instructed the Quality Assurance and Standards Department to strictly ensure the implementation of the Manual and provide the necessary capacity to teachers and other staff in schools on its requirements. The National Education Quality Assurance and Standards Framework also provides five assessment dimensions based on which quality assurance and standards officers inspect school transport. Those parameters are as follows: Condition of the bus, driver qualifications, insurance covers, and capacity of the bus, speed governors and the history of the bus. In addition, the Manual issued by the Cabinet Secretary for Roads and Transport offers clear directives on school transport. School vans must be roadworthy and in a good state. Learners must be allocated seats with functional seatbelts at all times. The directive by the Cabinet Secretary is among the annexures I have included. We make sure that regular checks of those vehicles are done.

On recruitment of support staff, schools are required to employ duly qualified and registered persons. Drivers, for example, have to meet all the requirements and be licensed by the National Transport and Safety Authority (NTSA). As indicated above, our Quality Assurance and Standards officers inspect such personnel to ensure they are duly qualified. Of course, the Boards of Management (BOMs) which engage those personnel are also frequently inducted on human resource practises and are required to ensure the personnel undergo routine re-training. Our Quality Assurance and Standards officers also inspect to ensure compliance.

Finally, where one is found culpable after investigations, they could be subjected to a disciplinary process in line with the provisions of the Employment Act, 2007, and the Teachers Service Commission Act, in the case of teachers. Where the culpability also constitutes a crime, they could also be prosecuted by the Office of the Director of Public Prosecutions (ODPP) upon the completion of investigations.

I submit, Hon. Speaker.

Hon. Speaker: Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, the Ministry of Education, even by its formation, is one of those we have extreme confidence in, especially in the leadership of *Waziri* Machogu and the Principal Secretary, Belio Kipsang. The expectations are very high because of the experience they have in public service. I was expecting a more definite answer to the questions that I have asked.

In the case of the accident in Gituge, has the Ministry been able to establish why the school bus would leave Nyeri and, instead of taking the more direct route back to Nairobi, divert in the direction of Murang'a? This road is also known to be an extremely dangerous one. Was the Ministry able to establish what informed the two drivers of the bus and the teacher responsible to take an alternative route that led to the accident? The reports we are getting are that probably the bus was on another mission other than getting the children to Nairobi directly. The Cabinet Secretary mourns with the families that have lost their children. One death is one death too many in school. Schools are expected to be very safe. I would want to hear something over and above the policies that exist, because they have been there and accidents have been happening. I would like to know, specifically, are there new measures being taken to ensure those accidents do not happen as they do? For example, there are people in hospital; some of them who were injured after the accident because of the emergency response. How much emergency-response training and first-aid training do the caretakers who accompany the children have, over and above the written policy?

Secondly, because the deaths have happened and some students are in hospital, beyond the mourning with the families, is the Ministry making any plans to assist those families who have to lay their children to rest and the families that have their children in hospital? Are there any provisions by the Ministry? Those children died and got injured while under the care of the Ministry, which superintends and oversees our schools? I would like clarity on that.

Hon. Speaker: Hon. Adow.

Hon. Mohammed Adow (Wajir South, ODM): Thank you very much, Hon. Speaker.

My question to the Cabinet Secretary is whether he is aware of the cover-up that took place at Visa Oshwal Primary School in the hours following the death of 11-year-old Abdikarim Ali, who had gone to the pool and died there because he did not know how to swim. Then, the caretaker took his body and locked it in a locker room overnight. Of course, this had traumatic impact on the parents, relatives, friends and Kenyans, who were searching for his body, only for it to be found at 11.00 a.m. the next morning. I want to ask the Cabinet Secretary what is being done to ensure that cases like this of gross negligence do not happen in our public schools.

Hon. Speaker: Hon. Elachi. Cabinet Secretary, record those questions.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you very much, Hon. Speaker. I want to ask the Cabinet Secretary what happened to EduAfya - the National Hospital Insurance Scheme (NHIF) for school children? As we speak, they do not have any medical cover. What happens now? Also, are school buses given comprehensive or third-party insurance?

Hon. Speaker: Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mhe. Spika. Nataka kumwambia Wazira kwamba kuna wakati katika taifa hili tulikuwa na Waziri wa Elimu ambaye alikua akitoka ghafla na kuingia shuleni kuangalia watoto wanakaa namna gani. Watoto wanaangushwa hata kutoka kwenye basi la skuli, wanapigwa mpaka na maderewa na walimu wanawatesa ndani ya skuli. Naomba kuuliza Waziri, kama kisa cha mtoto Abdikarim ambaye amefariki juzi kimetokea, na kuna wengine ambao mpaka sasa wanayanyaswa na ametusomea kanuni na sheria ambazo ameziweka je, anafanya bidii gani kuhakikisha kwamba kanuni hizi zinafuatwa na skuli? Hadi sasa watoto wanazidi kuogopa skuli.

Kuna skuli hadi sasa mtoto amesoma lakini hajawekwa kwenye *National Education Management Information System (NEMIS)*. Ukimchukua na kumpeleka skuli nyingine, unapata hakuwa *registered*. Lakini hiyo skuli inachukua pesa na kila kitu. Kwa hivyo, ameweka mbinu gani kuhakikisha kuwa kila skuli ime *record* watoto katika *NEMIS* ili wajulikane katika taifa? Ahsante sana.

Hon. Speaker: Is it the Member for Turkana Central Constituency. Yes, Hon. Joseph.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Speaker.

Hon. Speaker: *Swali moja tu.*

Hon. Joseph Emathe (Turkana Central, UDA): I join my colleagues in sending condolences to the families that lost their dear ones. My question is in regard to the issue of the pupils in schools that are prone to banditry. What is the Cabinet Secretary for Education doing to ensure that those students stay safe in their schools? What we are seeing is that every time there is an attack or banditry, those schools close or some students are killed. What is the understanding of the Cabinet Secretary? What strategy or policy is he putting in place to ensure that those students are learning in a safe environment?

Thank you, Hon. Speaker.

Hon. Speaker: There are a few more Members who want to ask questions.

The Cabinet Secretary for Education (Mr Ezekiel Machogu): Thank you...

Hon. Speaker: Order, Cabinet Secretary. You can record a few more. Hon. Basil.

Hon. Robert Basil (Yatta, WDM): Thank you. I also join my colleagues in condoling with the families who have lost their loved ones. Could the Cabinet Secretary explain how often the Ministry conducts safety audits so that we do not become a reactive nation? We need to ensure safety measures are in place throughout the learning period. Thank you.

Hon. Speaker: Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Speaker, in line with what the Member from Turkana has said, we need to think outside the box and begin preparing ourselves for situations that can happen. I have mentioned this a few times and I want the Cabinet Secretary to take note. In Nigeria, the *Boko Haram* has a tradition of abducting students in secondary or primary schools. They keep them and do all sorts of things, including conscripting them into the *Boko Haram*. It has not happened here, but do we have to wait until it happens? Let the Cabinet Secretary take this into consideration. I know he is very able and I have a lot of respect for him. This is to ensure that we have security in all our boarding schools and terrorist-prone areas, particularly, in North Eastern Province. This will ensure that what happens in Nigeria does not happen to us. We have to think outside the box and prepare for those things well in advance because the possibility is there. Thank you.

Hon. Speaker: Thank you. Murang'a Woman Representative. Mama Pareiyo! Is that you? I will come to you after this. Cabinet Secretary, take a few more. They are all very short questions.

Hon. Betty Maina (Murang'a County, UDA): Thank you so much, Hon. Speaker. I want to comment in line with the accident that took place in Murang'a County. I wish to first appreciate that on that particular day, I spoke to the Cabinet Secretary while going to Kiriani High School, where a teacher had passed on. Thank you so much, Cabinet Secretary. You really assisted us in that incident because the students were completely traumatised.

In that accident, the surviving victims said that the driver was speeding. At the time of the accident, the driver was under pressure from the school to ensure the pupils arrived early. This is because parents were giving pressure for the students to be taken back to school.

We need to define the times we should allow our students out of school and back because this was a matter of negligence. We have credible information from the survivors. I visited the scene and it has been very traumatising, especially for women like me who have young children.

Hon. Speaker: I see a lot of... Cabinet Secretary, you can pile all of them. Mama Pareiyo, Member for Narok North Constituency.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Speaker, for giving me this opportunity. I want to ask the Cabinet Secretary for Education if he is aware that Narok North is seriously hit by a shortage of teachers. The teachers are running away to neighbouring constituencies where they benefit from hardship allowance. There are schools with a population of 700 pupils with only two teachers. Even in Junior Secondary School (JSS), there are classes with no teachers.

Is the Cabinet Secretary for Education aware of this and what is he doing to ensure that Narok North Constituency benefits from the hardship allowance? This will ensure that our teachers do not run away to other constituencies to benefit from that allowance.

Hon. Speaker: The last one on this round. Mama Nairobi, did I see your hand? Hon. Edith Nyenze.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Speaker, for giving me this opportunity.

My question is on capitation to public schools. The financial year is about to end. What percentage of capitation has been sent to public schools? There is outcry from teachers saying that they have no funds.

Hon. Speaker: Cabinet Secretary, you can answer. Those who still want to ask questions, I will come back to you.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you very much, Hon. Speaker. Allow me to answer all of them, but not in any given order.

Hon. Speaker: Just go ahead.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): I will start with the question by the Member of Parliament for Narok North. We know there are areas which were designated as hardship areas and when one works in a hardship area, he or she has some kind of enhanced salary – commonly known as hardship allowance. It has caused quite a lot of problems because there are neighbouring areas which are not designated. You will find teachers working in those areas will prefer working in the next area which is designated as hardship area and hence causing a problem in those other areas. We have noted several areas and we have created a team with my Principal Secretary and the Ministry of Public Service, Gender and Affirmation Action so as to see how to rationalise it. We have a clear criterion so that other deserving areas are not denied the opportunity. You find that even areas which are not deserving are benefiting from the hardship allowance that a number of teachers and public servants would also like to benefit from the same. There is an exercise going on because we have noted that there is clearly a problem as the Member of Parliament has said.

Hon. Speaker, on banditry and insecurity in parts of our schools, you are aware of the incident we had the other day in Lake Baringo. Very unfortunate. You are aware of what we had in Turkana a few years ago and, of course, many other parts of this country where schools are not spared from incidents of insecurity. We work very closely with the Ministry of Interior and National Administration which has the mandate of ensuring that security is guaranteed for our learners in schools. You find probably the best we can do is to employ a watchman in a school but when those guys come armed with firearms and all other weapons, a watchman is unable to counter and stop any such attacks. We are working very closely on this. It is an area of great concern because it affects learning by causing fear even when it has not occurred. Sometimes, you find the children are traumatised to an extent they cannot do what they are supposed to do in school. We want a peaceful co-existence, an atmosphere that learning will take place in schools.

We are working closely, including giving money. We gave Ksh100 million to Baringo. The military has been trying to reconstruct some of the schools that were destroyed by the

bandits. We did the same in Turkana. Some of those schools are now up and running but still, we cannot say a 100 per cent we have sorted out that problem of insecurity. So far so good because of the efforts that are being made by my colleague, Hon. Kindiki, on the area of security. He is trying to mitigate on insecurity in those areas. We are making good progress, even though there are still incidents occurring in those areas.

The other area is on medical cover. Hon. Members, you know it is only the other day that you passed the Universal Health Coverage (UHC) rules which will apply universally, including to our school going children. The Edu-Afya Programme that we had was covering all our children separately at different levels but, considering what you did, all those things were unified, integrated and amalgamated in such a way that the system we are coming up with should serve better. As of now, sometimes, there is that vacuum in between health because when we encounter a problem... That is why we are hoping that the regularisation being worked on will be done quickly so that, in case such cases occur, they can be covered.

We have 32,000 primary schools, over 11,000 secondary schools and over 500 Technical and Vocational Education and Training (TVET) institutions countrywide. We also have over 70 universities. As the Cabinet Secretary for Education, there is a structure. If you decide that you want to cover every primary school in this country or you want to cover every secondary school, it is not humanly possible. What I have done in the Ministry of Education is to create an environment where the officers are able to work and deliver. I thank the Members of this House because you assisted me in that effort. We have provided transport to a number of your constituencies in the sub-counties and the few that we have not given, we are giving them vehicles and Appropriations-in-Aid (A-in-A) so that they can move around doing the work which is supposed to be done. Equally, those that have not received vehicles will receive them.

We are also creating a system in such a way that regional county directors of education, country directors of education and quality assurance officers will understand their mandate. At the ministerial level as a Cabinet Secretary, when I am overseeing the entire country and getting reports on a daily basis, I am sure my people are working because it is through those people that the impact of the Cabinet Secretary can be felt everywhere in the country. It is through them that whatever policies the Government has in matters of education can for sure be achieved.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

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

Hon. Deputy Speaker, before the establishment of National Education Management Information System (NEMIS), you know the kind of problem we had because we were operating manually. This is the same problem that we are having in TVET institutions and universities. But with digitalisation, we are coming up with a system which we are going to call the Kenya Education Management Information System (KEMIS) covering every level of education right from basic, primary, junior school, senior school all the way to TVET institutions and universities. In four months' time, we should be able to roll out that system where we will capture the data of every individual. It is that particular information that will take him all the way from primary to university. The NEMIS has helped us to a large extent. We insisted that in order for one to be registered under NEMIS, he had to have a birth certificate. There are parts of this country, as you are aware, where a number of our young ones have not obtained that particular document and, hence, it also has few problems. Not all the people are registered under that system and this denies them the opportunity of accessing capitation.

There is a question on capitation. When I come to that particular question, I will answer it because I have it in my written answers. I can answer it at that particular time.

As I said, we have set our safety measures. The major concern in the Ministry, particularly when we have either any activity bringing schools together or even when school children are moving out, we have insisted that the county director of education must be informed and part of his responsibility is to ensure that the vehicle they are travelling out in is compliant, properly serviced and meets the required standards before the children are taken out. We have strict timelines on when they should start and end the journey because we do not allow them to travel at night. We are also working with the police on the incident that happened in Murang'a and I am sure once we compare our notes, we are going to get answers on whether the driver diverted and did other things.

There is an element of criminality in this because it might not only be a disciplinary action, but someone will have to be taken to court, as we cannot allow this. For the affected families, unfortunately, as a Ministry, we do not have funds to assist them when they lose their loved ones. Sometimes, I fundraise amongst my officers to help those families. In most cases, you will hear my contribution, which is not money from the Ministry. We assist them with the transportation of the bodies and buy coffins to ease the burden for the affected families. We cannot use money that has not been allocated to us by Parliament to deal with this because that vote is not given to us.

Every holiday, we train a number of teachers, particularly our principals and administrators, at the Kenya Education Management Institute (KEMI) and the Centre for Mathematics, Science and Technology Education in Africa (CEMASTEIA). We train them in some of those issues we are talking about here so that they know and are well-equipped to manage our institutions better. We continuously monitor them even after the training. We have either physical or virtual meetings weekly. We have divided the country into eight regions. You will see me moving around with the regional directors in every area. We aim to cover critical issues with our officers, who then enforce them because they represent us in all parts of the country.

With that, I submit.

Hon. Deputy Speaker: Thank you, Cabinet Secretary. I will allow two follow-up questions. Hon. Kathambi Chepkwony.

Hon. Charity Chepkwony (Njoro, UDA): Thank you, Hon. Deputy Speaker. Allow me to thank the Cabinet Secretary for sorting out the Egerton University matter. I expect this will be the trend now that they are paid 100 per cent.

Cabinet Secretary, I am rising on the matter of TVETs. Unfortunately, we have many unequipped TVET institutions. How soon will those institutions be equipped so that our youths can benefit from them? I am asking this because Njoro Constituency has a complete institution that has taken many years to be operational.

The next question concerns teachers who fall sick in the counties where they are sent for their duties. I have cases of sick teachers from my constituency in other counties like Nyandarua or Lodwar. Why do we not bring them to their localities where their families can care for them while they serve the communities?

Lastly, the registration of new schools has become a thorny issue. I had even raised it in the 12th Parliament. As Members of Parliament, we are facing numerous challenges when we want to start new schools. Cabinet Secretary, how long will we talk to the Ministry officers to register the new schools in our areas? We are frustrated about this. I have raised this question many times, and I expect you to come up with a solution for us.

Thank you very much, Cabinet Secretary. Continue serving the nation and implement the issue on TVETs.

Hon. Deputy Speaker: Hon. Members, let us keep it brief. Next is Hon. (Dr) Kosgei. Give him the microphone.

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Thank you, Hon. Deputy Speaker. Has the Cabinet Secretary established a policy on how the school buses are made? The kind of accidents we see on the road and the impact on the passengers are horrifying. We even ask ourselves if those buses were built to kill. Standards worldwide indicate that the manufacturers should pay attention to the main frame of the bus to withstand different types of loads and impacts and minimise the dangers to the passengers. *Bwana Waziri*, the school buses should have three mandatory features: Emergency exits, comfort and safety. Has the Ministry established a mandatory policy that dictates how school buses are made?

Thank you.

Hon. Deputy Speaker: I will allow the Cabinet Secretary to respond to those two questions. I have also realised that some supplementary questions touch on the unanswered Ordinary Questions. We have questions on special needs students, capitation, counselling in schools, withholding of certificates, teachers' allowances and delocalisation. If your question is on those, let us move on because we have taken too long on this one. Let the Cabinet Secretary respond to the rest; he might respond to your question.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you very much, Hon. Deputy Speaker. Hon. Charity Kathambi's question on the transfer of teachers is among the questions I will answer. This will be covered in that question.

Hon. Deputy Speaker: Cabinet Secretary, you can defer the answer to any question that is coming up.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Hon. Members, thank you for raising the issue of Egerton University and other universities that were on the verge of collapsing. Egerton University was on its knees, but thanks to the allocation from Parliament, we are now paying our professors and lecturers at 100 per cent. Progressively, we are looking at financial stability in our universities.

The question of TVET is a concern for each Member of this House. I admit that 70 of our TVET institutions are not fully equipped. We negotiated with the Government of China and expect to get the equipment from them. We are also following up with the Italian Government. We are aware of this. We know how critical it is because teaching and training cannot be effective unless we have the necessary equipment.

Hon. Members, I made an undertaking on the registration of schools. My Principal Secretary is here. We allowed some flexibility because the way the system was before, there was a lot of bureaucracy, which I have removed. Following that, we have registered a number of schools. Hon. Charity Kathambi, if yours have not been registered, you do not have to come. Kindly call me, and I will make sure that my officers do it. Any other Member of Parliament, including those in your areas, if there is such a problem, kindly contact me, my Principal Secretary, or the Director of Quality Assurance. Every one of us has firm instructions to have that one done.

Hon. Members, on the other question, we have a problem, not only in education, but as a country. The things we call buses are not buses because we use the chassis of a lorry.

When the National Government Constituency Development Fund (NG-CDF) probably wants to buy a bus, it buys something that was initially not supposed to be a bus. The danger is that in the case of an accident and that particular bus overturns, the chances of it killing people are very high. A bus is meant to be made so that it carries people, not luggage. So, on this particular one, the Ministry of Roads and Transport came up with a policy where they proposed that a bus cannot have a chassis which is supposed to carry luggage. The case was taken to court, but Kenyans, being the way we are, the matter is still pending, and they were stopped from implementing that. I am aware that some of the buses, including school buses

and those being used outside, are not anywhere near their standards, which are supposed to be met as far as buses are concerned. It is a conversation that we are supposed to have as a country. I hope we will somehow fast-track that case pending in the High Court so that the court can open up that policy for implementation.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much. Hon. Members, there are still nine other questions that touch on various matters. Chances are that you will have an opportunity to follow up on one of them. Many Members who have come to me have said they want to ask about the delocalization, and I said there is a question about the same. There is also a question on the issue of allowances. I will allow the Member for Nyakach, Hon. Aduma Owuor, to ask his question.

Hon. Aduma Owuor (Nyakach, ODM): Thank you, Hon. Deputy Speaker. In the interest of the House and time, I seek your guidance if I could merge Question Nos. 022/2024 and 040/2024, which are meant for me, to the Cabinet Secretary.

Hon. Deputy Speaker: I will allow you that because they are both your questions. You can start with Question No. 022/2024, then Question No.042/2024, and then go to the Cabinet Secretary.

Question 022/2024

CRITERIA FOR DISBURSEMENT OF INFRASTRUCTURE FUNDS TO SCHOOLS

Hon. Aduma Owuor (Nyakach, ODM): Thank you Hon. Deputy Speaker. I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary:

- (a) provide details of the criteria used to disburse infrastructure funds to schools in the country.
- (b) explain why the special fund for learners with special needs, which was previously at ksh2,300 per child, has been reduced by half and has not been disbursed to the needy students for over two years.
- (c) state the measures in place to address the inadequate infrastructure for Junior Secondary Schools.

Hon. Deputy Speaker: You may move to Question No. 040/2024.

Question 040/2024

DELOCALISATION OF TEACHERS AFTER POLICY ABOLISHMENT

Hon. Aduma Owuor (Nyakach, ODM): Thank you Hon. Deputy Speaker. I rise to ask the Cabinet Secretary for Education the following question:

Could the Cabinet Secretary:

- (a) explain why some teachers are still delocalized after the policy was abolished in the interest of family bonds and values for the teachers.
- (b) state when the Ministry will put an end to the delocalization of teachers considering its abolishment?

Hon. Deputy Speaker: Thank you. Cabinet Secretary, you will proceed with those two questions, and then after that Hon. Members shall have follow-up questions.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you very much, Hon. Deputy Speaker and my friend, the Member of Parliament for Nyakach. Hon. Members, as you are aware, the Infrastructure Fund is a limited resource basket that is meant to supplement other infrastructural development resources, mainly from the NG-CDF. I commend Members because when you go to every part of this country in every constituency, the infrastructural development, whether classrooms, administration blocks, dormitories, or laboratories, most have been constructed using NG-CDF. Those infrastructure funds are disbursed, being limited as they are, to schools across the country based on an infrastructure needs assessment, equitable distribution and availability of funds.

Schools with poor infrastructure that seek to benefit from those funds should request the Ministry of Education through the Sub-County Directors of Education. The applications detail the infrastructure conditions of the school, the enrollment, and the estimates of the infrastructure needs. Additional supporting documents such as Bills of Quantities, assessment reports, recommendations and photographs may also be provided. The Boards of Management should also provide minutes indicating the infrastructure needs. Those applications are then forwarded to the Ministry for consideration. A school could be allocated funds if the Ministry determines a justifiable need and the school deserves the requested intervention, subject to the availability of funds. In determining the allocation of funds, the Ministry seeks to ensure that the resources are equally distributed, noting the different levels of school infrastructure development and enrolment in the various parts of the country.

Other than the preceding criteria, some schools are also funded under the Emergency Response Fund if natural or human calamities have befallen them. Such schools may make an appropriate application for consideration, or the Ministry may identify them through its field officers. We also try to ensure that projects in schools funded under this particular program are completed. This financial year, I am sure Hon. Members are aware, we did put up a case saying that part of the infrastructure funds that were to come to the Ministry be forwarded to the NG-CDF because they have a better structure and system to implement some of the things that we are not able to do. Following that, Ksh3.39 billion, which was supposed to be allocated to the Ministry, was taken to the Ministry of Finance and Economic Affairs. We are trying to make sure that the money is released to you so that we can start putting up the 6,000 schools. We are working against time. We recommended that it be released as a conditional grant. We sat down and came up with a criterion for allocating money to each constituency based on enrolment and the number of schools in each constituency. We submitted the criterion through the Departmental Committee on Education so that everything is split and categorised into each level. Every Member should now know what amount of money they get.

Hon. Deputy Speaker, we have to make a special consideration for some counties like Nairobi County, which is in a very pathetic situation, because the private sector is running the education sector. The 17 Members of Parliament from Nairobi County know that, out of over 1,000 schools in the county, over 800 are private schools, some of which are in very pathetic conditions. The motivating factor for one to start a private school is the element of profit. However, the schools I am referring to charge Ksh1,000 and therefore, the quality of education is not as good.

We also found out that Nairobi County is badly hit in terms of capacity, unlike other parts of the country. Therefore, we allocated a special infrastructure grant of Ksh1 billion to Nairobi County. Each of the 17 constituencies in Nairobi County is set to get Ksh58 million to create capacity because, as I had alluded to earlier, the situation in primary and secondary schools is pathetic. We want to see how we can progressively remedy the situation in Nairobi County before moving to other cities. Those who were in Mombasa County on Monday know that the situation there is no better. They are also experiencing the same problems.

Hon. Deputy Speaker, I will go to the second Question on special schools so that Members can ask other questions. First, I would like to inform Members about the number of special needs education schools in the country, before I answer the Question. There are 2,892 day primary special needs education schools in the country with an enrollment of 117,565 learners. There are 337 boarding primary special needs education schools with a total enrolment of 43,266 learners. There are 81 secondary special needs education schools with a total enrolment of 7,064 learners. There are 134 junior school special needs education institutions with an enrolment of 1,593 learners. We also have 66 pre-vocational special needs education institutions with a total enrolment of 952 learners.

As the Member has rightly put it, each learner with special needs at the primary school level receives an allocation of Ksh1,420 as capitation. Each learner is then given Ksh2,300 under the Free Primary Education Programme as a top-up for specialised learning materials and assistive devices. This amount is intended to enable schools to procure specialised learning resources, assistive devices and technologies for learners with special needs and disabilities. We have established that a certain amount of money was given to those schools. Unfortunately, many were not buying the assistive devices and learning materials as they were supposed to. The money was diverted or allocated to other uses. Therefore, if you visit a number of special needs schools, you will find that there are no assistive devices. Therefore, the quality of education in those schools is wanting.

We had a similar problem in the past with the procurement of textbooks. Schools would be given money to procure textbooks, but they would not do it. When the centralised system of procuring textbooks came into being, we could now attain a 1:1 ratio as far as procurement of textbooks is concerned.

In 2023, we agreed to have a centralised system of procuring learning materials and assistive devices through the Kenya Institute of Special Education (KISE), and then supply the devices to the respective schools. This might work out better for accountability and reduced costs because we procure significant volumes. We did that last year, and I have a breakdown of how we distributed the specialised materials to all institutions based on the criterion adopted. In the Financial Year 2022/2023, out of the total allocation of Ksh334,562,600 as Free Primary Education top-up grants, the Ministry disbursed 50 per cent of this amount, being Ksh167,281,300 to KISE, and sent the remainder to schools. In the Financial Year 2023/2024, the Ministry has sent Ksh135,199,750 to schools, being 50 per cent of the total allocation.

The amount due to the KISE has not been disbursed yet, as we have not procured materials and devices because of Exchequer delays. We hope that as the financial year progresses, we will get the money in the near future to purchase materials and disburse them. The amount of money allocated to secondary special needs education institutions is higher than that given to primary schools. The capitation is Ksh35,750 per learner. Ksh200 million has been provided in this financial year, translating to Ksh28,313 per learner. The total deficit for which we seek your intervention is Ksh52,393,688.

Hon. Deputy Speaker, the next Question touches on the capitation we receive for primary, junior and secondary schools. This is because the figure is progressively decreasing because of the amount of money allocated to the Ministry by Parliament. Therefore, we are unable to sustain the figure as fixed.

I submit, Hon. Deputy Speaker.

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

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

The Temporary Speaker (Hon. Farah Maalim): The Member who asked the Question gets the first shot in the follow-up questions; that is the Member for Alego Usonga, Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker. I have keenly listened to the Cabinet Secretary. After schools opened, I had an opportunity to visit some extra-country schools in my constituency, namely Nyakach Girls High School, Nyabondo High School and Rai Girls High School. Nyakach Girls High School has a population of nearly 4,000 and a school laboratory that only accommodates 30 students. That moved me to raise those Questions. I learned that the distribution of those funds is quite skewed. There are schools with a very high enrolment rate of disadvantaged learners. I hope the Cabinet Secretary will address that to help those disadvantaged schools. A school in Githunguri with over 7,000 students is a case in point. The Ministry needs to address that.

My constituency is also a hardship area. I learned that the Ministry has also been quite skewed in the delocalisation about which this House pronounced itself. I also want that addressed because if you delocalise even within the same county and you do not take those teachers to their sub-counties, you are not also solving problems for those families. I hope the Cabinet Secretary, whom I know is equal to the task, will look into this issue.

The Temporary Speaker (Hon. Farah Maalim): Consider those sentiments. The Member of Parliament for Isiolo County, Hon. Mumina Bonaya.

Hon. Mumina Bonaya (Isiolo County, JP): Thank you. As a follow-up question on the matter of schools' infrastructure funds, I appreciate the Cabinet Secretary for the good work he is doing to ensure that those funds move fairly across all schools.

However, the matter I need to bring to your attention concerns how well-equipped some schools in our counties are. For example, in Isiolo County, you will realise that we only have one national school. It is a girls' school. We do not have any other school equipped with a national school status that serves boys in that county. Most of our schools lack boarding facilities, especially where you focus on placing students. Schools like Sericho Secondary, Bulesa Secondary and Algani Girls lack boarding facilities and yet, you place form ones from other counties there. We are left wondering.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. If I understood the rules well, this is a Question and Answer session. You have a small opportunity to build up a background for a Question. Do not make a lengthy statement on the entire shopping list you have out there. You may say: "Given this and that," and then you ask your question. Proceed and ask your question.

Hon. Mumina Bonaya (Isiolo County, JP): All that I am trying to ask is how to take care of schools that are not well equipped, and the infrastructure is not up to expected standards. In the case of Isiolo, we only have one girls' national school. We do not have a boys' national school.

The second is low-cost boarding. The funding that is supposed to go to low-cost boarding schools serving Arid and Semi-Arid Areas (ASAL) counties very well has dramatically gone down. We want to understand why it has gone down. This concept was established because of the mobile livelihood styles of pastoralists. Access, retention and completion of school has been a problem. Where do you expect those children to go if you drop funding low-cost boarding schools?

Lastly, as you know, the last El Nino affected so many schools. Some villages were submerged, and some schools were destroyed. Some villages opted to move to higher grounds, and there were no learning facilities in those villages. I know that the National Government Constituencies Development Fund (NG-CDF) is supposed to do something about that. However, the mandate to ensure every child is in a school lies with the Ministry. As I speak,

there is no learning that is happening in a town centre called Iresaboru in my county because there are no schools.

The Temporary Speaker (Hon. Farah Maalim): Hon. Mumina, please ask your question.

Hon. Mumina Bonaya (Isiolo County, JP): To that effect, my question is: What the Ministry intends to do with learners still at home because the rains washed schools away.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. The Member of Parliament for Bomet. I am talking about the lady. You are not a Member of Parliament for Bomet. Bomet is a county. All MPs of counties are women. Proceed.

(Laughter)

Hon. Linet Chepkorir (Bomet County, UDA): Thank you, Hon. Temporary Speaker, for protecting women. Thank you for allowing me to contribute to Questions about the Ministry of Education. I only have three questions.

One is on capitation. Some schools in my county, especially my ward, have not received capitation. Secondly, I will talk about the junior secondary schools in my county. Some schools have not been registered, and learners are in class. They are not registered despite meeting all the requirements. The third question is about delocalisation. Some teachers have been posted very far from home in our county, as well as many others. They are breaking for half term today. Some may take a week to travel from where they are to their homes. We seek clarification. They have not been considered despite looking for transfers.

The Temporary Speaker (Hon. Farah Maalim): I think we have two more follow-up questions if we have to finish this business. The Hon. Member for Funyula Constituency, Hon. Oundo. Proceed. Let them be questions, not lengthy statements.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I will just ask a follow-up question on what my colleagues have said about capitation. Could the Cabinet Secretary, if possible, now give an update on capitation to both primary and secondary schools for the 2022/2023 Financial Year and 2023/2024 Financial Year?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Member of Parliament for Kilgoris Constituency, Hon. Sunkuli Julius.

Hon. Julius Sunkuli (Kilgoris, JP): What is the policy regarding enrolment per class? So many schools in Kilgoris Constituency are losing students. In contrast, neighbouring schools are over-crowded. One classroom has 80 students while another in a neighbouring school has only 20 students. Is there a policy for the Ministry to say that each school can only admit 40 students per class to enable schools to thrive and teach well?

The Temporary Speaker (Hon. Farah Maalim): Hon. Reuben Kiborek, followed by the gracious woman, the Member of Parliament for Githunguri.

Hon. Kiborek Reuben (Mogotio, UDA): My Question is on insecurity and banditry. Coming from Baringo, we have lost teachers. Tomorrow, we have a burial of a teacher, Thomas Kibet, who was killed by bandits. What plans does the Ministry have for compensating teachers who have died in the line of duty? They lose their lives serving this nation and our children. The Ministry does not take care of them or their families.

The second question to the Cabinet Secretary relates to schools affected by banditry. Schools have been closed, but the Ministry has not come clear on their plan to protect our children and schools. With the Ministry of Defence and the Ministry of Interior and National Administration, you must not pay lip service to protect our children. This is not something we will take lightly. Do not give us an excuse or explanation, Cabinet Secretary, you have said that you have security, watchmen or the National Police Reservists (NPRs) protecting the

schools, but the actual situation is that a blind teacher, Thomas Kibet, was killed by bandits last week. His burial is tomorrow. We have cases of our children who have been killed by bandits in schools. What should we do? Should we surrender to fate, or should you give us direction on what the Ministry is planning in collaboration with the Ministry of Interior and National Administration and the Ministry of Defence to protect our schools and children? Please give us a substantive answer, Cabinet Secretary, and let it be serious and candid. Assure us that our children will be safe in school. The President...

The Temporary Speaker (Hon. Farah Maalim): Hon. Kiborek, ask your questions.

Hon. Kiborek Reuben (Mogotio, UDA): What plan does he have to protect our schools? My second question is on the compensation of the teacher who was killed in the line of duty, and the many other teachers who have been killed in Baringo. I want the Cabinet Secretary to come clear and not sugar-coat the answers.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Member for Githunguri followed by the Member for Turkana who is seated at the back.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Temporary Speaker. My question to the Cabinet Secretary in charge of Education, Mr. Machogu, concerns schools that have sponsors. I am sure we have interacted over this matter in the past, and this issue touches on many schools. I have a school in my constituency that has refused to absorb a teacher from the Teachers Service Commission (TSC) because the church or the sponsor is against that teacher. To what extent should the sponsors dictate which teacher reports to what school? What is the sponsor's power in determining which teacher is posted in a certain school? Can I get an answer as to when Kagema Primary School will get a principal who was rejected by the sponsor after the community requested for a change?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Member. You will be followed by the Member for Chepalungu, and then by the gracious lady there. That is the Member for Turkana East. Emgwen Constituency does not have a lady Member of Parliament.

Hon. Nicholas Ng'ikor (Turkana East, JP): Hon. Temporary Speaker. I want to ask the Cabinet Secretary two questions.

One is on the issue of Junior Secondary School (JSS) education students. In Parikati School in my constituency, since the start of junior secondary education, students have not had any teacher or benefit from the JSS like other schools. The students are still at home up to now. They have nowhere to go because they do not have teachers and classes. They are in their former primary school. Are you aware that those students do not have teachers?

Secondly, three schools in my constituency, Murire Mixed Secondary School, Kamkit Boys Secondary School and AIC Lokuui Secondary School, which do not have Form I students. This is due to the Ministry's new way of selecting students. It affected those schools. As we are seated here, the schools do not have Form I students. What plans does the Ministry have for those schools to get Form I students?

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Member. I am trying to use my screen. I do not know whether you are using your card. I know you have been there for a while, but then...

Hon. Liza Chelule (Nakuru County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to speak on behalf of the students who have done their Kenya Certificate of Secondary examination. Many of them have not been given their certificates. The reason given is that they have school fees balances. This question has been raised very many times every time the Cabinet Secretary is here. But he has never told us the urgent intervention the Ministry has taken. If, in every constituency, we have 100 students who have completed learning in a

school and have done their examination but are not allowed to pick their certificates just because of fee balances, do you not think we are taking this country back?

What urgent intervention is the Cabinet Secretary going to do about this? We cannot allow our children to stay home because of fee balances. In fact, some of the students have been wasted just because of the fees balances. I know very well that before every examination, there is an examination fee that is paid for the examination. I do not know the relationship between a certificate and school fee balances.

My second question is this: Do school sponsors have more power than the TSC, which is actually the manager of all teachers in this country?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member for Chepalungu.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Temporary Speaker. Let me not appear like I want to guide you, but Hon. Temporary Speaker...

The Temporary Speaker (Hon. Farah Maalim): Order. It is not a right for you to catch the Speaker's eye. I could see you gesticulating. You are going in the wrong direction.

Hon. Victor Koech (Chepalungu, CCM): It is not about that.

The Temporary Speaker (Hon. Farah Maalim): That is very dangerous. The management of the House has nothing to do with you. If you have a point of order to raise, do it. But, if you think you do not have time, no Member has more rights than another.

Hon. Victor Koech (Chepalungu, CCM): Well guided.

The Temporary Speaker (Hon. Farah Maalim): In any case... Order! In any case, I know you are worried about why you did not get a chance earlier. Do you want to see the list? You are way down there. So, it is not a right to catch the Speaker's eye. Proceed and ask the question.

Hon. Victor Koech (Chepalungu, CCM): Well, guided Hon. Temporary Speaker. I was to speak about Members who rise to answer questions which are in the Order Paper. My point of concern was not guiding the Speaker. I just wanted to seek for procedure.

The Temporary Speaker (Hon. Farah Maalim): The Hon. Speaker chairs this plenary. Ask your question.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Temporary Speaker. I would like to ask a follow-up question on JSS. My constituency, Mr. Cabinet Secretary, has 201 registered primary schools, of which 112 were approved to offer Junior Secondary School. Young pupils travel long distances to get this particular service. I would like to know the criteria the Ministry uses to approve one school and to disapprove another.

Do you use the same criteria to approve schools in rural areas and those in urban centres?

Could the CS state the measures the Ministry took to speed up the approval process for the remaining schools in Chepalungu Constituency to Junior Secondary School centres considering the increased dropout rates amongst children who lack the resources to travel long distances to attend the approved schools.

I want the Cabinet Secretary to explain why there are disparities in the recruitment of teachers, particularly those who are serving as interns and graduated between 2016 and 2018, and yet their counterparts who graduated in 2019 have been recruited as replacement teachers on permanent and pensionable terms.

Lastly, Hon. Temporary Speaker, I would like the Cabinet Secretary to provide timelines in which the teachers under contract will be considered for recruitment under permanent and pensionable terms. Thank you.

The Temporary Speaker (Hon. Farah Maalim): This is precisely why I would like to guide the House. When you ask a follow-up question, it should be relevant to the principal question. You will not ask any questions. The question you have asked right now has nothing

to do with the Question by the Member for Nyakach, Hon. Aduma Owuor, on the provision of the criteria to disburse infrastructure funds to schools, special funds for learners with special needs and measures to address inadequate infrastructure in Junior Secondary Schools (JSS). You have mentioned a bit on JSS.

(Loud consultations)

Order, Hon. Members. We will all allow a bit of leeway in this process because we are getting our footing on Cabinet Secretaries coming into the House. Please try to ask a follow-up question that is relevant to the principal question that was asked. I will take three more questions and then allow the Cabinet Secretary to answer. One is the Member for Loima, followed by the Member for Kwanza and then the Member for Emgwen. You will answer those questions, and then we will go on to the next one.

Hon. Protus Akujah (Loima, UDA): Thank you, Hon. Temporary Speaker. I wish to ask the Cabinet Secretary two questions. Is enrolment the only criterion used in distributing infrastructure funds in schools? That is what I have seen because constituencies like mine got only Ksh2 million, which is equivalent to two classrooms. I have 50 to 75 primary schools and 15 secondary schools. Ksh2 million is not enough.

What is the criteria for the Elimu Scholarship? In previous years, we used to get a good number of slots. However, this year, we only got slots equivalent to two students per ward, which was very low. Only eight students from my constituency were given the opportunity because I have eight slots. Other constituencies that neighbour mine also got an equivalent share. Are we regressing or progressing? How can you get 100 slots this time and only eight next year? Is it fair and responsible to transfer more than 20 teachers in one constituency without replacing them?

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Thank you. That was very good and short. Let us proceed. Member for Kwanza, ask your follow-up question.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): I have further questions, Hon. Temporary Speaker. Thank you so much.

My question is related to Question No. 3, which the Member for Dagoretti South asked for the welfare and security of our children. Cabinet Secretary, I am sure you will implement this Question on the welfare of children. There was guidance and counselling in schools during our days. The Swahili People say, "*Mtoto umleavyo ndivyo akuavyo.*" Our children do not do what they are supposed to do after school. Will you retrace this counselling and guidance in schools? That is where we have a problem in this country. If we let it go like that, there will be a problem.

Secondly, and the last one...

The Temporary Speaker (Hon. Farah Maalim): Order. You said you would ask a follow-up question on what the Member for Dagoretti South asked.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Yes, on the death of children in schools. He mentioned a child who drowned at Visa Oshwal Academy. In my case, a child jumped from a moving vehicle because there was no guidance. I am asking the Ministry to come up with a counselling programme to guide the children on what should be done.

The Temporary Speaker (Hon. Farah Maalim): You are given some leeway. Are you asking follow-up questions for a Question that has already been disposed of?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): No.

The Temporary Speaker (Hon. Farah Maalim): Order, Member for Kwanza. Sit down. Take your seat. You are asking a follow-up question on a principal Question that was asked by the Member for the Dagoretti South. Am I right? You mentioned the Member for

Dagoretti South. Just ask a question quickly. We are flouting all the rules, but proceed and ask the question.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Some teachers are in schools, and the performance of schools is very poor. How do I go about changing the leadership in those schools?

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Thank you. I had also given an opportunity to the Member for Emgwen. I will give the Member for Dagoretti North, Hon. Beatrice Elachi, the last opportunity. Proceed.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Temporary Speaker. My question to the Cabinet Secretary is that there are schools in Nandi County, specifically Emgwen constituency within Kapsabet Municipality... There are close to 9 schools that have not received the enhanced allowances. Is the Cabinet Secretary aware of this? If he is aware, what action will he take so that the rest of the schools within the municipality can receive it?

Secondly, it is an issue where every time a headteacher or principal leaves a school, we always have an acting principal who acts for two or three years. When a principal is posted to this school, the acting principal ceases to be the principal. Once we get a new one, he or she feels humiliated. If the same principal is transferred elsewhere, the same person serves in an acting capacity again. When a new principal comes, the same person is demoted. What action will you take so that those people do not feel demoralised when serving in an acting capacity? This happens in several schools. That person loses respect and feels humiliated.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Elachi, I have noticed that you have two questions coming up. I suggest you try to fit in as well as you can because too many questions are supposed to be answered as follow-up questions to this particular one. Cabinet Secretary, proceed.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you very much, Hon. Temporary Speaker. There are several questions, including others, that are appearing in the Order Paper. However, I will seek your indulgence.

The Temporary Speaker (Hon. Farah Maalim): Skip the questions you feel you are unprepared for because they were not there as principal questions. Members of Parliament will be at liberty to file those questions later. Proceed.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): There is a question from the Member for Isiolo that there is only one national school in Isiolo. His Excellency the President and I were in that school two weeks ago. Hon. Members, we are in a country where a greater percentage of our students are not in national or extra-county schools, but day schools. 66 per cent of our schools are day schools. Our main challenge is improving the day schools because that is the way to go.

As much as everyone would like their children to be in national schools, they only constitute about 1 point per cent of the total requirement of what we can accommodate at any given time. The Report of the Presidential Working Party on Education Reform will be brought to this House for debate, adoption or otherwise.

One of the recommendations which Members will discuss and give a way forward is classification of schools. Whether it should continue that way or vary and we change that system, including what we call a comprehensive school. This is a matter which this House will also discuss and the Executive will implement once you give us the way forward.

On low cost boarding schools, because of the nomadic way of life of a number of our communities in this country, they have assisted the 100 per cent transition. We fund those schools, but it is not enough and so, we have requested this House to give us enough funds. It is a critical issue if we have to improve the quality of learning in those areas by retaining the children and students in the schools so that they can complete their studies.

Regarding a school that was washed away, on the infrastructure side, we cover emergencies like natural or human-caused calamities. I think I was with the Member and he should bring this up to see how we can assist that particular school.

The Member for Bomet has asked about schools that are not being considered for capitation and registration. I think he should mention the schools so that my Principal Secretary or I can know them and take the necessary remedial action. The Member for Funyula also asked a question on capitation and because there is another one, I will give answers later on.

The Member for Nakuru Town West, Hon. Arama, asked a question on schools denying students their certificates. It is in the Order Paper and I will answer it at the right time.

The Member for Kilgoris asked a question on the ideal number of students in a classroom. It is 45 students at the ratio of 1:45. In our universities, it is supposed to be 1:20. In our Technical Vocational and Education Training institutions (TVETs) it is 1:30. The 100 per cent transition is a very positive thing in this country and it has made enormous impact. We have challenges because sometimes a classroom can have 60 students or beyond. We went to a school in Roysambu where a classroom had 80 students. If you go to Olympic Primary School in Kibra, you will see this problem. We will improve the situation as we progressively improve the infrastructure. We are also employing more teachers. Since Independence, I think employing 56,750 teachers in a year is in itself a record and so, we hope to tackle this problem progressively.

Going to Baringo County, my friend from Mogotio has asked what happens in case a teacher dies. I think we have a workmen's compensation scheme. I will find out and confirm what the law provides. I know there is something, but allow me to check because I do not want to give you an answer based on guesswork.

There is a question on Junior Secondary Schools (JSS) with no teachers and no Form Ones. It is unfortunate if we have a school that does not have Form Ones. Hon. Speaker, today I was in Nyeri County for an Education Day, and one of the challenges mentioned to me was that there are schools with classrooms but have no pupils. We do not have enough students. On this, there are factors contributing to it. I am not able to give you an answer as to why there are no Form Ones because we need to know the specific schools so that we can understand the factors that have caused the absence of Form Ones.

We have tried as much as possible to provide teachers for JSS, and we are recruiting another 20,000 teachers. In case there is a school where we have pupils but no teachers, I will consult with my Principal Secretary and I am sure we will find a remedy for that.

On the criteria we used to establish JSS, we issued guidelines to each and every sub-county. One of the guidelines was the level of enrolment in a particular school. If a school had five students and the distance to another school is not large, we made a decision based on that. Those are some of the considerations we made so that the available resources — may they be human, material or technical — are optimally used. As of now, I think we have about 28,000 JSS. Even after we had concluded the exercise, a number of Members of Parliament approached me, my Principal Secretary, regional directors and county directors and, we were flexible. We were able to consider, and where there was a need, we increased the number. And even now, if you have such a case, we can consider on its own merit.

On the recruitment of interns, you know the policy of the Government. It does not apply on recruitment of teachers alone but in all areas. Thousands of our young people are coming out of higher institutions of learning and middle level colleges. It gives them an opportunity to earn some income while they are waiting for permanent and pensionable employment. The maximum period that they serve in order for them to be absorbed on permanent and pensionable terms is two years. When I interact with a number of teachers, because that is my work, they say they are very happy with the Government policy of giving them internship as they wait to be absorbed on permanent and pensionable terms. Even when you compare the terms of

teachers employed by the Boards of Management (BOM) to those working as interns, the terms of interns are better.

When the economy of this country improves, and Members you know this because you are the ones who give us a budget, then the period of two years will be reduced to probably one year. We appreciate what our people can do and we have to give them what is the very best.

On the *Elimu* Scholarship, we normally advertise countrywide. This particular year, we took 14,345 students. The criterion is that you have to get some kind of minimum score in KCPE, and the minimum score was 280 marks. Apart from that, you have to come from a family background that the income is not beyond a certain level, and we are catering for those families which, of course, are the poorest. When we rolled out the programme at the Bomas of Kenya, if you had the opportunity to attend, you would have seen many of those children arriving without shoes. The kind of clothes they were putting on confirmed that, indeed, they came from a background that would not have raised the kind of fees that are required in our national, extra county and county boarding schools.

The Member of Parliament for Kwanza, the criterion used for change leadership is sometimes poor performance within a school. There are many factors which determine the performance of a school. Of course, one component is the teacher, the headteacher, but again, parental and community involvement. All those other factors are such that we cannot really apportion a blame to the teachers only. We also have quality assurance officers that we are trying to activate their roles. The report on quality assurance is supposed to inform certain decisions to be made even by Teachers Service Commission (TSC) on transfer of teachers or to get another headteacher to such a school. For instance, what is it that is happening in that particular school? Why is the performance of such a school not to the required level or standard? That is why we have said we have to work as one between the Ministry and TSC. We are serving that one child and thus, we will make better decisions which will help improve the quality of our education once we have done that.

The Question from the Member of Parliament from Emgwen on enhanced allowances for those in Kapsabet Town, I think there is an equivalent Question on TSC, which I have answered. It was from the Member of Parliament for Kisumu. The TSC stated that there was some information they wanted, but they had not been able to get it from those schools. Kindly give us those two cases. I told my officers to make a call to those particular schools now that we know the feedback from TSC. Let us get the information required so that the teachers can benefit from the allowances; which is their right. Those in Kapsabet Town, in case there are such cases, kindly bring it to our attention for it to be conveyed to the TSC. We work as one team and I am sure necessary action will have to be taken.

Thank you, Hon. Temporary Speaker. I will answer others as they come, including guidance and counselling.

The Temporary Speaker (Hon. Farah Maalim): That is a substantive Question and I have already noted that, Hon. Passaris. You came a bit too fast Member for Kwanza. Next Question is by Hon. Atandi. He has nominated Hon. Esther Passaris to ask that Question on his behalf. She will also proceed to ask her question.

Question 023/2024

DISBURSEMENT OF AN AVERAGE CAPITATION GRANT

Hon. Esther Passaris (Nairobi City County, ODM): Hon. Temporary Speaker, on behalf of Hon. Samuel Atandi, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary-

- (a) explain why the Ministry has been disbursing an average capitation grant of Ksh17,000 per learner instead of the marked capitation grant of Ksh22,244 per learner to public secondary schools?
- (b) elaborate on how the Ministry expects the schools to operate with the average capitation of Ksh17,000 per learner considering the other bills which the school caters for such as water, electricity, support staff salaries and other recurrent bills?

The Temporary Speaker (Hon. Farah Maalim): Proceed and ask your Question.

Question 024/2024

MEASURES UNDERTAKEN TO BOLSTER GUIDANCE AND COUNSELLING
DEPARTMENTS IN PUBLIC SCHOOLS

Hon. Esther Passaris (Nairobi City County, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary elucidate the measures being undertaken by the Ministry to bolster the guidance and counselling departments in public schools, thus ensuring its prominence and significance within the school curriculum?

Thank you, Hon. Speaker.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Cabinet Secretary to answer those Questions.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you very much, Hon. Temporary Speaker. I thank the Members of Parliament for raising those Questions.

As Members of Parliament are all aware, the Free Primary Education Programme was started in this country in 2003, while the Free Day Secondary School Programme was started in 2008. The Free Junior Secondary School Programme started recently with the first Grade Seven Cohort in the year 2023.

The capitation rate for Free Day Secondary Education was reviewed by the Taskforce on Secondary School Fees in 2014, popularly known as the Kilemi Mwiria Taskforce. The Taskforce was established to review the cost of secondary school education which had grown astronomically, and a number of Kenyans were unable to afford it. There were schools which charged as high as Ksh200,000. Therefore, it was necessary for the Government to come in and provide guidelines.

It is, indeed, true that the approved capitation grant for secondary schools is Ksh22,244 per learner. For boarding schools, the amount is supplemented by household contributions that parents pay as boarding fees, which in national and extra-county schools is Ksh53,000 and Ksh45,000 in county boarding schools.

We broke down the figure of Ksh22,244, which is supposed to be paid per learner for secondary schools, as shown in the Schedule. The Schedule indicates the vote head and the amount. The allocation for learning and teaching materials and exams was Ksh4,144. The amount for repairs, maintenance and improvement was Ksh5,000. We allocated Ksh9,400 to local travel, administrative costs (electricity, water and conservancy). We allocated Ksh1,500 to activity fees and Ksh2,000 to medical and insurance. That brings it to a total of Ksh22,244.

For the last five years, the capitation given has fallen short of the approved rate leading to under-funding of our schools. While school enrolment continues to grow on account of the Government's 100 per cent transition policy, the funding has not increased proportionally. The enrolment has been growing by 5.71 per cent annually, while the average percentage increase in Government funding is 4.08 per cent annually.

In the circumstances, the Ministry is compelled to divide the available amount with the number of learners, which has been increasing yearly. This results in capitations that are lower than the approved rate. To illustrate this, there is a table attached indicating the amounts from 2018 up to 2022. For the Financial Year 2022/2023, we were supposed to receive Ksh82,088,723,744, whereas the amount approved in the Budget by this House was only Ksh64,421,865,698, meaning that we had a deficit of Ksh17,666,873,584. Rather than giving the approved figure of Ksh22,240 per learner per annum, we gave Ksh17,456 because we could not give what we did not have or had not been given by this House.

To address under-funding, we have continuously engaged the National Treasury and Parliament through the Departmental Committee on Education and the Budget and Appropriations Committee. Other issues, including inflation and escalation of food prices, are to be taken into consideration as well. We appeal to this honourable House to enhance the Ministry's budget so that the capitation is provided at the approved rate. Once you give us the approved rate, I promise that we will not request parents to chip in or increase school fees at least for some years to come. Parents are equally facing other challenges. If we were to get the approved rate as our assessment, it would be adequate to support the needs and operations of schools. This is especially true in the schools that have an optimal enrolment. Considering the economies of scale, it is critical that this House supports the Ministry and schools by providing an adequate budget.

In the meantime, and with the limited resources, we as a Ministry encourage schools to adopt measures to optimally use the capitation provided by the Ministry. Some of the measures we insist on are budget prioritisation and getting their priorities right. As much as they would want to do much, we do not have adequate funds for that. We encourage schools to engage in resource-sharing as much as possible. We insist on envisioned resource utilisation. This is for our public and students to continue learning.

On guidance and counselling, we know the kind of challenges and emerging issues in our contemporary time. Those were never there in our schools. They include violence, drugs and substance abuse, mental health challenges and teenage pregnancies, among others. All those are very common in our schools. To mitigate this, there is a need for a strong investment in the guidance and counselling framework. One of the steps we have undertaken as a Ministry is to push the guidance and counselling departments in our public schools to include certain aspects.

The first is policy development. We developed and implemented guidelines for the establishment and functioning of counselling departments in our schools. The guidelines provide a framework for the provision of guidance and counselling. They also emphasise the importance of those services in our schools.

The other item is the training and professional development of the people we use as counsellors in our schools. We collaborate closely with stakeholders such as the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA), NGOs and faith-based organisations to enhance the reach and impact of counselling services in our schools. We get students to discuss among themselves on the need of avoiding some of the social vices which can be harmful to them.

Finally, and more importantly, we have engaged with faith-based sponsors of schools to provide chaplaincy services. The chaplaincy supports guidance and counselling services while also anchoring the learners in religious values.

The Ministry is also working in anchoring the training of teachers particularly of religious subjects – that is Christian Religious Education (CRE) for Christians and Islam Religious Education (IRE) for Muslims. They can offer chaplaincy services where the sponsors are unable to do the same. Unlike the years when we grew up where you would be given instant discipline by the entire community if they found you doing something that is not proper, the

society has now become a little individualised. People do not allow that and that is why we have to develop this to mitigate the challenges that we have in our schools. As we move on progressively, we are also monitoring the situation so that we can improve policies and the guidelines as set by the Ministry.

I submit.

The Temporary Speaker (Hon. Farah Maalim): Hon. Esther Passaris, you will take the first bite.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker. Thank you, Cabinet Secretary, for the answers. I would like to ask a question on capitation. In the table that you have provided, I have seen that we never really reached Ksh22,000. We have been declining and stuck on Ksh17,000. I can speak for my county but I am sure it is the same across the country. Are you aware that right now, all secondary schools are owed between Ksh10 million to Ksh30 million in unpaid school fees by the parents? Even the bursaries that we give are not able to cushion the schools. Capitation is not adequate. In spite of the fact that we have a rule that no child should be sent home because of lack of school fees, many children are still sent home. At the same time, school operations are literally paralysed. Does the Cabinet Secretary know the amount of money that is owed to schools by parents over and above the capitation reductions? Is there any plan to cushion schools in the Ministry's budget considering that if we do not do it, then the schools are going to be paralysed?

When it comes to transition on No.27, you talked about the Government's target of 100 per cent transition. Is the Cabinet Secretary aware of the number of students that have not yet reported to school because of limitations by the families to buy school uniforms, books and also to pay school fees? What is the plan of the Government and the Ministry to ensure that we do something towards cushioning the families that have not been able to send their children to school in order to attain the 100 per cent transition?

On counselling and guidance, Cabinet Secretary, are you aware that in 2014, this august House passed the Counsellors and Psychologists Act 2014? While you talk about working with religious leaders, with the rise in mental health, I am just wondering whether your Ministry and the Ministry of Health are working to operationalise the Act. We cannot leave mental health to religious institutions. It requires trained professionals to become counsellors and psychologists. Most private schools provide that. I feel the failure to provide guidance and counselling to our students in public schools is the reason why we end up with suicides, high dropouts and poor results.

Is the Cabinet Secretary aware of the Counsellors and Psychologists Act, 2014? Is he thinking of a multi-sectoral approach with the Ministry of Health on the same?

Thank you.

(The Temporary Speaker consulted with the Clerk-at-the-Table)

The Temporary Speaker (Hon. Farah Maalim): Order. Just relax. We will start with Hon. Abraham Kirwa, Member for Funyula, Hon. Julius Rutto and Hon. Gideon Mulyungi in that order. Then, we will have a second round.

Hon. Abraham Kirwa (Mosop, UDA): Thank you so much, Hon. Temporary Speaker, for giving me this opportunity to ask this question to the Cabinet Secretary for Education. It goes back to the issue of delocalisation which affects my constituency, Mosop. A huge number of teachers were transferred to Vihiga and several parts of the country. When delocalisation ended, most of those teachers who wanted to come back were requested to have a teacher in that locality to exchange with them.

They applied for transfers but most of them were not approved. As such, the number of teachers in my constituency is very low because most of those who were there during the

delocalisation left, but very few of those who wanted to come back actually came back. What is the Ministry doing to make sure that most of the teachers from my constituency are approved to come back?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Abraham Kirwa and the rest of the Members, the question on delocalisation is different. Those two questions are strictly on capitation and counselling. If we confine ourselves to that, we will go very far. We are only giving leeway for the time being because this is a pilot project as the order of Cabinet Secretaries appearing before the House is new. However, it is time Members begin adjusting to this kind of a tradition.

Hon. Rutto, proceed.

(Hon. Abraham Kirwa spoke off the record)

(A Member raised his hand)

Hon. Kirwa, the Cabinet Secretary will still answer your question. Let us have the Member for Kesses followed by the Member for Funyula. The Member in yellow colour, is he asking the question on your behalf? I am asking this because you have raised your hand.

An Hon. Member: Yes.

The Temporary Speaker (Hon. Farah Maalim): Okay. Proceed.

Hon. Julius Rutto (Kesses, UDA): Thank you so much, Hon. Temporary Speaker. I will go straight to my question. First of all, I appreciate the Cabinet Secretary for Education for having time to appear in this House so that we can prosecute issues that touch on our education system.

I want to follow-up on the registration of students in the National Education Management Information System (NEMIS). I have realised that the challenge we have currently is the low registration of students in NEMIS. What contributes to the low disbursement of funds on the same? I do not know whether the Cabinet Secretary is aware that day schools have now reviewed their school fees upwards. It used to be an average of Ksh8,000 and Ksh10,000, but it is now between Ksh12,000 and Ksh15,000! The reason behind it is that they cannot foot the cost. The capitation they receive is way below that they cannot manage the operational cost. I want to know the alternative mechanism we will have because we are being faced with challenges in registration.

We have touched on counselling. I would also like to talk about the management of the institutions. We have the boards of management (BOM) which manages the schools. There are schools that have retained them for decades. They are now indirectly meddling in the management of the schools and are running them down. What is the plan of the Ministry to ensure that we either retrain, rotate or change them? For instance, when the National Government Constituencies Development Fund (NG-CDF) Committee decides to adopt the labour-based model, we are just wondering how that money will be absorbed.

The Temporary Speaker (Hon. Farah Maalim): Ask the question.

Hon. Julius Rutto (Kesses, UDA): What are they going to do? I am just giving an example.

Lastly, I have a question on policy direction. On the issue of management, there are many schools without headteachers, like the case of Keringet and Tulwet secondary schools in my area, and many others. The management of those schools is at stake as there is no proper decision-making on the same.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member of Parliament for Funyula and then Hon. Mulyungi. We will then get the responses.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. I had raised this matter.

The Temporary Speaker (Hon. Farah Maalim): Member for Kwanza, do you still want to ask the question on counselling? Are you more enriched? The Chairman will allow you to ask the question on counselling because you are too passionate about it. Proceed, Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, given the shortage and inadequate budgetary allocation as the Cabinet Secretary has put it, I must admit that I have not seen the table that he has referred to. I believe it is an indication that the National Assembly which appropriates funds has not provided adequate money to the Ministry to meet the said capitation levels. Noting the high inflation and increased cost of foodstuffs and other equipment in the schools and the hard-economic times that the parents are going through, what are the intervention measures that the Ministry is thinking about? At the moment, schools are heavily indebted! Schools owe suppliers and service providers billions. Many of the local traders and small-scale players in the supply chain are limping badly because the schools are unable to pay because they do not have money.

Are you intending to increase fees? What intervention measures are you thinking about? Thank you.

The Temporary Speaker (Hon. Farah Maalim): You have asked your question. Please leave it at that. Proceed, Hon. Mulyungi, Member for Mwingi Central.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker. The Cabinet Secretary and His Excellency the President have occasionally been saying that no student should be sent home because of lack of school fees. Is the Cabinet Secretary aware that students are sent home regularly because of lack of school fees? This is happening in my constituency. What measures has the Ministry put in place to ensure compliance with those instructions so that students are not sent home?

Further, what measures have you taken to make sure that the schools are sustainable because principals are forced to send students home for lack of food to feed them?

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Member for Kwanza, would you want to take a bite on counselling that you are passionate about? This is the right time.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): You told me to shut up.

The Temporary Speaker (Hon. Farah Maalim): No! Order! Proceed.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Speaker, I excused you. I know what you meant.

Bwana Cabinet Secretary, tell me about the Technical, Vocational Education and Training (TVET) programmes. I contributed Ksh10 million for the construction of TVETs in Kwanza, but the Ministry is yet to send the Ksh60 million. When are you going to do this? This is what Members are complaining about.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary, you can proceed and answer those questions. We will then move to the next Question.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you very much. The first question is on capitation. As I said, this is one area that we admit to have a problem and the answer is not anywhere else, but this House. You are the ones who appropriate funds. Education is a fundamental constitutional right for the young people as enshrined clearly in Article 53(1)(b). We cannot run away from it.

This year, I have had discussions, and our figures are based on real numbers. We are able to give the exact figures that we require in terms of capitation. When you go through the Budget Policy Statement (BPS), JSSs have a shortfall of over Ksh10 billion, while senior schools have a shortfall of Ksh20 billion, thus totalling to Kshs30 billion. The solution lies with the Members of Parliament. Hon. Speaker, I am hoping that once you give us those figures, it will work out.

I have had a meeting with all the principals of the national schools. Among the discussion was that where they have numbers because of economies of scale, they are able to manage. We are able to give them the required figure. They would manage until we form some kind of a taskforce that would do some assessment on whether we have to increase the school fees or not. We want to make education accessible. We do not want to make it a preserve of a few but those who are able. Education is supposed to be the greatest social equaliser. Those were the recommendations we made. Once you approve, I hope the Government and Parliament would allocate funds as an essential package to schools which do not have optimal numbers. The solutions are in the recommendations, and what Parliament would direct.

On the transitions as said by the Member for Nairobi, we have figures for each and every county. When we started the 100 per cent transition, we were struggling at 74 per cent but, currently, the total in the country is 98 per cent. As for Nairobi County, I would be able to give the figures if you come. We are try making efforts by mopping up with officers from National Government Administration Officers (NGAO). This is because once one gets minimal education, one would be able to manage him or herself, and be able to contribute in one way or another to the social economic development of this country.

On NEMIS, I have noted a few problems that we have. In order to deal with this particular problem, and as I undertook earlier, we have formed a joint team comprising of my officers in the Ministry of Education and every State department. We are going to have a unified and an integrated system that is going to run from basic to tertiary level. That is Technical and Vocational, Education and Training (TVET) up to the university. We have a team comprising of experts in Information Communication Technology and officers from Konza. In a period of four months, we should be able to have a better system which would give proper data. We have had problems even in our universities where we give capitation based on something that is given to us manually. You can imagine the danger we find ourselves in because you can be given figures which are not right. We want to get it right, and we are working on this. The BoMs normally last for three years, renewable. Members play a key role, and at that level we do not interfere so much. There are District Education Boards that manage them. The effectiveness and efficiency of those boards determine the success of a school.

If you can allow me, Hon. Temporary Speaker, I can answer the question on delocalisation by the Member for Mosop because it was in the Order Paper. I have the answer. I can give the figures and the kind of progress we have made. We have not been able to do 100 per cent as required. As things stand now, you know about the reversal of the delocalisation policy. It was approved. There is no question about it. We cannot now have a person being forced to be transferred from his home area to another area. The policy has been reversed. A total of 25,625 teachers have so far applied for transfer countrywide. Out of those, 4,448 are in secondary schools and 21,177 are in primary schools. A total of 22,345 teachers have been transferred; 3,264 in secondary school and also 19,081 in primary school. A total of 3,280 teachers; 1,184 in secondary schools and 2,096 in primary schools, have made applications that are pending. They have not been transferred because of the following reasons.

First, if we transfer *en masse*, we can cause chaos in schools. There are schools where unless you have a replacement, there would be no teaching or learning. There have to be replacements for TSC to effect transfers. The requests are pending, waiting for replacements to be found. Also, there are quite a number of principals who have applied for transfer from

one county to another. You find that in the county where they are applying to go, there is lack of vacancies in those positions. For now, we cannot give a transfer. With time, we will put into effect the transfers. As you can see, out of the 25,000 requests so far received, a good number has been transferred.

I stop there for now.

The Temporary Speaker (Hon. Farah Maalim): The next Question is by Hon. Arama.

Question 25/2024

WITHHOLDING OF KCSE CERTIFICATES DUE TO
NON-CLEARANCE OF SCHOOL FEES

Hon. Samuel Arama (Nakuru Town West, JP): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary—

- (a) explain why secondary schools across the country are withholding Kenya Certificate of Secondary Education (KCSE) certificates of former students on account of non-clearance of school fees thereby denying them admission to higher institutions of learning and employment?
- (b) state the disciplinary actions that the Ministry will prefer against principals of schools that withhold certificates?
- (c) state when all schools will release withheld certificates to former students?

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you, Hon. Temporary Speaker and Member for Nakuru Town West Constituency, Hon. Samuel Arama.

Yes, we have a law which was enacted by this august House, stating that it is against the law for any institution to withhold KCSE or KCPE certificates due to a student for any reason, including non-clearance of school fees. To be specific, if you go to the Kenya National Examinations Council (KNEC) Act, which is an Act of this Parliament, Section 10(1)(b), it clearly prohibits institutions or any persons, be it a principal or teacher, from withholding KNEC certificates or diplomas from the candidate.

We have issued guidance to all schools through the County Directors of Education, of course, stating the legal position to the effect that no certificate is supposed to be withheld on account of non-clearance of school fees. I attached a copy of the circular. I know there are rogue ones who could be in any other institution. Even as the law prohibits crime, you find people committing crime. Even in the Bible, the 10 commandments tell us not do this-and-that, but people end up doing it.

My officers are under very firm instructions. We have also made it very clear with the Teachers Service Commission (TSC) that it is an offence punishable under the laws of this country. We shall involve the State to take decisive and very firm action. The only thing is that a culprit can never be known if information is not brought forward. We cannot generalise. Kindly Members, when you have specific cases, bring them to my notice or my Principal Secretary because our officers in the field are sometimes unable to take remedial action. So, kindly, let us know. This is one area we are very clear about. We cannot mess up the lives of young people who require those documents in order to seek employment or go to the next level of education. In case you find any such teacher, as I have said, let us know and we will take the necessary action. There are those who give excuses like the parents or student never came for their documents. Immediately they are warned, they give them out trying to defend

themselves and mitigate by saying nobody went for those documents. Once we find such cases, we always make sure that the documents are released with immediate effect.

Hon. Arama, in case of any such specific case, kindly bring it to my notice or to the Principal Secretary. We will for sure take remedial action.

The Temporary Speaker (Hon. Farah Maalim): Hon. Arama, will you have a bite on this?

Hon. Samuel Arama (Nakuru Town West, JP): Thank you, Hon. Temporary Speaker. The Cabinet Secretary has given a very good answer, but on the ground, things are not the same. I cannot see Annex Two but it is like officers of the Ministry of Education at the county level do not have the circular. I have been having problems in my constituency. So, I wish I could have the Annex Two which you are talking about so that I can follow up. It is very important that the head teachers and principals are told it is an offence to have those certificates withheld.

The Temporary Speaker (Hon. Farah Maalim): Hon. Brighton, followed by Member for Funyula Constituency and the gracious lady.

Hon. Brighton Yegon (Konoin, UDA): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity. I want to ask a question regarding Mr. Evans Kipkorir who is a resident of my constituency. He sat for his KCSE exams in 2022 and scored a mean score of A- (minus). He applied for courses in medicine and surgery and other options like nursing but, he did not get a placement in 2022. Currently, when he tries to apply to select courses, he only gets options for diploma. What happens to such cases, *Bwana Waziri*, because those students and many others like him are getting disadvantaged?

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): With regard to KCSE certificates and what the Member has said, I am sure the Cabinet Secretary is aware that there have been very many challenges on the KUCCPS portal. Look at the reports in the newspapers today. It is said that close to half of the eligible candidates have been unable to log into the KUCCPS portal to apply for the courses at the universities and the other tertiary colleges. I know you have given instructions to extend the deadline to 4th March 2024, but I have practically tried in vain to assist a girl I paid school fees for from Form I up to Form IV (she is not a blood relative of mine). By the time I was coming here, we were unable to log into the system. Is it sabotage? Is it a system failure? Is it a manpower challenge? Or is it a scheme designed to deny the needy children of Kenya admission to public-funded universities? We would wish to have your say remembering that 4th March 2024 is only a few days away from today and over half of the eligible students have not been able to access the portal.

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary, proceed and we will conclude.

The Cabinet Secretary for Education (Mr. Ezekiel Machogu): Thank you very much. Let me start with the last question. Thank you very much for raising it. I want to assure the Members of this House and Kenyans as a whole that I am very much aware of this problem. Technology sometimes fails us. Like in this particular aspect, technology has been failing us. I have a team that includes representatives from the Ministry and KUCCPS, as well as the Principal Secretary for the State Department for ICT and Digital Economy, Mr. Tanui; the Principal Secretary for the State Department for Citizen Services, Prof. Bitok; and the Konza team. I usually receive reports every morning. If you were to check my phone, you would see the kind of reports I have received. That is why I have given an extension up to 4th March 2024. I am being given reports on a daily basis and I hope the engineers and experts in ICT will sort out this particular problem for us so that, our students can successfully apply. I am monitoring the situation and by 4th March 2024, I will assess how many applications have gone through.

In case there will be any that might have not gone through, I will make another informed decision depending on the way things will be and the information that I will have received.

Hon. Brighton, I was not able to know what the problem was on the Grade A- case. It is a case that will require you to kindly come to the office so that we can look at it. This is a very bright child. We would not like the child to miss an opportunity. Please, create time. Once you come, I will call the officers concerned and I am sure we will find a solution.

My brother, *Mheshimiwa* Arama, I equally know what our people can do sometimes. Do not hesitate to come so that we can deal with those individual cases in a manner that will allow us to assist those who might be suffering quietly. That is the reason we are here - to serve.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Next Ordinary Question No. 026/2024 is by Hon. Joshua Oron, Member of Parliament for Kisumu Central.

Question 026/2024

HOUSE ALLOWANCES FOR TEACHERS IN KISUMU CENTRAL CONSTITUENCY

Hon. Joshua Oron (Kisumu Central, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to ask Question 026/2024.

I rise to ask the Cabinet Secretary for Education to explain why the teachers from Kudho Secondary School, Kudho Primary School and Obinju Kanyakwar Primary School are yet to receive their enhanced house allowances and yet, their counterparts in other constituencies such as Kisumu West and Kisumu East are getting the said allowances.

Could he also provide timelines within which the affected teachers will receive their enhanced House allowances?

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary, you may proceed.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you very much, Hon. Temporary Speaker. When I received this Question, I wrote to the TSC and asked them to provide me with the answer. They wrote back and said that the two institutions had been advised to submit the requisite documents to facilitate uploading on the system. The TSC said they have not yet received those documents since 2022. I do not know why. Once they receive those documents, the payments will be made immediately. I have provided the two letters as Annex 3. Some of those issues are simple and straightforward. I asked my Principal Secretary to call the County Director for Education in Kisumu and get the information immediately. We do not want to dwell on bureaucratic-related procedures on issues that are fairly straightforward.

Mheshimiwa, in one or two weeks, this will be sorted out. This is just a phone call away and it does not cost us anything to get that information. I have instructed that my officers get the information so that we do not go back and forth looking for a document in Kisumu. Get in touch with me in two weeks and I will have the answer to this Question.

The Temporary Speaker (Hon. Farah Maalim): Hon. Oron, are you happy with that response?

Hon. Joshua Oron (Kisumu Central, ODM): Thank you, Hon. Temporary Speaker. I also thank the Cabinet Secretary for the answer. However, the schools came to me for an intervention because this issue has been pending for many years. The documents you referred to in your response and letter were delivered to TSC in September 2022. I will be grateful if this issue is brought to a close. I will be back to you in two weeks if we do not get an answer.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. The Cabinet Secretary has given an undertaking.

Next, we have two Questions by Hon. Beatrice Elachi. Proceed and ask your Questions in succession.

*Question 041/2024*IMPLEMENTATION STATUS OF CBC AND MEASURES
TO ENSURE SUCCESS

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary provide the status on the implementation of the Competency Based Curriculum (CBC) and the measures in place to ensure its success?

*Question 042/2024*OWNERSHIP OF VALID LAND DOCUMENTS BY PUBLIC
SCHOOLS

Hon. Beatrice Elachi (Dagoretti North, ODM): Could the Cabinet Secretary:

- (a) Confirm whether each public school in the country has valid ownership documents to the land it occupies and if not, why so?
- (b) State the measures put in place to curb encroachment by individuals/groups to school properties.

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary, proceed.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Thank you very much, Hon. Temporary Speaker. On the first Question, as Members know, we are on a Competency Based Curriculum (CBC), a system which started way back in 2017. The first cohort of learners transited to Junior School in February 2023 with a total of 1,146,070 learners, against an enrolment of 1.2 million in Grade Six. This translates to a 95 per cent transition rate. The group has now transited to Grade Eight. This year, we have a 97 per cent transition rate with 1,207,355 learners having reported out of the 1,245,066. The first cohort of the CBC system will join the senior school in January 2026. We are in the process of going into three pathways. As part of the implementation, in order to operationalise it, we developed and came up with a capitation figure of Ksh15,042 per learner per year for Junior Secondary School. We have given a breakdown as follows: Ksh1,200 per learner is for textbooks; Ksh450 for laboratory materials; Ksh1,000 for materials for practicals and Ksh2,550 for stationery. This year, a total of Ksh4.74 billion has been disbursed to schools for free primary education for Term One and Ksh7.6 billion as capitation for Junior Secondary Schools.

The Ministry has also spent a total of Ksh3,164,365,856 in the last financial year on course books. This is part of what we are doing to make sure that the CBC system works, by providing books across the country, which have been distributed and the learner-to-textbook ratio as of now is 1:1. On teachers, as a requirement for teaching and learning to go on, we have done training and re-tooling of teachers on the new pedagogical skills to enable teachers to effectively disseminate knowledge to the learners. To date, a total of 281,980 teachers comprising 229,292 primary school teachers and 52,688 Junior School teachers have been re-tooled. On employment of additional teachers to effectively teach at this particular level, we have employed 56,000 teachers and progressively this particular financial year, we expect to recruit another additional 20,000 teachers. The teachers are continuously being re-tooled in various learning areas in both primary and Junior Secondary Schools to enable smooth implementation of the primary and Junior Secondary School curriculum delivery.

Part of the other measures to make this particular program work is the internship program which, as I indicated earlier, we have so that we can have adequate teachers in our

schools. One of the other aspects that we have had to deal with is the learning areas for primary and Junior Secondary Schools. Parents and Kenyans complained that the areas in the curriculum were too many and that there were overloads and overlaps. Therefore, the Kenya Institute of Curriculum Development has reduced that following the recommendations that were done by the Presidential Working Party.

We have rationalised learning areas to a maximum of five for pre-primary level. We have reduced them from nine to seven for lower primary level, from 12 to eight for upper primary level, from 14 to not more than nine for junior secondary school level, and from nine to not more than seven for senior secondary school level.

As noted, the Government has taken proactive steps to ensure that Junior Secondary Schools have the required infrastructure by 2025, when we will have the inaugural Grade 9 class in Junior Secondary School. That is why I said earlier that in this financial year, we have allocated Ksh3.9 billion to construct 6,000 classrooms. A further Ksh9 billion will be provided by the World Bank to construct another 9,000 classrooms. Therefore, come next year, we will have the 15,021 classrooms required for Grade 9. We are properly prepared and operationalised in terms of teacher preparation, the curriculum, learning areas, re-tooling our teachers, textbooks, and the seven competence and skill areas. We will try to mitigate a few other challenges as they come.

Hon. Temporary Speaker, if you allow me, I can answer the other Question on the title deeds and ownership documents for public schools before Members ask more questions. As we are all aware, the Government came up with a directive in 2015 that all public schools should be titled. Consequently, a multi-sectoral technical working group consisting of the Ministry of Education, the Ministry of Lands, the National Land Commission (NLC), the Ethics and Anti-Corruption Commission (EACC), together with the civil society and other stakeholders under the umbrella of the “Shule Yangu Alliance”, was earmarked to spearhead the process of titling public schools.

Currently, there are 20,273 schools that have been audited for titling. There are 12,081 schools that are pending audits for titling. There are 11,974 schools that have so far been issued with title deeds. There are 1,423 schools with title disputes because of land encroachment. We have also established that there are 4,100 schools facing the risk of encroachment and land grabbing and we have their names.

We have created awareness and sensitisation among community members and the local leadership to ensure that school land is not interfered with. As much as there are financial challenges, we have instructed school heads that where possible, school land should be fenced off and clear beacons installed to keep off land grabbers. We also hope to get the assistance of the local administration and leadership to stop any such encroachment. This is an ongoing process. Even though we sometimes face a few challenges as we try to accomplish this exercise, especially on funding, we are focused and determined to do it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I appreciate *Waziri* for the answers that he has given. However, I want to notify him that I asked the Question on the Competency Based Curriculum (CBC) because the Ministry had built classrooms in different schools before he came in. Most of those classrooms were done in an unusable manner. For example, Lavington Girls’ Secondary School has storeyed classrooms without stairs. The standards of those classrooms do not match what we are doing. We have to remove their roofs to fit into the others. There is also Dagoretti Mixed Secondary School that also did upstairs classrooms that were left hanging. Therefore, nobody uses them. They are just hanging there. We are wondering whether to bring them down. Therefore, we are facing those challenges. Because we have to do a report, I wish the Ministry to assist us before

we bring them down. An engineer or a public works person will have to do a report to ensure we are not questioned when we do it. Unfortunately, we are unable to level the buildings and make the classrooms usable

We thank you and the President for standing in when we were at Roysambu. We went through a process that allocated us Ksh1 billion. We did the appropriations in the Supplementary Budget and made sure that each constituency had a certificate and how to receive the money. We even calculated that each of the 17 constituencies in Nairobi would get Ksh58 million. I know you were supposed to have a meeting with us. However, there was lack of communication. I just want us to understand what we are supposed to do.

I have students of State House Girls' High School learning in tents right now. It is an emergency there. I also have St. George's Girls' Secondary School where we have six or seven classes in Form I. I have agreed to do for them a quick multi-purpose hall to assist them. I hope that you also assist. I wrote a letter some time back. I handed it over to you and the Principal Secretary (PS). It was to support Lavington Girls' Secondary School to do a dining hall since they are still using the primary side. We would like them to change and go back to their side so that their junior secondary can take the buildings that are meant for the primary school.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Cabinet Secretary.

The Cabinet Secretary of Education (Hon. Ezekiel Machogu): Thank you very much, Hon. Temporary Speaker.

A number of the classrooms that were done at that time are in use. However, you know some of those policies done without public participation are dangerous. I think the initiative was hurriedly done. Later on, the people gave us an answer when His Excellency the President, in his wisdom, appointed the Presidential Working Party on Education Reforms. You know we went around the country getting views and opinions from the people. Because of that, we had to domicile Level VII in existing primary schools. We correct where we find they are not in proper use or architecture. I can hold a conversation with the Hon. Member on why they were not properly built and agree on the way forward.

On the Ksh58 million, as of now, you should identify specific projects that you can do within your constituency. I am sure you have your priorities. On our part, we are pushing for Exchequer to be issued so that you can commence the implementation of the projects that you would have identified.

Sorry, Hon. Temporary Speaker, I did not answer the Question from the Member of Parliament for Kwanza. The Ksh52 million for Kwanza Constituency is available. In consultation with him, we will be able to get a mentor so that we can forward the funds to him to implement the Kwanza Technical Training Institute.

Thank you. I so submit.

The Temporary Speaker (Hon. Farah Maalim): Hon. Beatrice Elachi, ask your question.

Hon. Beatrice Elachi (Dagorreti North, ODM): I want to thank the Cabinet Secretary. He does not need to answer now. Parents of Kaba Girls informed me that students of 2021 did their examination, but have never received their results. What happened to their results? The Cabinet Secretary does not need to answer now. I can go and get the answer and get to understand what happened to those girls' examination results.

The Cabinet Secretary for Education (Hon. Ezekiel Machogu): Hon. Temporary Speaker, the Member can come to the Office. Those are some of the things when a Member visits, I can get officers in my office to explain in five or 10 minutes. I will be able to get the officers concerned at the Kenya National Examinations Council (KNEC) to answer. For now, I cannot give an answer by guessing. So, kindly, the Member can come to the office and the

Principal Secretary and I will be able to establish why the results were withheld and what the status is.

The Temporary Speaker (Hon. Farah Maalim): Hon. Elachi, you have that undertaking by the Cabinet Secretary. Take advantage of it and avoid bureaucracy to get to the bottom of that issue.

Hon. Cabinet Secretary and your team, thank you very much. We have come to the end of that business today; that is, the question-and-answer time for your Ministry. The House is happy and you can see it. I wish you all the best. You are excused.

Next Order.

(Hon. Ezekiel Machogu was escorted out of the Chamber)

BILL

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2022)

(Moved by Hon. Muchangi Karemba on 27.2.2024)

(Resumption of Debate interrupted on 27.2.2024)

The Temporary Speaker (Hon. Farah Maalim): The Chairperson, go ahead.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. I think I had spoken to this Bill. It was read the First Time on 17th August 2023, pursuant to Standing Order 127(1). The Bill was committed to the Department of Committee on Labour for consideration and facilitation of public participation.

The principle object of this Bill is to provide for the right to disconnect in the digital age. This Bill seeks to address increased employee burn-out. Digital connectivity has also been noted to be slowly eroding leisure time for employees and, hence, affecting their work-life balance. This Bill, therefore, seeks to strike a balance between work and private life and allow digital technology to have a positive effect on workers' quality of life that is supported by employers.

Hon. Temporary Speaker, since I had taken this honourable House through this Bill, I would like to go to the Committee's recommendations. Having considered the Bill and taken into account the views and recommendations of the public and relevant stakeholders, the Committee resolved to recommend that this House rejects the Bill. The justification is that it does not consider the changing work environment in current work trends where work is not measured in terms of hours but on output and achievement of employment target deliverables.

Secondly, there is an existing Government policy allowing for flexible work arrangements such as remote work and flexible work hours. Instead of having this Bill that seeks to criminalise employment, the Committee observed and recommended that there is an existing Government policy that allows for deliberations on flexible work arrangements.

Thirdly, the current move to source for online employment opportunities by the Government will render this Bill retrogressive.

Fourthly, the issues contained in the Bill may be best addressed by way of policy.

Fifthly, matters of compensation for extra time work have already been provided for both in Employment Act and Policy. There is no ambiguity on compensation for extra time.

Sixth, the Bill does not provide for ways in which the employee may compensate the employer when he or she leaves work early and does not meet the work targets. The proposed Bill by Hon. Cherargei seeks to give the employees leeway, when they leave work. They should not be contacted, but there is a gap. It does not provide for ways in which the employee may compensate the employer because the employers also have rights. The labour market in Kenya is very competitive. The Bill does not provide for ways in which the employee may compensate the employer when he or she employee leaves work early and does not meet the targets.

As I conclude, I would like to appreciate the Members of the Departmental Committee on Labour and the Secretariat for the role they played in the scrutiny of the Bill and production of the Report. The Committee is grateful to the offices of Hon. Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. It further wishes to thank the sponsor of the Bill and the stakeholders mentioned above for participating in the consideration of the Bill.

Thank you, Hon. Temporary Speaker. I beg to move and request, Hon. Kihungi, Member for Kangema, to second.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Kihungi.

Hon. Peter Kihungi (Kangema, UDA): Hon. Temporary Speaker, I wish to second the rejection of the Bill. We went through it at the Committee level. It has some terms which are very critical. It says that a person should not pick up a call after work. However, it says he can only pick a call, if it is an emergency case. It does not have the part for definition of terms. Therefore, nobody understands what emergency is.

QUORUM

Hon. Beatrice Kemei (Kericho County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Kemei?

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I rise pursuant to provisions of Standing Order 35. I wish to bring to your attention that there is no quorum in the House. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. It is evident that there is no quorum. Serjeant-at-Arms, please, ring the Quorum Bell.

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Order! There is no quorum.

Hon. Members, the time being 7.55 p.m., this House stands adjourned until Thursday, 29th February 2024, at 2.30 p.m.

The House rose at 7.55 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi